

# Report

## **“Iraq : an intolerable, forgotten and unpunished repression”**

Introduction . . . . .	5
I. Repression in Iraq . . . . .	7
II. Arrests and arbitrary detentions . . . . .	13
III. Inhuman and degrading treatments . . . . .	16
IV. Executions . . . . .	19
V. Beheading of women . . . . .	21
VI. Involuntary or forced disappearances . . . . .	24
VII. Forced Arabization and deportation . . . . .	25
VIII. Ashbal Saddam . "Saddam's cub scouts" . . . . .	26
IX. Corruption . . . . .	28
Conclusion . . . . .	29
Recommendations . . . . .	30
Appendix . . . . .	32



**“Iraq : an intolerable, forgotten and unpunished repression”**



## **Contents**

<b>Introduction</b> .....	<b>5</b>
A. Mandate and objectives of the commission .....	5
B. General context of the mission .....	5
<b>I. Repression in Iraq</b> .....	<b>7</b>
"Peculiar conception" of the citizenship .....	7
The organization of repression .....	7
The repression after the death of Ayatollah M'hammed Sadek Sadr .....	10
The repression of religious freedom .....	11
<b>II. Arrests and arbitrary detentions</b> .....	<b>13</b>
Importance and power of the services .....	14
Arrest of family members .....	14
Belonging to an opposition party .....	14
Arrest of children under 18 .....	14
Uprising of the provinces in 1991 .....	14
Arrests for "unpleasant" acts .....	15
Arrest of journalists .....	15
<b>III. Inhuman and degrading treatments</b> .....	<b>16</b>
Legalized application of cruel punishments .....	16
Torture and ill-treatments .....	16
<b>IV. Executions</b> .....	<b>19</b>
Prison cleansing campaign .....	19
Other executions .....	19
<b>V. Beheading of women</b> .....	<b>21</b>
Prostitution : an increasing phenomenon .....	21
Prostitution : an excuse for physical elimination and political pressure .....	21
Beheading : barbarism, terror and propaganda .....	21
60 to 2000 women beheaded from June 2000 to April 2001 .....	23
<b>VI. Forced or involuntary disappearances</b> .....	<b>24</b>
<b>VII. Forced Arabization and deportation</b> .....	<b>25</b>
<b>VIII. Ashbal Saddam "Saddam's cub scouts"</b> .....	<b>26</b>
<b>IX. Corruption</b> .....	<b>28</b>
<b>Conclusion</b> .....	<b>29</b>
<b>Recommendations</b> .....	<b>30</b>
<b>Appendix</b> .....	<b>32</b>

**The investigation mission wishes to thank Mrs Safia Al Souhail for her help, the Iraqi refugees, the Iraqi associations and leagues for human rights in Syria and Jordan, the members of political parties who have accepted to testify.**

## **Introduction**

### **A. MANDATE AND OBJECTIVES OF THE MISSION**

The investigative mission of the International Federation for Human Rights (FIDH) and Human Rights Alliance France (HRA France), a member of the Coalition for Justice in Iraq (CJI), travelled to Syria and Jordan between 16 and 23 July 2001.

The mandate of the mission was:

"To investigate serious violations of the human rights of the population of Iraq, particularly women, that can be attributed to the Iraqi government".

### **B. GENERAL CONTEXT OF THE MISSION**

#### **Places of investigation and people interviewed**

Because the Iraqi regime refuses to co-operate with human rights mechanisms or allow investigations and observers on its territory, this survey was conducted among Iraqis living temporarily in Syria and Jordan: in the Saida Zainab district of Damascus and in Amman. The investigative mission heard numerous eyewitnesses, most of whom are refugees or asylum seekers in Syria or Jordan, members of human rights organisations and representatives of Iraqi opposition parties.

This limited investigation was conducted in the places most easily and quickly accessible: the mission did not travel to Iran or Iraqi Kurdistan.

#### **Situation of refugees**

First, the mission wishes to stress the witnesses' indescribable terror as they related their stories and imagined the consequences for their families if they were recognised. They all live in fear of being deported to Iraq or of being found by Iraqi agents operating in Jordan or Syria. Some witnesses are in a deplorable state of physical and psychological health. The daily violence to which the Iraqis have been subjected for more than 30 years will undoubtedly leave scars on all sections of the population.

Between 3 million and 4 million Iraqis, depending on the source, have fled their country, compared with a current population of 23 million in Iraq. According to the United

Nations' High Commissioner for Refugees (UNHCR) in 2000<sup>1</sup>, Iraqis are the second-largest group of refugees after Afghans. Between 120,000 and 300,000 Iraqis have sought refuge in Jordan, where there are no official figures on their number<sup>2</sup>; 580,000 in Iran<sup>1</sup>; 27,000 in Syria; between 5,000<sup>1</sup> and 7,000 in Saudi Arabia; several thousand in Turkey (3,000 were sent back to Iraq in 2000); more than 2,500 in Lebanon; and 1,500 in Pakistan. More than 300,000 Christians are also believed to have left the country. An estimated 1 million people are internally displaced.

At the beginning of July 2001, Syria opened its border with Iraq and abolished visa requirements. According to some of our respondents, this sparked a flow of new arrivals from Iraq. The opening of the border has also resulted in the forcible return to Iraq of people who had been residing in Syria without documents, while others have been unable to renew expired documents.

The Iraqi community in exile fears it will pay the price of the new flows generated by economic trade between the two countries. They strongly suspect that the new arrivals include many Iraqi intelligence agents. Members of the opposition living in Syria and Jordan told us that opponents living outside Iraq for many years have been murdered, particularly by thallium poisoning, and their families and friends subjected to constant intimidation. For example, Sheikh Talib Al-Suhail, a renowned Iraqi opposition leader and chief of the Bani Tamin tribe, was assassinated in Beirut on 14 April 1994 by four Iraqi diplomats acting on the direct orders of Saddam Hussein and his son Qusay. Similarly, Ayatollah Sayed Mahdi Al Hakim was assassinated in Khartoum on 17 January 1988, also by a diplomat from the Iraqi embassy. The method used to incite exiles to return to Iraq is often the same: a financial proposition, followed by an appeal to nationalist sentiment and promises of being able to resume their former post. If the person refuses, threats begin against the family, ranging from telephone calls several times a day to rape and arrest. A high-ranking military officer and former attaché at the Iraqi embassy in West Germany, who returned to Iraq, has been imprisoned in Abu Ghraib for more than 16 years. A list of journalists and intellectuals is also apparently circulating in the official press, with the names of those considered "redeemable" and "not redeemable".

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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Most of the people we met asked for their names not be cited in this report<sup>3</sup>. The names of the people cited by the witnesses as having disappeared or been executed have been included in the annex.

In both Damascus and Amman, the witnesses live in deplorable conditions, bordering on poverty.

Most are waiting desperately to be heard, accepted or rejected by the UNHCR, their lives hanging on the agency's decision. Many cannot work and therefore find themselves in an extremely difficult economic situation, like this woman from Baghdad: "In 1992, Saddam Hussein proclaimed an amnesty and I was released. I then fled without documents through Iran, where I obtained a green refugee card, then a passport. I have been in Syria for three years. I was refused refugee status because I transited through Iran where I should have resolved the problem. My two children and I live in very difficult conditions: I live on \$50 a month, but the rent for my two-room apartment is \$100. I have no nationality and my children do not go to school. I no longer exist. I want to go to Europe. There is no security in Iraq any more."

Some groups of single men have recreated communities of former prisoners and live in concrete buildings under construction with one tap and a single overhead light globe.

The first thing that struck us was the poor physical and psychological health of the women and children. Lack of medical care is one of their main problems. Many women told us that their children were ill, but that they didn't have enough money for medical care. Often living from charity or house-cleaning, the women say they cannot afford basic necessities, including food for their families.

Many express bitterness, despair and even revolt at the silence surrounding the large-scale repression by the Iraqi regime against its citizens. Acts of repression continue without interruption. Since the first 22 death sentences passed on 8 August 1971 against ministers and Ba'th leaders, the human rights situation has only worsened. The most recent testimonies received from inside Iraq on 3 and 12 July 2001 tell of the death under torture of a prisoner sentenced to 25 years in Abu Ghraib and the arrest of four people. All witnesses speak of the lack of international monitoring, lack of investigation into human rights in Iraq and lack of observation missions by UN agencies, NGOs or journalists. They regret the lack of international awareness campaigns despite the gravity of the events in Iraq.

The testimonies provided us with valuable information about the mechanism of repression, with its "institutional, legal and judicial" elements. They also indicate that, under the cover of the ostensible struggle with the "external enemy" (Iran or Kuwait), the repression is mainly directed against the Iraqi people, targeting whole communities as enemies of the nation, as shown by the example of the Shiites, some of whom we met during this mission.

The mission's survey highlighted nine fundamental problems in Iraq, which are described in the nine chapters of this report:

- I. REPRESSION IN IRAQ
- II. ARBITRARY ARREST AND DETENTION
- III. INHUMAN AND DEGRADING TREATMENT
- IV. EXECUTIONS
- V. BEHEADING OF WOMEN
- VI. FORCED OR INVOLUNTARY DISAPPEARANCES
- VII. FORCED ARABISATION AND DEPORTATION
- VIII. THE ASHBAL SADDAM
- IX. CORRUPTION

### **Notes :**

1. UNHCR site, Refugees by Numbers 2000, Global Operations Profiles country index, Global Appeal 2001.
2. "Le mirage jordanien des exilés irakiens", Libération, 1/9/1999.
3. For obvious reasons, the names of all the people who told their stories to the members of the mission have been changed.

## **I. Repression in Iraq**

### **A peculiar concept of nationality**

For all the Iraqis we met, the decision to leave their country, whether in the 1980s or in 2001, was not through choice but necessity, that of saving their own and their families' lives.

According to their testimonies, they lived under such a regime of terror that eventually they took the risk of leaving.

The terror in Iraq is ubiquitous, including among people close to power, within families, in the street, in schools, universities and mosques. Every Iraqi, man, woman and child is a potential enemy - of the party, of the regime, of the leader Saddam Hussein - and must be dealt with accordingly.

Independently of the effects of the embargo on Iraq, which is covered in specific reports, it is clear from the testimonies that political opponents and ordinary citizens alike live in a horrific system whose main purpose is to crush them.

Several of the victims also expressed their despair and failure to comprehend the lack of interest or reaction to the suffering inflicted on Iraqis by Saddam Hussein's regime from the international community and public opinion, including in Arab countries, which could put a stop to the human rights violations in Iraq.

Since Saddam Hussein came to power, the Iraqi regime has striven to exclude and destroy entire communities in the name of a racial concept of the Iraqi nation. "The Sunni Arab elites in power have adhered to a concept of citizenship that contradicts what the country has been for centuries: a crossroads of civilisations. The Iraqi nationality code reflects this view. Families that have been living in Iraq for centuries and that have no connection with other countries are considered "non-Iraqi" by the new code. At the same time, the government grants Iraqi citizenship to nationals of other Arab countries, because they are Arab and Sunni"<sup>4</sup>. For example, in the early 1970s, a first group of Feyli Kurds was deported, followed by 300,000 others in 1980. The Feyli Kurds have been living in and around Baghdad since long before the Ottoman empire. As Shiite, they form a distinct group within the Kurdish population, the majority of whom are Sunni. Because of this particularity, and also because of their involvement in Kurdish movements and their economic influence (many are merchants), the Feyli Kurds have been targeted for persecution by successive Iraqi regimes, but

particularly since the Ba'th party came to power. More than 8,000 Feyli Kurds aged between 18 and 35 were abducted in the early 1980s and are still missing<sup>5</sup>.

At the same time, as soon as any group of people, including Sunnis, begins to organise and becomes a danger to Saddam Hussein's hold on power, he eliminates it. This has been the fate of numerous well-known figures, including Jasem Mukhlis and people from Saddam's native town of Tikrit, such as Dr Raji Al Tikriti, General Bashir Al Taleb, Abdul Razak Al Nayef, Abdul Rahman Al Bazaz, Adnan Kherallah (Saddam Hussein's brother-in-law), Fouad Rakabi and Hardan Al Tikriti.

After initiating the first Gulf War (against Iran), the Iraqi regime took advantage of the conflict to intensify the repression of the Kurdish and Shiite populations, two communities that account for nearly 85% of the Iraqi population. For the Kurds, this took the form of "Operation Anfal" (al anfal, meaning "booty" was the code name for the Iraqi campaign of extermination of the Kurds between 23 February and 6 September 1988), described as genocide by many organisations<sup>6</sup>. The Shiite population was subjected to a planned policy of mass exile and forced displacement<sup>4</sup>. Kurdish villages were designated as "places harbouring terrorist agents of Iran and relatives of traitors to Iraq" and were destroyed and prohibited. Two million Kurds were deported, 4,500 and towns and villages were destroyed, thousands of people were gassed with chemical and biological weapons<sup>7</sup> and more than 182,000 disappeared. Immediately after the second Gulf War, 14 of the 18 Iraqi provinces revolted<sup>8</sup>, but Saddam's army bloodily suppressed the uprising, in full view of the international community. The slogan "no more Shiites from today"<sup>4</sup> used by the Republican guard and Saddam Hussein's special forces is an unambiguous indication of the scale of repression unleashed in March 1991 and that has continued since.

The country is thus constantly purged of any group considered to be hostile to the regime or that does not correspond to Saddam Hussein's definition of Iraqi.

### **Organisation of repression**

The Iraqi regime has three constitutive facets: complete lack of respect for human rights, a personality cult and a reign of planned violence and terror.



## **“Iraq : an intolerable, forgotten and unpunished repression”**

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These three facets combine to produce an infernal machine that traps Iraqi society in an endless security mesh. A woman and man describe the situation in the following words. "The escalation of violence never stops in my country. There is no hope and no interruption. They will continue". "My whole life was destroyed in the space of a few days. No family has avoided the violence".

All power is in the hands of the Revolutionary Command Council (RCC), a nine-member body presided over by Saddam Hussein, which appoints the president of the republic and the council of ministers, and has the power to enact laws and decrees, overriding all institutional jurisdictions and procedures.

Several RCC decrees give the various security organs full powers to repress with impunity. For example, RCC Decrees 70 and 74 of June 1994 considerably extended the powers of arrest, detention and interpretation of case law by the Ba'th party's local branches and People's Councils. An RCC decree of 21/12/92 also guarantees impunity for party members who cause damage to property, bodily harm and even death when pursuing enemies of the regime<sup>9</sup>.

The regular security services - the General Security Directorate, the Republican Guard, the Special Republican Guard, the People's Militia and the army's security and intelligence services - are all secretly controlled by Saddam's youngest son, Qusay. There are also the Ba'th Party militia, led by Taha Yassin Ramadhan, vice-president of Iraq and a member of the RCC, and the Fidayi Saddam or "Saddam's Martyrs" under the command of Saddam's eldest son, Uday. The Fidayi include a special unit known as the death squadron, whose masked members perform some executions, including in victims' homes. The Fidayi operate completely outside the law, above and outside political and legal structures.

The recent "Jerusalem Liberation Army" (Jaysh Tahrir Al Quds), founded during the second Intifada in Palestine and commanded by General Ayad Al Rawi, mobilises and maintains the entire population in arms and serves as a means of control and surveillance. Every day, usually between 4:00 p.m. and 5:00 p.m., all the provinces must organise training for the people (men, women, young and old), in rotation, in squares, stadiums and other public places. Although no Iraqi "volunteers" have been sent to "liberate Jerusalem", the training is a new way to control the population. Those who refuse to comply lose their ration cards (introduced by the government since the sanctions) and are

thus identified as not fully supporting the regime.

This army includes special forces deployed in areas considered sensitive by the regime. These are currently based in Kurdish regions in the North.

Lastly, the secret services comprise three intelligence units: the Amn Al Khas (internal State security), the Istikhbarat (military intelligence) and the Mukhabarat (Iraqi external intelligence agency and the Ba'th Party's secret service network), the most powerful and most feared. At the top of the pyramid, the Mukhabarat is responsible for watching the other police networks and controlling the activities of State Institutions, the Army, Government Departments and "Non-Governmental" organisations (youth, women, labour, etc.). A special security section of the Mukhabarat commands the party's paramilitary groups. Officially, the Mukhabarat is part of the Ministry of Internal Affairs. In practice, it does come under the ministry's jurisdiction but acts instead on the direct orders of the RCC. Mukhabarat agents operate in State structures, in the various organisations and associations, in the diplomatic corps and abroad. Between 1979 and 1983, the Mukhabarat was headed by Barzan Al Tikriti, Saddam's ruthless half-brother, later appointed permanent representative of Iraq to the United Nations Human Rights Commission in Geneva. With the Mukhabarat, in 1983, he organised the massacres of the villagers of Al Dujail and Jazan Al Chol, the disappearance of the Barzanis from the Qushtapa camp and the assassination of 90 members of Ayatollah Al Hakim's family. Barzan Al Tikriti and the Mukhabarat are believed to be responsible for the assassinations of opponents abroad (including Ayatollah Mehdi Al Hakim in Sudan in January 1988 and Dr Ayad Habashi in Rome on 16 October 1986), links with terrorist organisations, money laundering and arms purchases. Some secret service chiefs, including Nazim Kzar and Fadhil Barak, have also been murdered by the Mukhabarat on Saddam Hussein's orders<sup>10</sup>.

When incarcerated or threatened, people are often asked to participate in intelligence gathering to avoid further harassment and repression or to find a missing relative or friend. Without any apparent hierarchy or organised service, spies are everywhere and nowhere, a nebulous presence, ranging from common informers to secret agents operating in the highest spheres of power. Unlike the police, the security forces, the army and the Fidayi, there is no rank, authority or uniform to distinguish them from ordinary citizens, but they have the power to denounce and arrest and participate in repression. All the witnesses stress the unbearable surveillance to which they and every Iraqi have been subjected.



## **“Iraq : an intolerable, forgotten and unpunished repression”**

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The power of these multiple structures is reinforced by a legal arsenal of procedures, laws and decrees promulgated by the RCC and enforced throughout the country. To avoid international criticism, as was the case for the decrees legalising ear amputations for deserters, there are apparently two official newspapers in Iraq: a public one and one for the supreme leaders of institutions and decision-making bodies.

To maintain the population in a constant state of terror, an opposition party leader points out that "the authorities constantly pass new decrees introducing cruel and degrading punishments so that there is always at least one in force. Only the target changes".

Decrees on the beheading of women accused of prostitution and on tongue amputations for insults against Saddam Hussein and the regime came into force probably in mid-2000.

While we cannot confirm the even higher figures reported in this regard, on the basis of various testimonies we have established a list of 56 names of women decapitated between June 2000 and April 2001. In several of the cases cited, the witnesses deny that the executed women were prostitutes, but say they were treated as such because they were relatives of political opponents. Men alleged to have derived income from prostitution have also been executed.

Of course, prostitution has developed as a result of the poverty affecting a large proportion of the population since the embargo, displacements, deaths caused by war and repression and difficult economic conditions. However, the charge of prostitution is clearly a pretext - or "cover", as the witnesses call it - for decapitating the wives and relatives of opponents, whose heads were exposed in front of their homes for between 2 and 24 hours. Some sources say that beheadings, as well as ear amputations for deserters, have decreased. Many witnesses described ear amputations in hospitals such as Al Qadissiyah hospital and the Saddam general hospital in Nasiriyah in 1996.

For deserters, the regime seems to have abandoned ear amputations in favour of a return to the death penalty, "which explains why the amputations have decreased," says a witness.

Be that as it may, decrees that set cruel, inhuman or degrading punishment - in violation of Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights - remain in

force. They are passed to suit the regime's campaigns of political terror and intended targets.

The steamroller set in motion by the Iraqi government consists of specialised organisations (militias, Mukhabarat, etc.) and a legal arsenal with special jurisdictions. Special or extraordinary courts that sit permanently, as well as military courts, confiscate all powers from the civil courts. The only possibility of appeal is to the President of the Republic. One witness described the summary judgements of the Revolutionary Court in Baghdad, which tries groups of 50 to 100 detainees at night. The prosecutor and judge are army officers and trials are limited to four questions: "Name? Address? Are you guilty? Are you innocent?" Once the accused have been questioned, a sentence is pronounced for the group. According to the same witness, on average 1 to 20 people are sentenced to death, 20 to 40 to life imprisonment, and the others are declared innocent. The judges - mostly military men or members of the security services - have little or no competence in law.

Leaders of opposition parties report that, since the Gulf War, the Iraqi regime has turned its war machine against Iraqis, after neighbouring countries and the Kurds in the 1980s. Most of the testimonies gathered describe the repression of the Shiite population, particularly in southern Iraq, from east to west, from Kerbala to Missan, from Baghdad to Nasiriyah and Basra via Najaf. Tension is high in this region, where raids are frequently conducted. The repression intensified shortly after the uprising of the provinces in 1991<sup>8</sup>. No one suspected of having, directly or indirectly, participated in or been present during the uprising in the southern provinces was spared. The relentless persecution of the region's inhabitants is particularly severe against those believed, rightly or wrongly, to be political opponents. The persecution is extended to their families and tribes.

The assassination of Ayatollah Sadeq Sadr in February 1999 undeniably caused a brutal rise in repression. Arbitrary arrests and detentions, unfair trials, systematic torture and executions have been used even against army officers, who, like everyone with even a small amount of power, are prey to the endemic corruption in the country. No one can remain outside the system. Children as young as 5-7 years are recruited into the Ashbal Saddam, or "Saddam's Lion Cubs", a fascist youth league. They are taught harshness, fascination for Saddam and cruelty to animals, while waiting to practise on humans.

The embargo in force since 1991, which some of our respondents consider to be another war, has only reinforced the regime's repressive activities.

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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### **Repression after the death of Ayatollah Mohammed Sadeq Sadr**

The testimonies indicate that the Iraqi regime intensified the repression during the war with Iran and after the uprising of the southern provinces in March 1991, just after the second Gulf War, and even more harshly in the past few years.

In the southern provinces, there have been numerous forms of systematic repression. Poisonings, executions, abductions followed by disappearances, desecration of places of worship and intimidation of members of the Shiite clergy, students and worshippers, particularly friends, relatives and followers of Ayatollah Mohammed Sadeq Sadr, form the backdrop of numerous testimonies from people from these regions, but also from other towns, mainly Baghdad.

Ayatollah Mohammed Sadeq Sadr - a cousin of Ayatollah Mohammed Bakr Sadr<sup>11</sup> - was arrested twice - in 1972 and 1974 - with more than 100 of his followers, even before the death of his famous relative. After those years, his aura and influence continued to grow and he came to symbolise the Shiite rebellion. After his arrest in 1991, during the uprising of the provinces, he was not only a spiritual leader but also an opposition leader, who, while distancing himself from Iranian Shiite, reorganised the Iraqi Shiite clergy, from schools to the highest level of the hierarchy. He was a charismatic figure who stood up to the regime by rejecting Saddam Hussein's attempts to control the Shiite clergy: he refused to accept the Ministry for Religious Affairs' interference in mosques and appointments of imams; he refused to allow sermons in the mosques to repeat the official discourse; and he appealed to Shiites and Sunnis to unite as a single Muslim community. In February 1999, he refused the authorities' request to cancel the Ashura procession in Kerbala because of the embargo. He called instead for a show of strength of Shiites in Iraq. Approximately two weeks later, on 18 February 1999, Ayatollah Mohammed Sadeq Sadr was assassinated in his car with his two sons, who were both married to daughters of Mohammed Bakr Sadr.

Since then, religious demonstrations of any kind anywhere have been brutally suppressed and all people associated directly or indirectly with the movement silenced. The assassination of Sadr marked the starting point of the heightened repression described by our interviewees.

"My grandfather, Imam in Najaf, died of poisoning in December 1968 at Najaf city hospital... My father, who inherited his duties in Najaf and later in Baghdad was

arrested after Imam Sadr and his sister Houdeh were arrested in 1980. He was executed on 29 August 1982 and his body was never returned to us". The witness produced a certificate from the forensic institute of Al Rashid (a military camp located in Baghdad that also serves as a detention centre with a special revolutionary military court) confirming death by hanging.

"After Sadr's death, I was arrested by the security people from Baghdad...I only understood why after spending eight months in gaol, where I was savagely tortured. The explanation is the famous prayer led by Imam Sadr at the Al Mohsen mosque, where we saw agents from the police join the worshippers in prayer".

"My two brothers escaped to Finland when they were in the Iraqi navy. In 1993, I was abducted and imprisoned for a month. I left Basra after the death of Imam Sadr with my son and daughter".

Another witness, a 40-year-old man, says he comes from an activist Shiite religious family. First his father, then his elder brother, were arrested in 1979. Accused of being in contact with Shiites in the Al Ahwar ("marsh") region, he was sentenced to 15 years' imprisonment in 1986, but was released in 1990. "I was tortured at the Al Rashid special unit. I was blindfolded, impaled on a pole and received electric shocks on the genitals. I was hung up for a long time by one hand, which later had to be amputated (he wears an artificial limb). All of that happened before I was even sentenced. After the death of Ayatollah Sadr, in 1999, I was at the Al Mohsen mosque in Baghdad, in the Al Thawra district, also called Medina Saddam (Saddam's City), a 100% Shiite area. It was Friday prayers around 1:00 p.m. or 2:00 p.m. and I was praying when soldiers burst into the mosque and fired into the crowd of around 100 worshippers. A week later, the same scene occurred in the Al Hekma mosque, also in the Al Thawra district of Baghdad".

According to another witness imprisoned in the Anoud Nayani gaol next to the presidential palace, numerous executions were carried out after the assassination of Ayatollah Sadr. Another witness, arrested on 4 April 1999 in Abu Ghraib, is more precise: "I was arrested with 10 other people as a follower of Imam Sadr. Eight were executed, one was sentenced to 15 years' imprisonment, and I escaped".

Another witness says he fled in January 2001 "because, after the death of Sadeq Sadr, there were many executions and they continue today. Aous Al Khataji, one of Imam Sadr's

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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assistants, was arrested in 1999. Since then no one has had any news of him. Abdessatar Al Bachedli, the Ayatollah's representative in Basra, was arrested with his daughter, his two brothers and their children, and hanged in April 1999".

The witnesses say that Saddam Hussein had less power in Basra because of Sadr.

"In March 1995, ten military security men came at 2 o'clock in the morning and took my two children born in 1968 and 1969. The next day, they took their father. We are Mussawis, followers of Sadr. We are Shiites and we celebrate the Ashura. It's true that my husband and my sons wear a beard. The water and electricity were cut off and our ration cards were taken away".

### **Repression and freedom of worship**

Several Shiite religious establishments have been attacked and violently raided. "In August 1992, my husband was leading the Friday prayers at the Al Masoumin mosque in Baghdad. All the worshippers, around 50, including my husband, were taken away after a raid by the security forces. Intermediaries told us they were all executed. I have never received proof that my husband was executed".

Another witness reports:

"Simply wearing the garments of a religious student is considered a sign of opposition to Saddam Hussein... I was summoned every week to the security office by Latif Nussayef Jassem, the Ba'th Party representative in the Rassafa district in eastern Baghdad and former minister of culture, to find out who led the prayers in the district, the names of the worshippers, etc."

A woman told us that she was accused of being an Islamist because she attended the mosque and wore the hijab during the Iran-Iraq war. She was arrested when she was a second-year literature student and imprisoned from 1980 to 1992.

Entire families are destroyed because of their religious beliefs. A woman from Najaf was informed in 1982 that her husband had been executed in 1980 because, when he led the Friday prayers, he had refused three times to call the worshippers to make war on Iran. Four of her brothers were hanged at the same time as her husband.

Two of her other brothers attended the religious faculty since 1979. One of them was sentenced in 1983 and executed in 1984. "He wasn't an Islamist activist. After the death of my

husband, I returned to Najaf where I was summoned by the police and beaten; they broke all my teeth. That was in 1984. Until 1992, my family was under surveillance and I was regularly summoned by the police who wanted to force me to confess to things I didn't even know about to denounce my relatives and friends".

Her children aged 11 and 13 were imprisoned in 1984, one for three months and the other for six months. One of them was imprisoned again in 1991 at the time of his military service.

Those who display their religious convictions leave themselves open to witch hunts that can carry over from one war to the next and from one generation to the next.

A witness from Damascus was arrested on the basis of information provided by two people who had already been executed. "According to this information, I was a member of the Al Daawa Islamist party, but not an active member, because two of my brothers had fled Iraq and the third had been executed. I was nevertheless sentenced under Article 185 to 15 years in prison". As soon as he was arrested, the witness was tortured. "They threatened that if I continued to deny the accusation, my entire family would go through what I had been through. That's why I was forced to acknowledge the charges, even though a confrontation had already proven my innocence. In prison, it was impossible for us to pray or read the holy book".

Religious intolerance and persecution affect the entire Shiite religious hierarchy, whose members are frequently arrested and tortured. No member of the community is spared. Five of the world's Shiite spiritual leaders, the Marja', have been executed in Iraq, and the Shiite holy places of Karbala and Najaf were bombed in 1991.

In addition to the restrictions imposed on the ayatollahs and their families and friends, intimidation is also directed at theologians, students and ordinary worshippers - men and women and adults and children alike. Disruptions to religious ceremonies range from raids in which dozens of worshippers are arrested to machine gun fire into the crowd.

One woman expresses her disgust: "My husband was forbidden to grow a beard, wear religious garments or quote Sadr and was placed under house arrest. The Minister of religious affairs closes mosques, yet Saddam says he is writing the Coran in his own blood!".

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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The cruelty and vindictiveness of Saddam Hussein and the guardians of the regime are extreme when it comes to Islamist opponents. In the 1980s, one witness's father, who belonged to Ayatollah Taqi Al Moudarissi's Islamic Action Movement, was immersed in an acid bath. "My cousins were summoned to the morgue of the forensic hospital at Abu Ghraib (the prison with the worst reputation), but were unable to identify him. There was a cord around his neck with his name on it. We were forced to bury him at night and were prohibited from mourning." Three of the witness' maternal uncles were hanged in 1980 because they were members of Islamic Action. The witness showed us the execution certificates of his father and one of his uncles, who were buried in a common grave not far from Abu Ghraib.

### **Notes :**

4. Babakhan, Ali: L'Irak: 1970-1990, June 1994.
5. Investigative mission report, FIDH-France Libertés, special issue No. 194, January 1995.
6. Investigative mission report, FIDH-France Libertés, special issue No. 178, October 1993.
7. Bozonnet, J: "Treize ans après, le calvaire des Kurdes gazés par Bagdad", Le Monde, 27 October 2001.
8. The witnesses refer to the uprising by 14 of Iraq's 18 provinces just after the second Gulf War as Intifada.
9. Report by the United Nations Special Rapporteur on Iraq, E/CN.4/1995/56
10. Historically, the Mukhabarat is the direct successor to the Jihaz Haneen ("instrument of nostalgia") created by Saddam Hussein before he took power, consisting of armed units that were used for the Ba'thist coup d'état in 1968. The service was later trained by the KGB, the GRU (Soviet military intelligence) and East Germany's Stasi.
11. Al Hayat, No.13115, 2 February 1999.

## **II. Arbitrary arrest and detention**

Arrests can occur at any time of day or night and in any location, but usually at the victim's home.

Arrests take place on a large scale throughout the country.

Typical conditions of arrest reported to us by the witnesses are as follows:

- there is no ground for the arrest;
- the families are not informed of the arrest or are only aware because members of the family were present when their relative was abducted;
- the place of detention is almost always secret;
- most detainees cannot receive visits from their families.

Arrests are made by:

- the General Security Directorate,
- the military security services,
- the military intelligence services,
- the Ba'th Party militia,
- the Fidayi Saddam,
- the Mukhabarat (secret service).

The reasons given by the regime for arresting and detaining people, if any, are often vague. It is always difficult for the families to obtain information. The witnesses we spoke to took every precaution so that nothing they said could be traced back to them, for fear of reprisals against their families.

However, based on the testimonies of the witnesses we met, we can cite the following reasons for arrest:

- A family connection with a person who is sought by the authorities, who has been arrested or who has left the country;
- A connection with Ayatollah Mohammed Sadeq Sadr or the networks or associations that supported him (see paragraph above on the death of the Ayatollah and its consequences);
- Direct or indirect participation in the uprising of the provinces in March 1991;
- Suspicion that a person does not fully support the regime, or criticism of the regime or of a member of Saddam Hussein's family, particularly by army officers;
- Any act or spoken or written word displeasing to the members of the security services or Saddam Hussein's family;
- Membership of "the opposition";
- Refusal to register as an Arab in the Kurdish regions of Kirkuk, Khanaqin and Sinjar.

Men and women are arrested and detained for long periods:

- without being informed of the charges against them ;
- without appearing before a judge ;
- without access to a lawyer.

Torture is systematic and after a person is released, he or she is often harassed and arrested several more times, or tortured or executed if he or she refuses to act as an informer. An arrest is usually the start of a vicious circle of repression, from which the victims and their families have no choice but to flee.

After an arrest, the families are constantly intimidated: other family members are arrested and beaten, their ration cards are taken away, their possessions are confiscated, they are banned from enrolling in university or expelled from school, "disappeared", etc. "When the regime wants to punish someone, it takes away their right to medical care or ration cards. If you are related to a person suspected of being an opponent, you have no rights... My mother is constantly summoned since my children and I left Baghdad. They even put her in Kadhimia prison for several days so she would call us and encourage us to return".

"After the arrest of my father, we were constantly harassed by the security service and the Mukhabarat. Students are not allowed to study unless they join the Ba'th party. 'An Iraqi who isn't a Ba'thist doesn't exist', says Saddam Hussein. You have to attend three party meetings before you can get a student card. My sister and I were interrogated by the university security service in 1997 and 1998. The interrogations lasted eight or nine hours. My mother fled in October 1998 and the pressure increased on us, her daughters, especially at the university where we were interrogated repeatedly. I was expelled from the Institute of Agriculture for not attending Ba'th Party meetings".

"In June 2000, my mother received news that my father had been executed. My mother was hospitalised and during her hospitalisation, everything that belonged to us was confiscated - houses, cars, all our possessions".

Minors are also arrested and detained simply because they are related to an arrested person, especially when he or she is a suspected member of the opposition.

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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### **Number and power of security services**

One witness lived in Al Amara in Maysan province (south-east Iraq). The circumstances of his arrest give some idea of the large number of people employed by the various intelligence and security services and the surprising speed and violence of their actions: "I was outside my door with some friends when someone who said he knew me, a dark-haired man of about twenty wearing a dishdasha came up to talk to me, keeping an eye on a white Land Cruiser driving up at speed, full of members of the special forces who ran towards me shouting, with guns in their hands. At the same time a white 1980s Toyota turned up and a fat lieutenant got out pointing his gun and using a walkie-talkie, with a policeman by his side. My friends were searched and two of them were taken away, including a boy of fourteen who was later released."

### **Arrests of family members**

Another witness spoken to in Amman reported how the arrest and conviction of his father, an army officer, caused continued general punishment of the whole family: "My father, an intelligence officer, was arrested on 28 March 2000. After ten days with no news of him, my brother and I were called in by members of the general security forces who questioned us separately about our father, punching and slapping us about for ten days, and then let us go. Then an officer friend of ours came to tell my mother to save her children because Qusay was going to execute us. My brother Faher, born in 1973, disappeared one day. I don't know if they kidnapped him or if he escaped. On 28 June 2000, my mother was told that my father had been executed. An escapee-smuggler brought me across to Syria."

### **Belonging to an opposition party**

A number of witnesses say that they were arrested for belonging to an opposition party. They only saved their skins because their families paid large amounts to various middlemen. One of the witnesses, accused of belonging to the Islamist party Al Daawa, was imprisoned from 1993 to 1995, and from 1999 to 2000. He was arrested on 4 April 1999 and sentenced in May 2000.

The other, from Al Fouhoud, was arrested for the same reason in 1979 when he was 17, and then again in 1982. He was sentenced to life imprisonment and released after ten years.

### **Arrest of minors**

A woman from Najaf, whose husband was executed for

refusing to preach in favour of the war against Iran, said that her two children, aged eleven and thirteen, were imprisoned for three and six months. She had to pay to get them released. Another witness says, "In 1999, while I was under arrest in Abu Ghreb, I saw a group of women brought into prison with children of between three and five. It became standard practice to arrest women and children to put pressure on husbands, brothers and fathers. They were kept for one to three months and released only if they confessed. Often the children caught scabies."

A witness living in Damascus said, "In 1987, I saw three Kurdish children at the revolutionary court in Abu Ghreb. They were less than seventeen and I don't know their names. I think they were sentenced to death, because when the court pronounced the death sentence, the prisoners would be taken away without being seen again."

Another witness said, "We children were between four and twelve in 1981 when we were taken to prison with my mother and my aunt. I can remember the hunger I felt. When we ran to embrace my mother, who had instruments on either side of her head and was screaming, we felt pain because she was full of electric current."

### **Uprising in the provinces in 1991**

One witness said: "In November 1991, I was an army driver working between Kuwait and Basra, and I was in Basra the day of the popular uprising in March 1991. My cousins took part in the revolt. But my brother and I didn't. My cousins were executed and their bodies were returned to the family. Three and half or four months later, the security people raided our house." After being arrested and tortured, he was never brought to court. "One of my uncles paid to get me out. My brother disappeared."

The popular uprising in 1991 was like an abscess for Saddam Hussein. His reaction took the form of seeking to systematically destroy the least sign of opposition and methodically purging any person in these provinces who had anything, however slight, to do with the revolt.

In Amman, one witness said, "We were three children out of ten to be arrested in Nasiriya in 1991. I paid to get out. I was arrested again in 1998 and held for four days, and then, 48 hours later, I was called in again for further questioning and held for four months and tortured. I was arrested again with some other young men, three months later, after the death of a Ba'th party official in Nasiriya. After three and a half months,



## **“Iraq : an intolerable, forgotten and unpunished repression”**

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one of the young men admitted committing the murder. I was then released."

### **Arrests for "unpleasant" behaviour**

Every Iraqi is obliged to demonstrate their allegiance and submission to the regime and its representatives, particularly close members of Saddam Hussein's family. The President's close family runs the country and any deed or word that implies that a person does not totally submit to the regime exposes the suspect to an uninterrupted series of repressive acts.

"I am a specialist in classical Arab music and I used to play at private evenings organised by the elite. One evening Hachem Hassan Al Mejid was present, a cousin of Saddam Hussein. He asked the group to come twice a week to the house where he was that evening. The first Thursday in July 2000, there was an incident. Namir Daham El Hassem, Saddam Hussein's nephew, ordered a musician to stand up to sing, although this is not the tradition in Arab music. The singer stood up but the nephew went on insulting and attacking him. The man and his personal guard then struck and slapped us. We were taken off in a car at three or four in the morning. We were held for three days in an abandoned house, the guards gave us their leftovers to eat after beating us up with electric batons, insulting, humiliating and kicking us. They dumped us beside a road. Five days later I rang home. My wife said, 'Don't come here, whatever you do.' I didn't understand. I could see no way of defending myself and I was discovering a terrifying world. My family was deprived of ration cards and I was ordered to fetch the cards myself. If you refuse to obey the armed forces for any reason, the kidnappings, arrests, disappearances and executions start and you never know when it will end."

### **Arrest of journalists**

All print media, radio and television stations and press agencies are totally controlled.

The country's six daily newspapers, dozen weeklies and three television channels are all supervised or directed by Uday, Saddam Hussein's eldest son. Since 24 April 1992 he has also been president of the journalists' association, and in 2000 was named "Journalist of the Century". Only members of the RCC, and senior officials in the State, the Party and security services are allowed to put up satellite dishes. The government possesses its own satellite propaganda channel and is the sole Internet access provider. Customers of Internet cafés may only access sites approved by the government. Private possession of or access to satellite dish aerials, the Internet or modems is

forbidden and punishable by a prison sentence. Fax machines may only be used with government permission.

"The Iraqi government has used incentives and threats to turn writers and authors into mere State employees, and any who do not follow the directives of the ministry of culture and information, who do not or will not stick to the regime's political line are liable to be imprisoned, tortured or even liquidated", the International Commission of Jurists concluded in a report.<sup>12</sup>

The United Nations Human Rights Commission called upon the Iraqi government in April 2001 to repeal all the laws and decrees, including Decree 840 of 4 November 1986, that infringe freedom of expression. It also condemned the serious breaches of freedom of thought, expression, information, association, and circulation imposed by all sorts of sanctions (arrest, imprisonment, execution, expulsion, and destruction of property).

The total lack of freedom of expression, and the control and censorship of media devoted to the personality cult are also reported by the witnesses. One exiled journalist said, "Most well-known journalists and writers have left the country. This self-exile picked up speed after the second Gulf War. The others have chosen to keep silent. Any journalist who does not say what the regime wants is immediately executed or imprisoned, like Digham Hachem, who was arrested and executed in 1991 following an article against the Gulf War, and Aziz Al Sayed Jassem, whose family have had no news of him since his arrest. Hamid El Moukhtar, in prison for the last two years and sentenced to seven years on the pretext of illegal possession of arms just after a speech saying that there were various sanctions against Iraqis forbidden to express their views; Hakim Hassan, arrested and executed for having fled during the Gulf War; Muhammad Jamil Bandi Rozhbani, executed after writing about the Arabisation of Kurdish areas. Over 1,500 writers, journalists and poets are living outside Iraq. Those writers remaining in Iraq who continue to exercise their profession are obliged to write texts about Saddam and his greatness. They take poems from the past and reword them to refer to Saddam. If their output falters, they are interrogated."

Another witness reports having met Najim Al Sa'doun in Abu Ghreb, a journalist who died in 2000 at the age of 83, after more than ten years' imprisonment.

#### **Note :**

12. Iraq and the Rule of Law, ICJ, February 1994.



### **III. Inhuman and degrading treatment**

#### **Legal application of cruel punishments**

Apart from the beheading of women accused of prostitution, which is a relatively recent development, witnesses report frequent excision of ears, among the other forms of punishment mentioned in the report of the United Nations Special Rapporteur on the human rights situation<sup>9</sup>.

This cruel punishment was legalised by Decree 115 of 25 August 1994 from the Revolutionary Command Council, which lays down the excision of the ear for refusing to do military service, desertion and concealment of a deserter or objector. In 1996, the government suspended the excision of ears by Decree 81/96. A number of witnesses, however, report ear excisions after that date and until 1998, when the regime returned to capital punishment for desertion.

One witness in Amman said that at the age of 22 he decided to "run away from the army" because the treatment they received from their training lieutenant was too degrading. As the son of a high-ranking officer, later executed, he was saved by a Party leader.

"Since city districts are systematically combed by Party officials, I was arrested and taken roughly two weeks later to the military hospital. There were about two hundred of us that day, not just deserters. There were also people who had 'made false statements' according to party informers. We were lined up waiting our turn. They tied our hands behind our backs and then took us to an empty room with only one bed. I'll never forget the cries when the ear was cut off with a scalpel. There was no anaesthetic, no interrogation. They cut off the ear, applied a piece of cotton and then moved on to the next one. This happened at the military hospital in El Qadissiyah. We were like cattle; we were called forward one after another. They had to have the entire ear excised so that it would be seen. I saw one young man with blood streaming from his nose, crazy with pain: he was jumping around like a chicken with its neck cut, and no one took any notice. Some people had both ears cut off."

The victims were then, according to this witness, piled into a lorry and driven back to their original barracks. "There was no medical care. They might wait months or even years in the barracks before being called in, not to be tried but to benefit from some alleged amnesty ordered by Saddam. There was not much to eat and a lot of people died."

In every case, the ministry of defence issues a red identity card which means that the holder is a second-class citizen

and has "betrayed the honour of the nation". It specifies that the holder may not leave Iraq, work for any official Iraqi organisation, take legal action, or hold a passport.

Another witness reported that at the military prison in Nasiriya (southern Iraq) he met seven deserters who had had their ears removed at the Saddam general hospital of that city, whose chief at that time was Dr Arbia Abdel Hedi. The deserters said they had been anaesthetised and had woken up with their heads bandaged and a cross branded on their foreheads. The seven deserters had to sign an undertaking not to leave the army in order to get out of prison.

A nurse who had worked in that same hospital in Nasiriya confirmed the branding and excisions. She also spoke of the execution of a doctor she had known, who had refused to do the excisions. "At the end of 1996 and the start of 1997, for nearly a month, every morning from 8 to 11, one deserter after another was excised. The smallest contingent was thirty." She reported that the excision was done "close to the head so that everyone could see that only a cavity was left, a sign of treason". She said that no other patients were treated in the surgery service and that the staff who usually worked there did not come in, except for those doing the excisions.

A new punishment with excision of the tongue has appeared since 2000, but no official statement has been made on the matter, probably in line with the new policy of not publishing decrees. This punishes people who have insulted Saddam or his family. One witness reported that six people had their tongues cut out in 2001 by Saddam's Fidayi, three in Babil, one in Baghdad Algedida and two in Aldiwaniah. Another said, "Someone told me that a month ago, in the Hilla governorate west of Baghdad, three men who had spoken against Saddam Hussein had their tongues cut out. This was done on the main square by the Fidayi, who had assembled people there. Then the Fidayi blindfolded the three men, and tied their feet and hands behind their backs. They pulled the tongue right out before cutting it."

#### **Torture and mistreatment**

Torture is systematically used from the time of arrest and during interrogation.

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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"They hung me up by my hands and feet and beat me; I was blindfolded. They hit me in the face. Since I was arrested I haven't seen my brother. I was put in solitary detention for one month. They tore out my toenails. Every week I had a session of torture with electric charges to the testicles and earlobes. I was beaten on the elbows and knees. You're ready to sign any story they want."

The prisoners are also tortured during their sentence. "Abu Darak, the prison governor, is a friend of Saddam Hussein's. For him a human being is no more than a gnat. I was held for three months without being interrogated, and then I was interrogated again."

All the witnesses describe the dreadful prison conditions in which they suffered ill treatment, malnutrition and disease. A number report the death of fellow-prisoners because of ill treatment and the lack of medical care. "The cell was five metres by four roughly and we slept on the floor head to foot. In one corner of the cell there was a toilet and a water tap. The prisoners suffered mainly from lung disease. I think that three of them had lung disease and many had skin diseases and scabs. At least ten people died while I was held there, including a Turkmen and a man called Dhiar from Baghdad. I don't remember the other names. Five or six went mad."

All the witnesses who had been arrested, some of them more than once, report in every case that they were tortured like the other people held at the same time, starting from the end of the 1970s. It would appear, therefore, that the torture of prisoners not only has not stopped during all that time, but involves extreme violence including towards minors, whatever the sex of the victim. The methods used are various: blows particularly to the soles of the feet, electric torture, burns, isolation, rape, extraction of nails, etc.

A man of 42 reports, "I was in Nasiriya prison until early June 1996, where the torture was so bad I tried to commit suicide. Two torturers, one a former Syrian prisoner called Ayoub and the other called Oubay, under the orders of an officer called M'hammed Al Kouri, tortured me every day. On any day they did not torture me, when the Syrian warder opened the cell-door spy-hole, I had to say, 'Remember that you've forgotten to torture me today'. If I was too ill, my cellmate had to say it. Twice a day the prisoners were taken to the 'party', as the warders used to say. After the torture I couldn't stand up or use my hands, and often I would find myself back in my cell without realising." The witness suffered cranial damage and lost an eye and his left auditory nerve.

Many witnesses reported the death of prisoners under torture. "They took off my blindfold. I was crouching down and they showed me one of the cooks who had prepared the food during the uprising of the provinces in 1991. He was hanging with his skull broken open."

When the bodies of the executed prisoners were returned to their families, which did not happen for the vast majority, they almost always bore traces of torture. "The body of my brother, who had killed an officer, was returned to the family. He had died under torture and those who saw his body said that his face had been punched in."

A number of witnesses display both physical and mental consequences of torture. "I was held for four months and tortured blindfolded: electric shocks, hanging from the ceiling, burns. They beat the soles of my feet. My foot was fractured and so was my knee. I was let out; I had a dislocated shoulder, and I couldn't move."

"After his torture, my son's spinal cord was affected and he became completely paralysed. My son was given back to me because he couldn't do anything for himself. He died in Amman on 10 March 2001."

"My younger brother was arrested in January 1999 and held for about six months. His mental state was already fragile and he went mad as a result of what happened to him."

Some places of imprisonment are known by name, such as Abu Ghreb prison, but it would appear that many "unofficial" secret places are used for torture and detention. Special cells are used in torture sessions. "Then I was shut up in a cell like a tomb, 1 metre by 50 centimetres and 1.5 metres high, painted entirely in red. I don't know how long I stayed there, because I couldn't tell night from day. Then they put me in a filthy cell 2.5 by 2.5 metres, with a dead dog beside me. The smell was so dreadful I tried to commit suicide. Every time I fell asleep, a torturer came and hit me with an electric baton. I was called to see the governor, who, while he was interrogating me, pulled me by the hair and hit my head against the desk."

"The prisoners' cells are old grain silos, broken open to hold us in before we went to prison. Each silo was 2 metres by 2.5. The prisoners slept in shifts of twelve every two hours. The others stood, often on a single foot."

The people arrested never saw a lawyer except occasionally during their trials. The lawyers are not allowed to take any

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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action and are mainly used by families to pay the necessary sums to various intermediaries to put an end to the torture of their relatives, or to obtain their transfer or release.

Visits are often forbidden for long periods. In a number of cases it is intermediaries or wives who visit the prisoners.

Many witnesses report that prisoners' visits are used by the regime's agents to arrest members of the family.

One woman reports, "When I used to visit my brother, we were about four metres apart. Once he was taken out, he was screaming and couldn't stand, so they sent us outside the prison. His name is Kader. When I took him cigarettes or food, it was often confiscated. Three lawyers were dealing with his case, but in fact they were intermediaries for paying over dinars to the judge."

Psychological pressure with threats and torture of relatives is systematic, including for the families of opponents living abroad. A case in point is General Najeeb Al Salihi, who on 7 June 2000 received a telephone call asking him to fetch a "present", which turned out to be a video cassette of a female relative being raped<sup>13</sup>. Another witness reports, "A woman called Kawther had two brothers living abroad who sent her money and letters. They wanted to know where her brothers were. That is why they arrested her and in December 1999 she died under torture." The rape of suspects, male or female, is a form of torture commonly used. Witnesses report, "They exposed me again to a tall black man who was always naked and came at night and tried to rape me in the cell. This man said nothing, he yelled and beat me till I fainted. He came to see me three times."

"I knew three women imprisoned with me in Abu Ghreb who were raped. They raped me too. I also know someone who personally witnessed rapes: the woman was stripped and raped by three torturers in front of her brother, who died on the spot. Another was raped in front of her husband."

Relatives of prisoners are arrested, including children, and tortured in front of the suspect.

"When they came to take away my sons, they asked my daughter to bring them some water. These soldiers and civilian members of the Ba'th party and militia in the Basra region are just low-grade rapists. It was because he told his sister not to give them any water that Rezak was arrested and I haven't had any news of him since then. Then they came every day and asked to see my daughters."

"So to put pressure on me, they held my sister for fourteen days. They beat her about the head and threatened to rape her. I knew that there was a rape cell."

### **Notes :**

13. Report of the UN Special Rapporteur on the situation of human rights in Iraq, A/55/294.

## **IV. Executions**

The mission wishes to stress the extent of executions in Iraq. During our eight-day mission, a non-exhaustive list of 89 persons executed was given to us by the witnesses questioned, the vast majority of whom spoke of executions. Despite the reports<sup>14</sup> and information<sup>15</sup> produced, particularly concerning the prison clean-out operation, no effective international action has been taken to put an end to this phenomenon, which continues both within prisons and outside, as demonstrated by the beheading of women accused of prostitution.

### **Prison clean-out operation**

A number of disturbing reports since autumn 1997 have referred to a so-called "prison clean-out" campaign, which is reported to have resulted in the execution of 2,500 prisoners by the end of 1998.<sup>14</sup> A former Mukhabarat officer who defected, Khalid Sajit Al Janabi, described the visit to Abu Ghreb of Qusay and the order that same day to execute 2,000 persons in that prison. This was the massive, continuous and systematic elimination of prisoners and political detainees sentenced to death or more than 15 years' imprisonment. Some observers believe that one reason for this campaign was the allegedly "excessive" cost of so many prisoners. This clean-out apparently occurs whenever the number of prisoners becomes too great.

### **Other executions**

Witnesses' statements report executions from the 1980s until 2001. All of them mention the execution of members of their families, sometimes from one generation to another (grandfather, father, husband, son), or of people they knew. Executions are numerous and systematic, particularly of all those who "admit" having taking part in an act of subversion or being an opponent of the regime.

One witness, imprisoned in Radhwaniyah for a number of years after 1991, reports, "We were four being interrogated: those who said, 'Yes, we took part in the rising of the provinces in 1991', I never saw again. The officials of the tripartite committee, made up of members of the special security forces, the Mukhabarat and Saddam's Fidayi, would come twice or three times a week, or once, or every ten days, and summon someone or other for execution. One of my

uncles paid to get me out. When I was called, I said a prayer, because I thought they were going to execute me."

Death sentences are issued on the spot and are not subject to appeal, except to Saddam Hussein. A large number of executions follow death sentences issued according to the laws and decrees of the Revolutionary Command Council. Sometimes, if a large sum of money is paid, the family manages to save the prisoner's life and get the death sentence commuted to life imprisonment. It would also appear that most of the executions are extra-judicial, especially those of people who took part in the 1991 uprising.

"My cousins took part in the 1991 revolt; they were arrested in Basra in November 1991 and both were executed two months later."

One man held from 1993 to 1995 and from 1999 to 2000 showed the marks of bullet wounds he received when Qusay came to the Abu Ghreb prison and his guards fired on the prisoners. "It happened after a hunger strike by prisoners protesting about conditions. Following this mutiny there were executions, many of them: 200 to 350 prisoners were executed in Abu Ghreb in August 1994. There were always executions on Sundays and Wednesdays, ten to fifteen each time. The bodies were buried in a deserted place to the east of Baghdad, near Hamadi and Ramadi. It is an unofficial cemetery that looks like a common grave."

The bodies are rarely returned to the families, and are buried at night. This is current practice in Iraq. If the family manages to recover the body, they have to pay the cost of the execution and the price of the bullets. Mourning and mourning ceremonies are forbidden, and the burials often take place with only a few family members surrounded by members of the security forces. One witness reports that prisoners are taken to the Karada hospital in Baghdad for their kidneys and eyes to be removed and sold for transplantation.

One woman, who left Baghdad in mid-1999, reports, "When someone is executed, the families are not allowed to weep, or mourn, as happened for my cousin. When I was visiting my brother in prison, I saw a woman tearing her hair. A taxi was leaving with the bodies of her father, her two brothers and her cousin. You are not allowed to show any reaction when

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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someone dies. It is forbidden to weep. The male relatives cover their faces so as not to show any reaction and tell their womenfolk not to weep or they will beat them. My brother was afraid of the executions, because in the morning he could hear the cries of those who were going to be executed. Then, if the families wanted to recover the bodies, they had to pay 5,000-6,000 Iraqi dinars."

"In Iraq, not a day passes without us hearing that someone from a family we know has been executed. For example, my neighbour's son was shot outside her house and no one could save him. When he died, the special security forces came and asked her to pay 50,000 Iraqi dinars per bullet to be able to recover the body. She sold everything she had and paid to be able to bury him, on her own, with two police cars accompanying her, and the police buried him. Three days later they came to demolish her house and she was left on the street with her three daughters. I saw that with my own eyes."

### **Notes :**

14. Report of the Special Rapporteur on disappearances and summary executions E/CN.4/1999/39/Add1; reports of the Special Rapporteur on the situation of human rights in Iraq E/CN.4/1998/67, A/53/433, E/CN.4/1999/37, E/CN.4/2001/42; resolution of the UN Commission on Human Rights E/CN.4/RES/2001/14.

15. Iraqi Communist Party source, see list in appendix.

VIII, Ashbal Saddam, "Saddam's Cubs"

## **V. Beheading of women**

It is difficult to establish the exact date when the beheading of women campaign began in Iraq. The Iraqi government in fact no longer publishes the decrees sentencing people to death or inhuman or degrading punishments as was the case for the campaigns of ear amputation for desertion or hand amputation for theft in 1994 and 1995. The decrees relating to physical amputations or death sentences are now believed to feature in a document intended solely for senior defence and state security officials, unlike the Official Journal that relates to national life and the public institutions of the country.

Witness accounts report the public beheading of women from June 2000 through to May 2001, but also of men accused of procuring. It would seem that the practice is still going on, but the number of victims has fallen. According to some, the fall in number is due to the international protests made to the Iraqi regime; others think that it is common practice to launch a terror campaign and then reduce it in order to move on to another form of terror. All think that the beheading of women decree still exists and may therefore be used again, either in a campaign such as that described here or more discreetly inside the prisons. Prostitution has also been decreed a crime punishable by death since the nineteen-nineties. Moreover, some witnesses report beheadings inside prisons before the campaign of public beheading.

All these executions are carried out arbitrarily without any trial and are intended to terrorise the population and to crush any attempt at self-expression on any subject. Everything is done to crush anyone for anything. Any individual who does not swear total allegiance to the acts of the members of the regime or of those in charge of security is condemned to suffer a permanent repression that very often goes as far as the death of the individual and of his/her close relatives, the repression being applied to family relations down to the 'nth' generation. The beheading of women fits in with the logic of a system where punishment by death is considered the norm.

Women belonging to families suspected of being hostile to the regime or whose members are in prison as "opponents" (the term of course covers a considerable number of definitions) are particularly targeted.

### **Prostitution: a growing phenomenon**

Furthermore, prostitution is developing everywhere in Iraqi towns. Since the seventies there have always been districts reserved for prostitution such as Batawine, Kamalia or Al Amariyah in Baghdad, Hay Al Tarab in Basra, Al'afaj in Diwaniyah, Sayhaji in Mosul, Kana'an in Diyala etc. This long-established pattern has become more marked since the Ba'th party took power and since then the Iraqi government has encouraged the organisation of prostitution from countries such as the Philippines or Thailand.

This state of affairs is due to the extreme poverty of the population, the result of rationing, population shifts, years of war and violence that have produced millions of victims, the pillage of wealth by a minority and the rigidity of a system that seeks to supervise the most insignificant doings of a constantly terrorised population. At the slightest lapse, ration tickets are withdrawn for example. Several witnesses have told us that women were in fact being reduced to prostitution in increasing numbers. According to witnesses, this development matches the growth of prostitution and pimping networks encouraged by Uday, Saddam Hussein's son, who makes both into a means of blackmailing and coercing the population.

### **Prostitution: a pretext for physical elimination and political pressure**

It is also well known that the authorities use this phenomenon as a pretext to get rid of women whose close relatives are "opponents" of the regime and thus to put pressure on the latter to submit. Hence the term "cover" used by several of our interlocutors. The fight against prostitution advocated by the regime is in fact a new and even more barbaric and savage manner of preventing and repressing the smallest hint of opposition.

### **Beheading: barbarity, terror and propaganda**

If one looks at the family situation of beheaded women, they are often, according to the evidence collected, single women (widows, spinsters) who may have been prostitutes but who most often have been or are mixed up in some form of opposition to the regime. In other cases, they were

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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denounced for personal hostility to the regime or for their criticism reported or most often extorted. For example, this woman, the mother of two children, originally from Najaf, whose husband and father were hanged, did sewing in order to earn a living. She says: "Saddam's Fidayi or the district chief kept on telephoning me to get me to work for them. When I refused, they sent my customers away by claiming that I was a prostitute and that they were going to cut my head off. I had to run away in order to protect myself and to protect my children".

All the reports, statements and writings agree: it is Saddam's Fidayi, Saddam Hussein's personal militia led by his eldest son Uday, who conduct the beheading operations, which take place in two stages. Accompanied by the leaders of the Ba'th party, the Fidayi make a night raid on the district. The latter is gone through with a fine toothcomb to eliminate any hints of revolt and in order to discover any weapons. The population is summoned for the next day at prayer time, especially at noon (Al Dhuhur) or at dusk (Al Maghrib). They arrive at the stated hour at the home of the victim, who in most cases is blindfolded and whose hair is shaved or tied up. She is dragged out in the clothes she is wearing. She is then stretched out on an iron bench, her head hanging down, in front of her children, her family and the whole population of the district, if not activists of the Union of Iraqi Women. The executioner and his assistants are dressed in brown bearing the logo 'Saddam's Fidayi' and usually do not come from the district or the region. The Feddayi detailed to carry out the beheading takes his sword held out by an assistant and cuts the victim's head off. According to the scenes described, the head is exhibited or the body and the head are thrown into black boxes and taken away. It appears that in the case of known prostitutes, the beheading is more theatrical since according to one witness, the victim, whose head has been shaved has her forehead and the top of her head clamped in an iron vice from which come iron blades that end in a ring at the top of the head. The ring is then hung from the bars of the window of the victim's home. The severed head will remain hanging for two to twenty-four hours according to reports.

In many cases, the family is 'removed'. It either disappears from the district or reappears several weeks later.

A witness reports: "In the Raghiba Khatoun area of Baghdad, the head of the Ba'th party section wanted to exploit physically and for money a woman whose two brothers were in prison. The woman refused, she was arrested, then wrapped in a piece of cloth and beheaded with a sword on 15

December 2000 in front of a public composed mainly of party members and of the Union of Women, who had been asked to attend the execution. The head was hung on the gate and underneath was a notice saying "for the honour of Iraq".

Another witness: "The city of Ezzouhour (city of roses) in Erachidia is divided into districts. It was in that city that I saw beheadings on 15, 19 and 21 August. For example, the wives of Ali and Kerim, accused of belonging to the Supreme Council of the Islamic Revolution in Iraq (Ali is my friend, he was sentenced to 15 years, he is 25 years old and has been in prison for 2 years) were accused of prostitution. On 15 August 2000, a Tuesday, the party men, Saddam's Fidayi, the security people who never belong to the district and the head of the district surrounded it. It was in the morning before 11 o'clock, the house is on a square. Amina had 4 children, 2 boys, 2 girls. The oldest was 8, Ziad then Ahmed, Leila, and Zeyneb (1 year). They saw the execution together with the mother-in-law. Amina was known to be an honourable woman, she was 25 years old. They said she was a prostitute. Her feet and hands were tied, her long black hair was pulled back and tied on top of her head...150 to 200 people were present, men, women, children and especially security people in civilian clothes, such a show of force had never been seen. They were dressed in brown short-sleeved shirts, brown trousers, their faces were uncovered, because for them it is a matter of pride to do what they do...The executioner who was perhaps forty years old had an assistant who held out the sword. There was a big silence, we heard a big "ha"... Her body was taken away so that there could be no mourning, the family was taken away as well and released after 25 days... On 19 August 2000, at the same hour in another district, they arrested a woman called Sadia Khalil, 28 years old, who had no children and whose husband was in prison. The district was searched during the night. The crowd in that district was bristling with security people as well. That woman had her hair cut square and tied, she was in a skirt and blouse... The executions are not necessarily always the same. In Karada, in the western district of Baghdad, I did not see the beheading, but I was told that it happened at prayer time around seven o'clock in the evening because there are more people. According to the people, the woman was a prostitute. They shaved her hair. I heard that the executed women were between 15 and 40 years old but it is said that there have been executions of girls aged 12... The torturers fired shots in the air and shouted slogans to celebrate the execution of the "prostitute"... "Hurrah for the glory of Iraq. Down with those who shame us".



## **“Iraq : an intolerable, forgotten and unpunished repression”**

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### **Between 60 and 2,000 women have been beheaded between June 2000 and April 2001.**

The numbers vary between 2,000 (according to statements by refugees living in Damascus) and around sixty (according to the Patriotic Union of Kurdistan - PUK). The Al Daawa Fundamentalist Movement quotes the figure of 463 women, the Iraqi league of human rights (Syrian section) 560 and the Supreme Council of the Islamic Revolution in Iraq (SCIRI) 600. Amnesty International, in its 2001 Report, talks of several dozen women and the league of Iraqi women gives a figure of 200, which is thought to have been repeated on 13 February 2001 in the official journal "Babel" run by Uday, Saddam Hussein's eldest son.

The Arab and Western press has mentioned these new forms of inhuman treatment by the Iraqi regime. Al Hayat (article dated 29/10/2000) reports the figure of 50 men and women, le Monde (article dated 3/4/2001) the figure of 40 in Baghdad and 63 in Mosul, Al Qabas (article dated 21/04/2001) more than 150 including 2 television presenters and 80 gynaecologists and midwives.

The study visit has been able to establish a list of 56 named women beheaded. But several witnesses told us about other executions without being able to name the victims.

The extent of the repression inside Iraq - including for those who communicate information about the human rights situation, an offence that is also punishable by death -, the systematic rejection by the Iraqi authorities of any inquiry or study on the human rights situation, the total absence of press freedom and the origin of the refugees who come from various regions (Mosul, Baghdad, Kirkuk, Najaf...) and who therefore report executions in their town, explain to a large extent the difference in the number of reported executions. However, it appears that the list of named women beheaded given to us, i.e. 56, only reflects a small proportion of the executions that have taken place across the country.

Without being able to confirm, from our information, the highest estimated figure of 2000 beheaded women, we estimate from the various figures that have been given to us and from the numerous pieces of evidence we have been able to gather directly, that at least 130 Iraqi women were beheaded from June 2000 to April 2001. We think that this prudent estimate is well below the true figure.

## **VI. Forced or involuntary disappearances**

The Iraqi regime has the world's worst record for "disappearances": more than 200,000 people including 182,000 Kurds during Operation Anfal, 8,000 Barzanis of the Qustapa camp in Erbil in the summer of 1983, 8,000 Feyli Kurds in April 1980, and thousands of Arab Iraqis<sup>16</sup>.

Disappearances of people involved in politics, hostile to the regime or suspected of so being, have been reported on numerous occasions in recent years.

However, witnesses interviewed point out a new and different trend: the disappearance of wives and offspring of men suspected of being in the opposition and men in the finance business. One witness speaks of a hundred and fifty kidnappings in Baghdad, Nasiriyah, Najaf and Basra. Several people spoke to us of young women being kidnapped, mainly by Uday's networks but also those of Qusay and Ahmed Wathban (a nephew of Saddam Hussein), and of the properties in the Baghdad districts of Erachidia, Dohra and Taji where they are said to be held. They have never been seen again, and they are said to be at the service of their kidnappers and senior officials of the regime.

Uday's foremost go-between for this kind of operation is said to be Chidrak Yussef, responsible for TV sports programmes for the young. Some of the men and women close to Saddam's opponents who have disappeared are said to be held in psychiatric hospitals. "When they don't disappear, they are often accident victims" said one witness. But the more usual type of disappearance reported by witnesses follows the arrest of a close relative. These witnesses often report that since the arrest of a father, a brother, an uncle etc. they have had no further news of them; they suppose they are dead, though they have no proof.

One witness reports that after his arrest on September 23rd 1986 in the province of Missan, south-east Iraq, because he was a militant of the Al Daawa party, "I was interrogated about my brother, born in 1961, a third-year veterinary student, first arrested for two weeks in 1972, for three months in 1981 and again in the same year, after which the family had no more news of him." He is thought to have been executed in 1982.

There were also numerous disappearances after the 1991 uprising and then after the death of Sadek Sadr.

"I come from Amara in Missan province," says one witness. "After Saddam Hussein's armed forces entered the town of Harina, all the young men were arrested. My cousin, son of my maternal uncle, was kidnapped and we have had no news of him since. As for me I fled to Iran with my family."

A thirty-six-year-old man told us his family had always been suspected of having taken part in the 1991 uprising. "On 2 March 2000, when my father was already in prison, they invaded our house in Nasiriyah. During the attack my mother had a heart attack and died on the spot. My sister threw herself on the body and insulted Saddam. An officer grabbed her and tore her clothes. In a rage, my brother killed the officer with a knife... I have no news of my father, my sister or my youngest brother. I don't know if they are still in prison. My uncle is still looking for them."

The mission met a young woman who was arrested because her husband had refused to join the war against Iran. Pregnant at the time, she gave birth in prison, on 3 December 1989. "I breast-fed my son, but they took him away when he was seventeen days old - so that he wouldn't become like me, they said." He would be thirteen years old now. I am still looking for him, I never had any further news of him." This woman, who was also horribly tortured in prison, says she still suffers endless torture: the torture of "not knowing".

Those who do not know what has become of their dear ones do indeed suffer continual torture. They hope their relations are still alive, but are in continual mourning for them.

**Note :**

16. Report of the United Nations special rapporteur on Iraq: E/CN.4/1994/58.

## **VII. Forced arabisation and deportation**

In November 2000, Benon Savan, head of the United Nations humanitarian programme, cited the figure of 809,000 persons displaced within the three northern provinces, while the US Committee for Refugees gave an estimate of 100,000 displaced persons in the south.

Many of these people are victims of the policy of forced arabisation of such oil-rich Kurdish regions as Kirkuk, Khanaqin, Sinnjar, Mandali, Jalawla and Mossul<sup>17</sup>. Arabisation is the authorities' systematic policy of deporting the Kurdish, Turkmen and Assyrian populations to other areas<sup>18</sup>. This policy, which predates 1963, was taken over by the first Ba'thist government after the coup d'état, was systematically developed in the 1970s and has continued at a faster pace since the second Gulf war. A veritable apartheid is organised in the region concerned: non-Arabs are prohibited from inheriting, repairing houses, or buying businesses or real estate. Their farmland is confiscated, they are barred from taking jobs in the oil zones or the town, etc. Then come harassment, intimidation, arrests, torture and expulsion. Arab tribes some of whom have themselves been displaced by the regime, are settled in their place and are given land and material or financial advantages<sup>5</sup>. Some of the goods confiscated are shared among the regime's dignitaries.

Fifteen to twenty families a week arrive in Sulaymaniyah, in the autonomous Kurdish zone of northern Iraq.

The Kurdish, Turkmen and Assyrian families have their belongings confiscated and can take only the barest minimum with them. The population statistics are manipulated and those who stay must declare themselves Arab.

One witness fled Baghdad in 2000 and hid at a cousin's house in Kirkuk: "In Kirkuk, I heard that Saddam's Fedayin were taking systematic action against the Kurds. The Kurds are regarded as lower than animals. There were kidnappings, they were dumped in barracks and then sent to Sulaymaniyah, or executed, or imprisoned. Their families were treated like cattle whatever their age and function."

One man who fled in November 2000 says "I am a Turkmen. There were many, many expulsions in Kirkuk. There were identity checks. If I said I was Arab, there was no problem.

Those who said they were Kurds were expelled to Erbil or Sulaymaniyah. If you said you were Turkmen, you had no right to build a house and they took away your home. You had to say you were Arab, not Turkmen.

### **Notes :**

17. Also Tuz Khurmatu, Daquq, Taze Khurmatu, Dubs, Makhmur, Kandinawa, Ayn Zala.

18. The Kurds are an Indo-European people who have been in this part of the world for several thousand years, mainly in what is now the northern Iraq region known as Iraqi Kurdistan or South Kurdistan. They currently represent between 27% and 29% of an Iraqi population estimated at 23 million. Since the Ba'th Party came to power in 1968, about half a million Kurds have been killed, several thousands of them using chemical and biological gas.

The Turkmen are a separate ethnic group with their own language and culture. There are an estimated half million of them in Iraq. They have been living mainly in the provinces of Kirkuk and Mossul since the eleventh century. Their identity and rights are denied and they are victims of many kinds of discrimination. In particular there are banned from teaching in their own language or living in their own homes.

The Assyro-Chaldeans are an autochthonous minority who account for 3% of the population of Iraq; there are 150,000 of them in the Kurdish region. In the 1980s, the Iraqi regime razed to the ground 150 of their villages with several monasteries and churches dating from the 3rd century.

## **VIII. Ashbal Saddam “Saddam’s cubs”**

More than 40% of the population of Iraq is under the age of twenty-five, and the youth of the country, seen with reference to principles instilled by Saddam Hussein himself, has been shaped to Ba'thist ideology, breaking down the traditional bounds of society to produce the new man, fulfilling a dream vision aspired to by every fascist regime.

Children are conditioned in Saddam Hussein's Iraq, yet not through any distant, vague approach with programmes and schooling, but rather through direct action, having an impact on their inner self and starting when they are very young.

Saddam Hussein outlined this approach in 1977<sup>19</sup>, even before coming to power: "To avoid parents being a retrograde force in the home, we must arm the child with an inner light so that he can repel this influence. Some fathers have escaped our hold for various reasons, but a young boy is still in our hands... The family unit must comply with centralised customs, ruled by revolutionary positions and traditions.

Teach him to stand up to one or other of his parents... And also teach the child that he must also be wary of strangers."

The master of Iraq then concluded that "a student adept at moving within different yet perfectly organised structures will, when the time comes, be able to stand in the sun, bearing arms day and night, without flagging [...] and when asked to confront the imperialists or to charge in attacks in this troubled region, will do so because, from childhood, he has developed the habit of doing everything in an orderly way."

Young Iraqis are turned into fanatics at an early age, and not only through Ba'th teaching, but also through organisations which are part of the regime, such as youth groups. They learn to adulate Saddam Hussein as a person. Between the age of five and seven primary school children are enrolled in "Saddam's Cubs" (Ashbal Saddam) and remain members until the age of fifteen or seventeen when they become Saddam's Fidayi.

In the inextricable network of various police forces, intelligence services and miscellaneous party militia, Saddam's Cubs stand apart. Fear and uncertainty haunt them, even within the family unit, and grow with the child. A Cub may speak out "spontaneously", denouncing his parents,

neighbours or friends, and denunciation becomes systematic as the Cub grows older, continuing later when he is a Fidayi.

All the parents who spoke about Saddam's Cubs realised that their own children could be a threat to them. One woman of thirty-seven had seen her husband tortured to such an extent that he had lost his memory, and is now "desperate". After leaving her eleven-year-old son in Kerbala, she explained to him that the primary school was pressuring him to become a future Fidayi. The system is so insidious that a child whose father has died or gone missing is considered a perfect target to become not only a Cub but also a future Fidayi.

In theory, Ashbal Saddam, "Saddam's Cubs", is mainstream extra-curricular training for all primary school pupils. It is a perfect breeding ground for "Saddam's Fidayi", a special corps run by Saddam Uday and trained to a point of blind obedience, carrying out Saddam's orders, breaking the law and being involved in the vile scheming of the ruling family.

The same witness continued: "My mother decided it was better for my children to leave school, as no one can refuse to allow a child become a Fidayi. My ten-year-old daughter had already been trained to handle weapons; and students who do not join in, are given lower marks at school." Another woman in Baghdad reported that she had managed to get medical certificates so that her children were not trained as Cubs.

Anyone who does not comply stands out as an exception and lives in real fear of the regime "stealing" their children and turning them into future security guards for Saddam.

Parents are first pressured with attractive prospects: in a period of hardship their children are promised a proper education, and this can go as far as offers of money. Then comes blackmail: ration tickets are taken away and threats usually follow. In general, parents toe the line and let their children join the Cubs so as not to attract undue attention and to make life safer for their children. Training campaigns are conducted in every school; Cubs are dressed in black trousers and shirts with "Ashbal Saddam" inscribed on the back.

One witness reports: "In Nasiriyah I know of four camps for children aged twelve and above. My son, who was nine in 1999 and was in his fourth year of primary school, also went

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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through a summer training programme. For two months officers supervised his training with other children." The father of one child explains: "They learn how to face the enemy, how to guard a camp, handle weapons, to run and crawl and leap through fire and water. The Cubs are tested at the end of the training period and have to fire real bullets into real targets, which are animals; as the child grows up, the animals get bigger: first a bird, then a duck, and so on. A Cub who first kills an animal, then skins it and bites into the raw flesh is acclaimed as "Saddam's hero".

One mother reported that "from the age of nine, children are put through proper military training. A firearm is a physical part of the child's body."

The children's television channel has a special programme broadcast every day and the theme music is well known throughout the country. It goes on air around 4 p.m. and sings the praises of the heroism of the youth of Iraq; the programme is made in all the different provinces in the country.

In the light of reports received, it is clear that children now undergo para-military training, starting at the age of five or seven and conducted in camps, in uniform, under the authority of an officer who teaches them how to handle firearms with live ammunition, this being designed as a reward for the best children.

### **Note :**

19. Al Dimuqratiyya masdar quwwa li'l-fard wa'l-mujtama: Speeches. Published by El Thawra, 1977

## **IX. Corruption**

Corruption knows no bounds. Bribery is common practice to obtain identity papers, a passport or visa. Bribes are around 500 000 Iraqi dinars, with rates changing according to the documents, and going up to a million dinars for a foreign passport. Before the war, one Iraqi dinar was worth \$3; now it is 2 020 dinars to the dollar, except in the Kurdish autonomous region where it is 18 dinars to the dollar. Civil servants belonging to the party and members of the militia are often middlemen. Bribes are paid to obtain a transfer from a civilian prison to a military prison, or from the special section of Abu Ghreb (for political prisoners or prisoners of conscience) to the prison for common criminals where treatment is less inhumane. Bribes are paid to retrieve a dead body; bribes are paid to find out what has happened to a missing person; bribes are paid to bury a person who has died, or even to leave Iraq.

The corruption described to us by witnesses is a means of survival for human beings whose life is at risk. Saddam's family, officials in Iraq and the entire security hierarchy of the Iraqi regime are involved; this includes all the echelons of the police, of the party and, most importantly, all the echelons of the security officers in the military guard.

The civilians concerned fear for their lives, so bribery has to reach high places and make an impact, which explains the huge sums reported by witnesses, ranging from two to five million dinars.

## **Conclusion**

Since Saddam Hussein came to power in 1979, the people of Iraq have been subjected to extremely serious and repeated violations of their basic rights. Terror, violence and blackmail are common currency for the delegates we deal with. And since 1991, no fact-finding mission has been able to visit Iraq. The mission is concerned as a number of prisoners met by the UN Special Rapporteur during the one inspection allowed in the country, in 1991, have never been released.

Evidence gathered by the mission shows that the Iraqi regime is still violating all civil and political rights of the Iraqi people, in contempt of the country's commitments as set by both conventions and customs. Women are beheaded, arrests arbitrary, people are treated in an inhuman and degrading way and others go missing; the people of Iraq are subjected to all possible forms of repression. For many years, laws intended to protect human rights (see appendix for international commitments made by Iraq) have not been respected.

The mission has also expressed great concern on the fate of children undergoing military training in camps for later use as tools of the Iraqi security service.

The international community has shown a serious lack of interest in the question of human rights for the people of Iraq and this point was emphasised by a number of parties.

The mission noted that the same lack of interest had been seen during the Anfal operations waged against the Kurds; these were described by a number of international organisations and politicians as a crime against humanity or as genocide (see the FIDH statement to the UN Commission on Human Rights in 1989, the report by the Special Rapporteur of the Commission on Human Rights in Iraq, dated February 18, 1992, and the report entitled "Genocide in Iraq" by Middle East Watch, drawn up in July 1993). The mission has expressly reiterated the conclusions and recommendations of the two previous reports (by the Foundation "France Libertés", October 1993, and by the FIDH, January 1995), calling for an ad hoc international criminal tribunal to be set up so that the leaders and those carrying out orders and anyone responsible for crimes perpetrated against civilian Kurds can be put on trial.

The lack of any political or international resolve to exert genuine pressure on the Iraqi government has led to a situation of ongoing repression and extreme violence affecting the entire population of the country and in particular Shiite communities. On this point, the mission recalled the commitments and duties of the international community with respect to the ratification of Resolution 688. In the light of the accumulated evidence and facts, the mission can only speculate as to the reasons for the absence of any discussion on the subject within the United Nations Security Council.

The large number of Iraqi refugees fleeing repression and the currently critical economic, physical and psychological conditions are cause for great concern.

The mission noted that witnesses questioned on sanctions had emphasised the fact that sanctions only made the regime take an even harder line. Ration tickets are distributed every year and recipients have to call in every month to obtain staple goods. Party officials move from district to district, handing out tickets, which means they are in a better position to control the situation, to spy on communities and point out anyone missing. The regime can stop issuing ration tickets as a way of punishing anyone considered suspect, which makes the situation even more arbitrary for the Iraqi people. According to witnesses, this is an additional tool used by the regime to control and oppress the population.

Witnesses stressed that the terror waged by the regime in the country is a critical problem needing urgent action to protect their lives and their families.

It should also be noted that domestic sanctions are imposed on the Kurdish autonomous region by the Iraqi government.

The civil, political, economic and cultural rights of the Iraqi people, including minority rights and the rights of women and children, continue to be violated and to a very serious degree; yet nothing has been done by the international community to stop exactions and abuse and to provide satisfactory responses to the untenable social, economic and political situation.



## **Recommendations**

In compliance with international commitments undertaken by Iraq, and specifically the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, these being ratified by Iraq; the FIDH and HRA France/CJI hereby call on:

### **The Iraqi authorities**

1. to put an end to the enforcement of the policy of repression of populations.
2. to institute a moratorium on executions, to abolish capital punishment and to put an end to all extra-judicial executions and the disappearance of missing persons.
3. to respect the rights of women, to put an immediate end to all beheading, rape and abduction of women and to abolish all laws and decrees authorising the amputation of different parts of the body.
4. to respect freedom of opinion, expression, conscience and association, and immediately release prisoners of conscience.
5. to respect the right to a fair trial.
6. to put an end to systematic torture and other forms of cruel, inhuman or degrading treatment; to ratify and enforce the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
7. to respect the rights of the child and put an end to training of minors and related practices contravening the Convention on the Rights of the Child signed by Iraq on June 15, 1994.
8. to respect the rights of minorities and abandon the policy of Arabisation and racial discrimination, and specifically in relation to communities subjected to ethnic cleansing and deportation.

9. to stop all assassinations and persecution of Shiite spiritual leaders and their followers.

10. to ratify Protocols I and II annexed to the Geneva Convention of August 12, 1949, on the protection of victims of international or non-international armed conflict.

11. to ensure that staple products are provided to all Iraqis and to stop the practice of suspending ration tickets.

12. to allow the UN Special Rapporteur on Iraq, independent international observers and non-governmental organisations to visit Iraq to investigate the state of human rights and the humanitarian situation.

13. to allow the international media to carry out their work in due freedom.

14. to provide full information on the fate of missing persons and pay compensation to their families.

15. to allow displaced persons in Iraq and refugees granted international protection to return to the country and pay them compensation for damages.

16. to respect all United Nations resolutions.

### **The International Community**

with reference to a number of recommendations contained in reports published by the FIDH/France Libertés (No. 178, October 1993, and No. 194, January 1995),

17. to ensure that the Iraqi government respects both the spirit and letter of Security Council Resolution number 688.

18. to set up an international commission of enquiry into missing persons covering the entire country.

19. not to make the civilian population of Iraq pay the price for the failures of the international community and the crimes of Iraqi officials and to take into consideration the situation of the 3.5 million Kurds in the Kurdish autonomous region.

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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20. referring to the recommendations in the reports mentioned above, plus the report dated February 18, 1992, by the Special Rapporteur of the Commission on Human Rights in Iraq, the report by Middle East Watch in July 1993, the resolution passed by the European Parliament in November 2000 which "urges the Council and Member States to take the initiative of proposing, within the framework of the United Nations, that an ad hoc international criminal tribunal on Iraq be set up for the purpose of investigating the responsibility of Saddam Hussein's regime in war crimes, crimes against humanity and crimes of genocide", and the resolution of the United Nations Commission on Human Rights E/CN.4/RES/2001/14;

stating that the International Criminal Tribunal will not take effect retroactively and that Kurdish civilian communities are entitled to truth and justice, in the light of the crime of genocide and/or crimes against humanity perpetrated against them,

requests that a commission be established under the mandate of the Secretary General of the United Nations and/or the Security Council for the purpose of investigating crimes committed in Iraq, and in particular any in the categories of war crimes, crimes against humanity and genocide, then establish an ad hoc International Criminal Tribunal to try the persons responsible for these crimes.

21. to ensure that a mechanism for monitoring the situation on human rights is instituted with observers deployed throughout Iraq.

22. to demand that Iraq grant access to its national territory for the Special Rapporteur of the Commission on Human Rights and different human rights organisations.

23. to invite the Special Rapporteur on violence and women to visit the country as soon as possible to investigate cases of violence perpetrated against Iraqi women.

24. to invite special rapporteurs on torture, extra-judicial, summary or arbitrary executions, freedom of religion and expression and the United Nations Secretary General's special representative on internally displaced persons to visit the country.

25. to ask the working group on minorities within the United Nations Sub-Committee on human rights to study the situation in Iraq.

26. to pay compensation to victims of repression in Iraq, in particular relatives of missing persons, relatives of victims of Iraqi state terrorism, internally displaced persons subjected to ethnic cleansing, and survivors of chemical and biological gas attacks, working through the compensation committee or funds from accounts frozen or from Iraqi oil sales.

## **Appendix 1**

### **List of 130 beheaded women**

1. Dr Janan NAÏMI
2. Dr Najet MOHAMMED SADR
3. Dr Afef ISMAÏL
4. Wajiha SABER MOHAMED (Assistant doctor)
5. Zohra NOURI BAYATI
6. Mona MOHAMMED ALI
7. Souad RAMADHANI
8. Samira IBRAHIM
9. Iman MOUSSA
10. Houda FARANSIS
11. Widad MOHAMMED
12. Ilham MOHAMMED ALAOUI
13. Lamiaa JIBRANE
14. Zina KAMEL
15. Ratiba MOHAMMED EL KHAN
16. Asma KASIM HUSSEIN
17. Ashti MOHAMED RAFIK
18. Janane ARBI
19. Saadia KASIM
20. Yosra ABDELKADER
21. Manal FAEZ
22. Nouria SALEH
23. Amel MAHDI
24. Sondos NOURI AL BAYATI
25. Jamila SADIK
26. Rabia SADOK
27. Fakhria NASIR
28. Asfa ABDELJELIL
29. Nahda NAMEK
30. Amina MOHAMMED HUSSEIN
31. Souad Hussain ALAWI, executed on the 18/11/2000
32. Amira ZAKKOO
33. Houda JABOURI
34. Rabia JANABI
35. Najah CHOKRI
36. Aya MAHMOUD JABOURI
37. Amina JABOURI
38. Badria JABOURI
39. Asma HAYDER JABOURI

### **Prefecture of Mossoul**

40. Seniya Khalil LAFTA, mother of Haidar, Mossoul, executed on the 18/10/2000
41. Fatima Abdullah ABDUL RAHMAN, mother of Safa, Mossoul, executed on the 18/10/2000
42. Shadiya Shakir MAHMOUD, mother of Nasreen, Mossoul, executed on the 19/10/2000

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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43. Bassima Abdul Samad JUMA'A, mother of Bassem, Mossoul, executed on the 19/10/2000  
44. Iman Kassem AHMED, mother of Abbas, Mossoul, executed on the 19/10/2000

### **Prefecture of Baghdad**

45. Lina KHALIL, Baghdad  
46. Sadia KHALIL, executed in August 2000 in Baghdad  
47. Amina, executed in August 2000 in Baghdad  
48. mother of Haidar, Baghdad, executed on the 13/11/2000  
49 à 93. 45 women out of which 12 women executed in April 2001 in Shari' Al Kifah, Bagdad and 3 women executed in April 2001 in Al Amaria, Baghdad  
94. One prostitute, executed in June 2000 in Al Karada, Baghdad  
95. 96. 97. Three prostitutes executed in June, July 2000 in Al Kamalia, Baghdad  
98. 99. Two prostitutes executed in June, July 2000 in Bab Sharqi

### **Prefecture of Babel**

100. Zohra ABED HAMMADI, Al Hilla  
101. mother of Raed, housing development Al Bakoudi/ Al Hilla (district)  
102. Rahma HUSSEIN, Abi Rarka  
103. Badria HASSAN, Al Kafel

### **Prefecture of Karbala**

104. Sadia MAHMOUD, housing development Chichane  
105. Zeineb ALOUI, housing development Chichane  
106. Amouri JASSEM, housing development of the government officials

### **Prefecture Najaf**

107. Shukriya MOHAMMED, housing development Nissan  
108. Samira KHADER, housing development Al Jazira

### **Prefecture Al Muthana (Al Samawa)**

109. mother of Zainab, district of the Al Iskan Al Samawa buildings, execution date unknown.  
110.111.112. Three other executions, district of the Al Iskan Al Samawa buildings, names and dates unknown

### **Prefecture Bassorah**

130. 18 young girls executed in December 2000 in Bassorah

### **List of 8 persons arrested in 1981, tortured and missing one night in 1990**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Sabah Hassan         | Engineer                    |
| 2. Alla Hadi            | Engineer                    |
| 3. Ukayil Kouna         | Worker                      |
| 4. Abed Ridha Sharhan   | English literature graduate |
| 5. Sayed Saïd Hakim     | Imam                        |
| 6. Hassan Kachkoul      | Student                     |
| 7. Sayed Hussein Shawqi | Shopkeeper                  |
| 8. Sayed Zayed Amara    | Businessman                 |

**“Iraq : an intolerable, forgotten and unpunished repression”**

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**List of 13 persons originally from the Al Fehud region (south of Iraq) detained at the special section of Abu Ghreb, executed between 1982 and 1992 and whose bodies have never been returned to the family .**

1. Abdelzahra Mohammed	Administrator
2. Adel Brahim	Teacher
3. Nour Hassoun	Civil engineer
4. Ali Adnan	Arabic Language teacher
5. Abbès Jabiri	Religious
6. Abed Ali Farhan	Student
7. Karim Ibrahim	Secondary school student
8. Majid Adnan	Secondary school student
9. Dhulfiqar Jadder	Schoolboy
10. Nabil Sabir	Worker
11. Adnan Abed	Worker
12. Jaber Dagher	Veterinary surgeon
13. Abdel Amir Chalal	Paediatrician

**List of names of persons detained because of their opinions executed between 1993 and 2001.**

<b>Name</b>	<b>Place of birth</b>	<b>Place of residence</b>	<b>Occupation</b>	<b>Execution</b>
1. Karim Mehdi Karim	1958	Al Masjid Al Kabir	Engineer	1993
2. Manam Abdelkarim moulla	1958		Engineer	1993
3. Khaled Khayoun Hafedh	1954		Teacher	1993
4. Jaber Khayoun "	1952		Civil servant	1993
5. Hamoud Fazii Al Malaki	1959		Teacher	1994
6. Zaydoun Hassen Al Hilali	1963		Student	1994
7. Latif Karim Tahar	1949		Teacher	1994
8. Farhan Mozal Yassine	1950		Teacher	1994
9. Sultan Kadhém Al Hamadili	1948		Engineer	1994
10. Tarek Muhanna Shahab	1946		Engineer	1994
11. Abdul Amir Rosm Al Ouahili	1950	Al Masjid Al Kabir	Teacher	1994
12. Hamid Jassim Al Akai	1954	Al Masjid Al Kabir	Teacher	1994
13. Ali Haktaouti Assad	1958	Al Mahmoudia	Doctor	1994
14. Jassem Mohamed Ali Al Arssen	1954	Assarya	Delegate	1995
15. Raed Mohamed Ali Al Akai	1962	Assarya	Student	1995
16. Kasim Falih Assaïdi	1956	Assarya	Civil servant	1995
17. Mohamed Falih Assaïdi	1964	Assarya	Student	1995
18. Kasim Abdulrahman	1963	Al Mahmoudia	Engineer	1994
19. Fouad Abbas Azib	1954	Aj Masjid Al Kabir	Teacher	1995
20. Salem Ali Hashim	1954	Al Masjid Al Kabir	Engineer	1995
21. Mohamed Ali Hashim	1957	Al Masjid Al Kabir	Teacher	1995
22. Hussein Ali Hashim	1960	Al Masjid Al Kabir	Teacher	1995
23. Ahmed Moghanem	1960	Al Masjid Al Kabir	Teacher	1995
24. Kadhém Dahin Al Mahdaoui	1960	Al Masjid Al Kabir	Teacher	1995
25. Karim Mazaël Yassine	1961	Al Masjid Al Kabir	Teacher	1995
26. Ali Al Kaabi	1965	Al Thawra, Bagdad	Student	2000
27. Hussein Hashim Al Maliki	1971	Al Thawra, Bagdad	Student	2001
28. Jabar Kasim Al Hadhili	1961	Al Thawra, Bagdad	Engineer	1996
29. Abdul Razzak Kataa	1964	Al Thawra, Bagdad	Teacher	1996
30. Bachar Koukez	1970	Bagdad Al Kamalia	Engineer	2001

**“Iraq : an intolerable, forgotten and unpunished repression”**

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31. Salah Al Moussaoui	1971	Al Thawra, Bagdad	Engineer	2001
32. Jaafar Shoghn Al Moussaoui	1968	Al Thawra, Bagdad	Worker	2001
33. Ali Houssine Hayed	1965	Al Thawra, Bagdad	Agronomist	2000
34. Moslim Hallab Hayed	1964	Al Thawra, Bagdad	Agronomist	2000
35. Zayed Al Mokadmi	1960	Al Kazimiya, Bagdad	Shopkeeper	2000
(death under torture inflicted by Colonel Saad Taleb Al Ithoui)				
36. Sami Zaïdan	1955	Al Mahmoudia, Missan	Civil servant	1995
37. Hakim Zaïdan	1952	Al Mahmoudia, Missan	Student	1995
38. Hayder Hakim Al Yasiji	1970	Al Syria, Missan	Student	2000
39. Hayder Al Ayidi	1967	Najaf	Student	2001
40. Aouda Diwan Nassr	1967	Bassorah	Serviceman	2000
41. Khaled Yacoub Fares	1962	Souk Al Shuyukh	Student	2000
42. Jassem Al Salaki	1954	Al Iskan, Missan	Student	1991
43. Hussein Al Shawqi	1950	Al Iskan, Missan	Serviceman	1991
44. Saad Allhouki	1956	Al Iskan	Student	1991
45. Hadi Jabar Radhi	1957	Al Kahla	Serviceman	1995
46. Sabah Metami Al Hamdani	1957	Siyana Al Jadida	Employee	1995
47. Majed Hamid Harbi	1960	Al Hakimi	Officer	1995
48. Hadi Mahmoud Azouz	1950	Nazaf		1994
49. Salim Mahmoud Nasiri	1957	Al Rifai, Ziqar	Officer	1994
50. Kaouthem Bedâa Rassif	1954	Al Bakr Al Kabir, Missan	Civil servant	2000
51. Hazim Faysal Mohamed	1963	Al Jahida, Missan	Serviceman	2000
52. Saad Jahar Saïd	1965	Al Jahida, Missan	Serviceman	2000
53. Al Mokadem Al Mohandes Fadhel Manani	1960	Al Zuber, Al Bassorah	Officer	2000
54. Jemaa Naour	1957	Al Qurna, Al Bassorah	Officer	1998
55. Zyoun Hamoud	1960	Al Qurna, Al Bassorah	Engineer	1993
56. Azzab Kheyri	1960	Al Qurna, Al Bassorah	Engineer	1993
57. Nacim Nfaoua	1960	Al Qurna, Al Bassorah	Engineer	1993
58. Akil Roshk	1975	Al Qurna, Al Bassorah	Student	2000
59. Muhamed Al Mansomi	1967	Al Qurna, Al Bassorah	Civil servant	1998
60. Ali Jawid Al Maliki	1975	Al Qurna, Al Bassorah	Student	2000

**Persons condemned to death and executed**

<b>Name</b>	<b>Occupation</b>	<b>Place of birth</b>	
1. Mohamed Abdulhassan Bahadili		1964	From 9 to 16, all these persons were condemned to death in 1981. But the families have been told that the condemned men had been sent to war in Iran and had died there. However, the families have never recovered their bodies.
2. Imad Ibrissen Salah		1964	
3. Ali Zayr Yacoub		1962	
4. Baker Kalem Aïn		1964	
5. Kittan Alawi	Student	1957	
6. Ali Ahmed Hassan	Student	1955	
7. Malek Ahmed Hassan	Student	1957	
8. Riadh Ahmed Hassan	Civil servant	1964	
9. Abed Ali Salah	Teacher	1950	
10. Dhafir Karim Hassan	Civil servant	1950	
11. Syouar Kadhem	Agronomist	1945	
12. Hisham Mohamed Amin Abdul Ala	Engineer	1950	
13. Mehdi Salah Tu'ma	Teacher	1952	
14. Aref Hamid Al Saïdi	Lawyer	1945	
15. Mohamed Ourour Al Saidi	Teacher	1945	
16. Ali Sanoun Al Rabïri	Student	1963	

## **Appendix 2**

### **Non exhaustive lists of executions sent by the Iraqi Communist Party.**

- At the end of 1983, executions of 160 Feyli Kurds in the Abu Ghreb prison.
- 1983, 1000 Feyli Kurds Feyli are brought to attention at the Saudi Arabian border where they act as guinea pigs for experiments on chemical gas.
- 1986, list of 40 women missing between 1980 and 1984
- 21 November 1997, 109 political prisoners are executed in the framework of the prisons cleansing campaign.
- December 1997, list of 174 persons executed in the framework of the prisons cleansing campaign.
- 13 and 16 December 1997, 81 persons are executed in Abu Ghreb in the framework of the same campaign.
- April, March 1998, 38 persons are executed in the framework of the prisons cleansing campaign.
- Months of July and August de 1998, 4 persons are executed, among whom a woman, in the framework of the same campaign.
- 26 December 1998 : execution of 15 political prisoners in the prison of Abu Ghreb by the special guard, an elite force under the control of Qousay, Saddam Hussein's son.
- 26 December 1998 : execution of 23 non-political prisoners in Abu Ghreb.
- End of March 1999, between 400 and 500 persons are executed after the revolt of the population in Bassorah and buried in communal graves in Burjessiyya. Ali Hassan Majid (cousin of Saddam Hussein, known to have led the Anfal operations against the Kurds) supervises himself the executions.
- 23 September 1999 : execution of 11 persons in the Abu Ghreb prison.



## **Appendix 3**

### **United Nations Security Council - Resolution 688**

**New-York - 5 April 1991**

The Security Council,

Mindful of its duties and its responsibilities under the Charter of the United Nations for the maintenance of international peace and security,

Recalling the provisions of Article 2, paragraph 7, of the Charter,

Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions which threaten international peace and security in the region,

Deeply disturbed by the magnitude of the human suffering involved,

Taking note of the letters dated 2 and 4 April 1991, respectively, from the representatives of Turkey and France to the United Nations addressed to the President of the Security Council,

Taking note also of the letters dated 3 and 4 April 1991, from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General,

Reaffirming the commitment of all Member States to respect the sovereignty, territorial integrity and political independence of Iraq and of all States in the region,

Bearing in mind the report transmitted by the Secretary General on March 1991,

1. Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish-populated areas, the consequences of which threaten international peace and security in the region ;
2. Demands that Iraq, as a contribution to removing the threat to international peace and security in the region, immediately end this repression, and in the same context expresses the hope that an open dialogue will take place to ensure that the human and political rights of all Iraqi citizens are respected ;
3. Insists that Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and make available all necessary facilities for their operations ;
4. Requests the Secretary-General to pursue his humanitarian efforts in Iraq and to report forthwith, if appropriate on the basis of a further mission to the region, on the plight of the Iraqi civilian population, and in particular the Kurdish population, suffering from the repression in all its forms inflicted by the Iraqi authorities ;
5. Also requests the Secretary-General to use all the resources at his disposal, including those of the relevant United Nations agencies, to address urgently the critical needs of the refugees and displaced Iraqi population ;
6. Appeals to all Member States and to all humanitarian organizations to contribute to these humanitarian relief efforts ;
7. Demands that Iraq cooperate with the Secretary-General to these ends ;
8. Decides to remain seized of the matter.

## **Appendix 4**

### **Iraq’s international commitments**

<b>International Covenant on Civil and Political Rights (16 December 1996)</b>	<b>ratified (25/01/71)</b>
<b>International Covenant on Economic, Social and Cultural Rights (16 December 1996)</b>	<b>ratified (25/01/71)</b>
<b>International Convention on the Elimination of All Forms of Racial Discrimination (21 December 1965)</b>	<b>ratified (14/01/70)</b>
<b>International Convention on the Suppression and Punishment of the Crime of Apartheid (30 November 1973)</b>	<b>ratified (09/07/75)</b>
<b>Convention on the Prevention and Punishment of the Crime of Génocide (9 December 1948)</b>	<b>accession (20/01/59)</b>
<b>Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979)</b>	<b>accession (13/08/86)</b>
<b>Convention on the Political Rights of Women (20 December 1952)</b>	<b>non-party State</b>
<b>Convention on the Rights of the Child (20 November 1989)</b>	<b>accession (15/06/94)</b>
<b>Slavery Convention (25 September 1926)</b>	<b>accession (18/01/29)</b>
<b>Protocol amending the Slavery Convention signed at Geneva on 25 September 1926 (23 October 1953)</b>	<b>accession (23/05/55)</b>
<b>Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (7 September 1956)</b>	<b>ratified (30/09/63)</b>
<b>Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 September 1949)</b>	<b>accession (22/09/55)</b>
<b>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)</b>	<b>non-party State</b>
<b>Convention relating to the Status of Refugees (28 July 1951)</b>	<b>non-party State</b>
<b>Protocol relating to the Status of Refugees (4 October 1967)</b>	<b>non-party State</b>
<b>Geneva Convention (12 August 1949)</b>	<b>accession (14/02/56)</b>

## **Appendix 5**

Distr.  
GENERAL  
E/CN.4/RES/2001/14  
18 April 2001  
Original: ENGLISH

### **Situation of human rights in Iraq Commission on Human Rights resolution 2001/14**

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 55/115 of 4 December 2000 and Commission resolution 2000/17 of 18 April 2000,

(b) Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaiti and nationals of other States who might still be held in detention, Council resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000 and 1330 (2000) of 5 December 2000, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, and 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee on its sixty-first to sixty-third sessions (A/53/40, Vol. I, paras. 90-111), the Committee on the Elimination of Racial Discrimination on its fifty-fourth and fifty-fifth sessions (A/54/18, paras. 337-361), the Committee on Economic, Social and Cultural Rights on its sixteenth and seventeenth sessions (E/1998/22-E/C.12/1997/10, paras. 245-283), the Committee on the Rights of the Child on its eighteenth to twenty-third sessions (A/55/41, paras. 304-333) and the Committee on the Elimination of Discrimination against Women on its twenty-second and twenty-third sessions (A/55/38, paras. 166-210) on the recent reports submitted to them by Iraq, in which these treaty monitoring bodies point to a wide range of human rights problems and express the view that the

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Noting the observations of the Secretary-General in his first (S/2000/347 and Corr.1) and third (S/2000/1197) reports submitted pursuant to Security Council resolution 1284 (1999), in which the Secretary-General points out the continuing refusal of the Iraqi authorities to cooperate with his High-level Coordinator for Kuwaiti and third-country nationals and Kuwaiti property,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, in particular children, as stated in the reports of several United Nations human rights treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. Welcomes the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/2001/42) and the observations on the general situation and the conclusions and recommendations contained therein;

2. Notes with dismay that there has been no improvement in the situation of human rights in the country;

3. Strongly condemns:

(a) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(c) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(d) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(e) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law;

(f) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To put an end to all summary and arbitrary executions and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(c) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

## **“Iraq : an intolerable, forgotten and unpunished repression”**

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(d) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Rapporteur to visit the country and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission;

(e) To establish independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(f) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(g) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(h) To ensure free exercise of political opposition and prevent intimidation and repression of political opponents and their families;

(i) To respect the rights of all ethnic and religious groups and to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkok and Khanaquin, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms of all citizens, including the Shia population;

(j) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to cooperate with the High-level Coordinator of the Secretary-General for Kuwaiti and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(k) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(l) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1302 (2000) and 1330 (2000), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Council resolution 1284 (1999), to continue its efforts to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, in order to address effectively the needs of persons requiring special attention, such as children, pregnant women, the disabled, the elderly and the mentally ill, among others, further to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence; (m) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

5. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation

**“Iraq : an intolerable, forgotten and unpunished repression”**

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of human rights in Iraq to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(c) To continue its consideration of the situation of human rights in Iraq at its fifty-eighth session under the same agenda item.

63rd meeting

18 April 2001

[Adopted by a roll-call vote of 30 votes to 3, with 19 abstentions.]

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Office of the United Nations High Commissioner for Human Rights

Geneva, Switzerland







## Human Rights Alliance France (HRA France)

### Background

Human Rights Alliance France, established in 2000, is a non governmental organization dedicated to the promotion of the Universal Declaration of Human Rights and to the protection of individual and collective freedoms.

### Priorities of Human Rights Alliance

Our approach in favour of Human Rights is based on six essential central themes integrated into our programs :

1. Assistance to victims of violations and support to the requests for investigations for the search of truth and justice.
2. Diffusion of information about the human rights violations and the basic rights in the governmental and non-governmental spheres.
3. Actions in favour of the International Criminal Tribunal and of the International Criminal Court
4. Education programs for local persons in charge, based on the knowledge of international tools of Human Rights protection, the promotion of tools for the Human Rights protection recognized internationally.
5. Initiatives promoting democracy, the emergence of the civil society, the dialogue and the search for innovative solutions for the resolution of conflicts.
6. Initiatives for the promotion of the right to the self-determination of the people, the rights of minorities and of the local people, the rights of women, the right to freedom of speech and the economical and social rights.

For a few years now, an international campaign of information relative to the violations of the Human rights perpetrated since decades by the Saddam Hussein's regime has begun. The campaign called Coalition for Justice in Iraq (CJI) brings together more than 270 non governmental organizations of 120 countries and acts against impunity. HRA France takes an active part in it.

# fidh

International Federation for Human Rights

The **FIDH** was created in 1922 in Paris with the purpose to spread and promote the ideal of human rights, of struggling against their violation, and of requiring their respect. It gathers together one hundred and fifteen affiliated organisations in the entire world.

The FIDH is devoted to:

### **Mobilize the Community of States**

The FIDH acts daily at the heart of intergovernmental organizations.

### **Prevent violations, support civil society**

To adapt itself to the specific needs of its local partners, the FIDH outlined programs of judicial and legal active cooperation. These programs allow the consolidation of the civil society of States in view of democratization.

### **To witness, to warn**

The dispatch of legal observers to political processes, the carrying out of reliable investigations on the ground which allow a concrete and precise denunciation of the violations of human rights before international public opinion.

### **To inform, to denounce, to protect**

When informed of violations of fundamental liberties throughout the world, the FIDH reacts instantaneously alongside concerned States. It mobilises for this purpose its member associations, international and regional institutions, the media, and international public opinion.

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