

Iraq Updates, 31 May 2012

Selected Developments and Publications since 18 March 2012 (cut-off date for research, UNHCR Iraq Eligibility Guidelines)

Developments and publications issued since 18 March could not be included in the 2012 “*UNHCR Eligibility Guidelines for assessing the International Protection Needs of asylum-seekers from Iraq*”. Therefore, UNHCR has reviewed reports published since this date. A selection of relevant publications is included in the list below. UNHCR considers that the information contained in recent publications confirms the trends as described in the 2012 Iraq Eligibility Guidelines and supports the protection / eligibility advice provided. Publications are listed under thematic headings. The list contains a selection based on relevance, and does not purport to be exhaustive.

1. General Human Rights Reports:

- Freedom House, Freedom in the World 2012

See: Freedom House, *Freedom in the World 2012 - Iraq*, 18 May 2012, <http://www.unhcr.org/refworld/docid/4fb6139cc.html>.

- United States Department of State, 2011 Country Reports on Human Rights Practices - Iraq

See full report. Excerpts from Executive Summary:

“During the year the most significant human rights developments were continuing abuses by sectarian and ethnic armed groups and violations by government-affiliated forces. Divisions between Shia and Sunni and between Arab and Kurd empowered sectarian militant organizations. (...)

The three most important human rights problems in the country were governmental and societal violence reflecting a precarious security situation, a fractionalized population mirroring deep divisions exacerbated by Saddam Hussein's legacy, and rampant corruption at all levels of government and society.

During the year the following significant human rights problems were also reported: arbitrary or unlawful deprivation of life; extremist and terrorist bombings and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly; extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; trafficking in persons; societal discrimination and violence against individuals based on sexual orientation and gender identity; and limited exercise of labor rights.

A culture of impunity has largely protected members of the security services, as well as those elsewhere in the government, from investigation and successful prosecution of human rights violations.

Terrorist groups such as al-Qaida in Iraq committed attacks against a wide swath of society, including Sunnis, Shia, and members of other sects or ethnicities, security forces, places of worship, religious pilgrims, economic infrastructure, and government officials. Their means were suicide bombings, attacks with improvised explosive devices, drive-by shootings, and other acts of violence aimed at weakening the government and deepening ethnosectarian divisions. Certain militant organizations, such as those influenced by Iran, also committed numerous terrorist attacks, primarily against foreign embassies and foreign military forces.”

See: United States Department of State, *2011 Country Reports on Human Rights Practices - Iraq*, 24 May 2012, <http://www.unhcr.org/refworld/docid/4fc75a92c.html>.

- Amnesty International, annual Report 2012 - Iraq

Summary: *“Government security forces used excessive force against peaceful and other protesters, some of whom were shot dead. Others were arrested and tortured. Thousands of people were detained; many had been arrested in previous years and held without charge or trial. Torture and other ill-treatment remained rife. Hundreds of people were sentenced to death, many after unfair trials, and dozens of prisoners were executed. US forces also committed serious human rights violations. Armed groups opposed to the*

government and the presence of US troops continued to commit gross human rights abuses; they carried out numerous suicide and other bomb attacks, killing hundreds of civilians.”

See: Amnesty International, *Amnesty International Annual Report 2012 - Iraq*, 24 May 2012, <http://www.unhcr.org/refworld/docid/4fbc3933c.html>.

UNAMI/OHCHR, 2011 Report on Human rights in Iraq

See full report. Excerpts from Executive Summary:

- *Levels of violence in Iraq (outside of the Kurdistan Region) remain high, and the number of civilians killed or injured in conflict-related incidents has only slightly decreased compared with figures for 2010.*
- *Civilians continued to suffer from attacks based on their ethnic, religious and other affiliations. There were several large-scale attacks on Shi'a pilgrims and on places of worship. Members of the Christian community were also targeted— as were members of the Turkoman community (particularly around Kirkuk) and members of other religious and ethnic minorities, such as Yezidi, Shabaks, Sabian-Mandaeans, and Manichaeans. Members of sexual minorities also suffered from killings and widespread social and State sanctioned discrimination – with Iraqi security forces and other State institutions failing to protect them.*
- *The administration of justice and the rule of law remained weak. Iraqi citizens continued to suffer from arbitrary arrest and detention.*
- *Violence perpetrated against women and girls, including so called „honour crimes“, is of serious concern.*
- *Widespread poverty, high unemployment, economic stagnation, environmental degradation, and lack of basic services continued to affect large sections of the population.*
- *While conditions of IDPs saw some improvement with the registration of IDPs, thereby permitting better access to basic services, the Government continued to under-serve IDP camps owing to the perception that IDPs are motivated by economic factors, as opposed to comprehending that the reason of movement is the on-going armed violence or conflict in the country.*
- *The Iraqi Government made some progress in tackling some of the above issues.*
- *Some legislative measures were passed during the reporting period; however some, such as the Journalist Protection Law were of concern as they fell below international legal standards.*

Kurdistan Region:

- *The overall human rights situation in Kurdistan Region continued to improve, although challenges remain, including concerns over the respect for freedom of assembly and freedom of expression and the protection of journalists.*
- *The Kurdistan Region continued to experience low levels of insurgent violence, although a significantly higher number of incidents was reported compared to 2010.*
- *The situation regarding rule of law and detention continued to improve,*
- *UNAMI has serious concerns relating to the handling and treatment of demonstrations that took place within the Kurdistan Region during the reporting period.*
- *There are continuing concerns about the freedom of expression in the Kurdistan Region, with some reports of journalists being targeted for prosecution, and at times threats and intimidation on account of their reporting.*
- *The KRG introduced some significant legislative reforms, including a landmark domestic violence law which does much to address violence against women and children – however, Female Genital Mutilation (FGM) remains of concern, which the KRG needs to address through social education programmes and legislative reform.*

See: UN Assistance Mission for Iraq (UNAMI) in cooperation with the Office of the UN High Commissioner for Human Rights, *Report on Human Rights in Iraq: 2011*, May 2012, <http://www.unhcr.org/refworld/docid/4fc726582.html>.

2. Religious Freedom

„The Iraqi government continues to tolerate systematic, ongoing, and egregious religious freedom violations. In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as "un-Islamic" were vandalized. The most deadly such attacks during this period were against Shi'a pilgrims. While the Iraqi government has made welcome efforts to increase security, it continues to fall short in investigating attacks and bringing perpetrators to justice. It also took actions against political rivals in late 2011 that escalated Sunni-Shi'a sectarian tensions. Large percentages of the country's smallest religious minorities – which include Chaldo-Assyrian and other Christians, Sabaeen Mandaeans, and Yazidis – have fled the country in recent years, threatening these ancient

communities' very existence in Iraq; the diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.” As a result, USCIRF, again, recommended that Iraq be designated as a “country of particular concern”.

See: United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Iraq*, 20 March 2012, available at: <http://www.unhcr.org/refworld/docid/4f71a67526.html>.

3. Arrests, detention

Mass arrests under Anti-Terrorism Law and de-Ba'athification legislation:

The UN Secretary-General in his latest report reported that “UNAMI received regular reports of mass arrests under anti-terrorism legislation of individuals accused of being former Baath Party members and of having links to armed opposition groups. Between 20 and 24 November, UNAMI recorded 306 arrests following raids in the Babylon Governorate. Another 300 were reportedly arrested in Diyala Governorate in early December. According to the Higher Judicial Council, by the end of December, more than 842 people had been detained. Reports of arrests continued throughout January and February. UNAMI received allegations from family members that they had not been informed of the place of detention of family members arrested, as well as claims that detainees had been denied access to lawyers and that in some cases they had been forced to sign confessions. The Higher Judicial Council claimed, however, that the investigations were being conducted by investigative judges and general prosecutors in the Central Criminal Court with the presence of lawyers assigned either by the accused themselves or by the courts at public expense. More than 350 of those initially detained were reportedly acquitted of all charges and released by the beginning of January. The remainder are awaiting the outcome of the investigations.”

See: UN Security Council, *Second report of the Secretary-General pursuant to resolution 2001 (2011)*, 29 March 2012, para 31, p. 8, <http://unami.unmissions.org/LinkClick.aspx?fileticket=PEKpAB-PviE%3d&tabid=2837&language=en-US>.

Mass arrests, unlawful detention:

“Iraq’s government has been carrying out mass arrests and unlawfully detaining people in the notorious Camp Honor prison facility in Baghdad’s Green Zone, based on numerous interviews with victims, witnesses, family members, and government officials. The government had claimed a year ago that it had closed the prison, where Human Rights Watch had documented rampant torture.”

See: Human Rights Watch, *Iraq: Mass Arrests, Incommunicado Detentions*, 15 May 2012, <http://www.unhcr.org/refworld/docid/4fbc3f12.html>.

4. Recruitment of Children

“The Country Task Force for Monitoring and Reporting on grave violations against children, co-chaired by UNAMI and the United Nations Children’s Fund (UNICEF), recorded and followed up on 341 incidents in 2011. The majority of the violations documented pertained to recruitment and use of children by armed groups, attacks on schools and hospitals and killing and maiming by improvised explosive devices and complex attacks. Allegations of training and use of children as suicide bombers by Al-Qaeda in Iraq and the Islamic State of Iraq continued to be of particular concern (...).”

See: UN Security Council, *Second report of the Secretary-General pursuant to resolution 2001 (2011)*, 29 March 2012, para 32, p. 8, <http://unami.unmissions.org/LinkClick.aspx?fileticket=PEKpAB-PviE%3d&tabid=2837&language=en-US>.

5. Death Penalty and Executions

According to the UN Secretary-General Ban Ki-moon, during the period from December 2011 to February 2012, there were 80 people executed in Iraq, compared to 68 people executed between January and November 2011. Most of those executed were sentenced under the Anti-Terrorism Law. Ban Ki-moon called on the government of Iraq to halt executions.

See: UN Security Council, *Second report of the Secretary-General pursuant to resolution 2001 (2011)*, 29 March 2012, <http://unami.unmissions.org/LinkClick.aspx?fileticket=PEKpAB-PviE%3d&tabid=2837&language=en-US>.

6. Reported Killings of “Emos”

The UN Secretary-General noted “with concern recent reports of targeted killings of young people, allegedly on account of their look or perception of their sexual orientation. While UNAMI is corroborating these reports, I wish to stress that targeting any individual or group who is exercising its basic human rights

and freedoms is a serious crime to be condemned and investigated and it is the duty of the Government to protect those under threat.”

See: UN Security Council, *Second report of the Secretary-General pursuant to resolution 2001 (2011)*, 29 March 2012, p. 8, <http://unami.unmissions.org/LinkClick.aspx?fileticket=PEKpAB-PviE%3d&tabid=2837&language=en-US>.

7. Lingering Political Crisis, Postponement of Iraq’s Reconciliation Conference

The UN Secretary-General on the importance of national reconciliation: *“The current political situation, however, underscores the many outstanding issues that have yet to be resolved in order to achieve national reconciliation. I am concerned that if these issues are not addressed in a meaningful way, through an inclusive dialogue, they could lead to renewed political tensions and adversely impact the security situation in the country.”*

See: UN Security Council, *Second report of the Secretary-General pursuant to resolution 2001 (2011)*, 29 March 2012, para 61, p. 14, <http://unami.unmissions.org/LinkClick.aspx?fileticket=PEKpAB-PviE%3d&tabid=2837&language=en-US>.

Related development: A long-awaited Iraqi reconciliation conference has been postponed indefinitely because of deepening political and sectarian tensions between rival political groups, according to Osama al-Nujaifi, the speaker of the CoR.

See: Sameer N. Yacoub, *Iraq's reconciliation conference postponed*, AP, 4 April 2012, <http://www.miamiherald.com/2012/04/04/2730795/iraqi-officials-car-bomb-kills.html>; Liz Sly, *Iraq's relations with Arab world deteriorating days after Baghdad summit*, Washington Post, 4 April 2012, http://www.washingtonpost.com/world/middle_east/iraqs-relations-with-arab-world-deteriorating-days-after-baghdad-summit/2012/04/04/gIQAPSXjvS_story.html.

8. Casualty Statistics

According to the Iraqi Government, March 2012 had the lowest monthly casualty figure since 2003 with 112 Iraqis - 78 civilians, 22 policemen and 12 soldiers - killed in attacks. In February 2012, the Iraqi Government accounted for 150 people killed (note however that Iraq Body Count provided the following figures: 293 civilian casualties in February, 295 civilian casualties in March.)

See: AFP, *Iraq death toll at record low*, 3 April 2012, <http://www.smh.com.au/world/iraq-death-toll-at-record-low-20120402-1w8qw.html>.

Iraq Body Count statistics:

Total casualties since 2003: between 106,769 and 116,663

Civilian casualties in January 2012: 464

Civilian casualties in February 2012: 293

Civilian casualties in March 2012: 295

Civilian casualties in April 2012: 290

Civilian casualties in May 2012: 207

TOTAL January – May 2012: 1549

See: www.iraqbodycount.org (accessed 31 May).

9. Landmines and UXO

See: IAU, *Landmines and Unexploded Ordnances Factsheet in Iraq*, April 2012, <http://www.iauiraq.org/documents/1697/Landmine%20Factsheet%202012.pdf>.

See also: Integrated Regional Information Networks (IRIN), *Iraq: Mine-free 2018 target will be missed*, 22 May 2012, <http://www.unhcr.org/refworld/docid/4fbf4cf92.html>.

10. Establishment of Independent High Commission for Human Rights

The UN hailed as a landmark achievement for Iraq the 9 April 2012 vote by the Council of Representatives to appoint the Commissioners who will serve on Iraq's first Independent High Commission for Human Rights.

See: UNAMI, *Iraq's First Independent High Commission for Human Rights, Landmark Achievement*, 9 April 2012, <http://unami.unmissions.org/Default.aspx?tabid=2790&ctl=Details&mid=5079&ItemID=167315&language=en-US>.

On the set-up and the mandate of the Commission, see: SAPA, *Iraq approves rights commission*, 10 April 2012, <http://www.news24.com/World/News/Iraq-approves-rights-commission-20120410>.

11. Small arms control

“An Iraqi government decision allowing people to keep firearms at home has created an uproar, with many politicians and commentators saying it sends out the wrong signal at a time when the country is far from stable.

Officials say that on the contrary, registration will allow them to count and curb the large amounts of weapons already in private hands.”

See: Institute for War and Peace Reporting, *Shock at Iraq Gun Law*, 16 May 2012, ICR Issue 391, <http://www.unhcr.org/refworld/docid/4fbcc5492.html>.

12. Statements by Martin Kobler, Secretary-General’s Special Representative and head of the UN Assistance Mission for Iraq (UNAMI)

According to Martin Kobler more than 600 people have been killed and more than 1,800 wounded in the first three months of 2012, slightly fewer than the same period in 2011. Those killed included pilgrims targeted for sectarian motives. Kobler also highlighted the situation of women, saying *“Iraqi women continue to face widespread instances of gender-based violence, including domestic violence and so-called honor killings.”*

See: Deutsche Welle, *Iraq’s religious death toll mounts, says UN*, 11 April 2012, <http://www.dw.de/dw/article/0,,15873233.00.html>.

“The top United Nations envoy in Iraq has strongly condemned a series of bombings that took place today, and called on the Iraqi people to remain steadfast amid attempts to derail the country’s quest for democracy and stability.

In the latest wave of attacks, explosions were reported in the capital, Baghdad, as well as in the cities of Baquba, Kirkuk, Samarra, Dibi and Taji, according to media reports, which add that at least 35 people have been killed and 100 more have been injured.”

See: UN News Service, *Condemning latest attacks, UN envoy urges Iraqis to remain steadfast against threats*, 19 April 2012, <http://www.unhcr.org/refworld/docid/4f97e43e2.html>.

“Despite some predictions in the wake of the United States troop withdrawal from Iraq, the Middle Eastern country is making progress on its path to stability, according to the United Nations envoy there.

“Everybody at the beginning of the year was a little bit cautious, observing the situation, and there were many who said that ‘now the real civil war starts,’” said the Secretary-General’s Special Representative and head of the UN Assistance Mission for Iraq (UNAMI), Martin Kobler.

“Nothing of the kind happened,” he said in an interview. “All our figures indicate that there is no deterioration in the security situation of the country.”

See: UN News Service, *Despite concerns, Iraq making progress on path to stability – UN envoy*, 11 May 2012, available at: <http://www.unhcr.org/refworld/docid/4fb2044d2.html>.

13. Iraqi Refugee Returnees from the region

“The wave of revolutions that has swept the Middle East and North Africa over the last year has driven large numbers of Iraqi refugees to go home, despite their reluctance to return to a still unstable country. (...) officials in charge of immigration and refugee issues have told IWPR they are seeing a marked increase in the numbers opting to return, and they say most are coming from those Arab countries that have experienced unrest over the last year.”

See: Institute for War and Peace Reporting, *Arab Unrest Drives Iraqi Refugee Return*, 23 May 2012, ICR Issue 392, <http://www.unhcr.org/refworld/docid/4fbf4fd92.html>.