



HUMAN RIGHTS REPORT

1 JULY – 31 DECEMBER 2008

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## **I** **ACKNOWLEDGEMENT**

*Following the established practice, this report has been submitted in its drafting stage to the Government of Iraq and partly to the KRG for comments before it is made public. The US and the UK Embassies have also been invited to make comments on the parts of the draft where the two countries were mentioned as members of the MNF-I. All recipient parties were given 15 days for returning their comments. UNAMI expresses its thanks and gratitude to all parties for their cooperation and for their timely replies and feedback. UNAMI is faithfully reproducing all comments as received in the [annex](#) to this report. This report has been prepared in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).*

## **II** **EXECUTIVE SUMMARY**

1. The second half of 2008 was characterised by further improvements in the security situation, already noted during the first months of the year, with additional decrease in the number of high-visibility mass-casualty attacks by militias, insurgents and criminal groups. The large scale military offensives in Basra and Sadr City in March and April were followed by smaller targeted operations in Missan, Diyala and Ninawa in July, August and November respectively. In October 2008, the numbers of Iraqi civilians and soldiers from the Multi-National Force - Iraq (MNF-I) killed reached their lowest levels since 2003. For the first time since 2007, the Ministry of Health published the number of civilian casualties in Iraq. According to the Ministry, a total of 6,787 civilians were killed and 20,178 injured in 2008, which illustrates a significant reduction in the number of violent deaths compared to the 34,542 civilians killed and 36,685 injured in 2006<sup>1</sup>.

2. Nonetheless, the United Nations Assistance Mission for Iraq (UNAMI) remains concerned about the overall human rights situation in Iraq since indiscriminate attacks remained a frequent occurrence; the targeted killings of security forces, high ranking officials and civil servants, religious and political leaders, professional groups such as journalists, educators, medical doctors, judges and lawyers and other civilians continued at a high rate, as did criminal abductions for ransom. The reporting period was also characterised by the attacks against minority leaders and the large displacement of over 12,000 Christians from Mosul in October. Violence against women in the Region of Kurdistan and the rest of Iraq remained one of the issues of serious concern as the pattern of the recorded incidents of suicide often points towards “honour”-related homicides

3. The improvement in the security situation was not accompanied by a full re-establishment of the rule of law and by systematically addressing impunity. In most cases, the perpetrators of human rights abuses were not brought to justice. UNAMI has continuously stated that security may not be sustainable unless significant steps are taken in the area of human rights such as strengthening the rule of law and addressing impunity. This is an opportunity for Iraq, as it exerts its sovereignty, to advance all aspects of the rule of law including legal reform, strengthening the judiciary, improving

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<sup>1</sup> Official figures of casualties among the ISF were not available at the time of writing. For indicative figures based on press reports see: <http://icasualties.org/Iraq/index.aspx>

the conditions of detention and enabling access to justice by detainees. UNAMI and the United Nations Country Team (UNCT) stand ready to assist.

4. With regards to the situation in prisons and detention centres, at the end of the reporting period a total of 41,271<sup>2</sup> individuals remained detained under the custody of different authorities such as the Ministry of Interior, Ministry of Justice, Ministry of Defence, Ministry of Labour and Social Affairs and MNF-I. The number of detainees under Iraqi control in December 2008 was 26,249 and those under the control of MNF-I was 15,058. UNAMI continued to raise concerns about the conditions of detainees, many of whom have been deprived of their liberty for months or even years in overcrowded cells, and about violations of the minimum rules of due process as many did not have access to defence counsel, or were not formally charged with a crime or appeared before a judge. The new Iraq-United States Bilateral Agreement<sup>3</sup> envisaging the release or transfer of MNF-I-held detainees to the Iraqi custody takes effect on January 2009. UNAMI calls upon both parties to implement the agreement in strict respect of human rights norms and standards. UNAMI/HRO received credible reports of allegations of torture and ill-treatment in pre-trial detention in Iraqi detention facilities. UNAMI/HRO also received reports of ill-treatment in detention facilities in the Region of Kurdistan and has requested both, the Iraqi Authorities and the Kurdish Regional Authorities (KRG) to urgently investigate all such cases.

5. The Iraqi High Judiciary Council reports that 127,431 persons were eligible for amnesty under the General Amnesty Law of 27 February, 2008. According to the Ministry of Human Rights, as of 31 December 2008, the number of cases favorably processed under such a law was as follows: detainees of the Ministry of Justice: 3,232 released and 109 cases under consideration; Ministry of Interior: 2,715 released and 2,795 cases favorably considered for amnesty but not released as they are under pre-trial detention for other crimes not covered by the Amnesty Law; Ministry of Defense: 1,252 beneficiaries and under the Ministry of Labor and Social Affairs: 343 beneficiaries. As of 31 December 2008, the implementation of the Amnesty legislation was still in progress but did not alleviate the overcrowded situation in prisons and places of detention.

6. As MNF-I handed over the custody of Ashraf Camp to the Government of Iraq, UNAMI reminded all parties about their obligations towards its residents, including non forcible repatriation and guarantees of due process for those accused of committing crimes. On a separate issue, UNAMI also expressed concerns about the reports of human trafficking and the complaints of abuse of migrant workers in Iraq.

7. There were important institutional and legal developments that took place during the reporting period such as the signing into law of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), expected to lead to the harmonization of existing legislation and the enforcement of obligations under the

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<sup>2</sup> Figure provided by the Ministry of Human Rights, not including the Kurdistan Region. According to the Ministry of Justice, the total number of detainees in Iraq excluding the Kurdistan Region stood in December 2008 at 41,307. The figures provided by the Ministry of Human Rights show a decrease in the number of detainees under the control of MNF-I from 23,800 in January 2008 to 15,058 in December while those under the control of the Iraqi Authorities increased from 24,677 in January of the same year to 26,213 by the end of the year.

<sup>3</sup> See para.92 below.

treaty.<sup>4</sup> The inclusion of provisions for minority representation in the electoral law was a significant step in favour of the recognition of the special status of minorities in accordance with article 125 of the Constitution. Additionally, after over two years of debate, the Iraqi Parliament adopted the law on the Independent High Commission for Human Rights (IHCHR) which should become an essential institution for the protection of the rights of all people residing or working on the territory of Iraq. In the Kurdistan Region, two significant initiatives have taken place: the establishment of three committees to deal with violence against women and the adoption of a new media law. UNAMI welcomes these developments.

8. UNAMI Human Rights Office (UNAMI/HRO) continued its efforts in supporting the Iraqi government and civil society organizations through its capacity-building activities. These activities aim at helping the development of an Iraqi owned and lead human rights protection system. UNAMI held workshops on the mainstreaming of human rights and the ways in which the human rights can be incorporated into the work of the Ministries of Interior and Defence. With partners in the UNCT, UNAMI/HRO designed a number of projects on topics such as Universal Periodic Review<sup>5</sup>, the establishment of protection frameworks for children, journalists and human rights defenders, all of which are expected to be implemented in 2009 and beyond. UNAMI/HRO will also assist in training and providing equipment for staff of the Ministry of Human Rights for the exhumation of mass graves.

### **III RECOMMENDATIONS**

9. UNAMI/HRO engages in the promotion and protection of human rights and the rule of law in close collaboration with Iraqi governmental and non-governmental sectors, in accordance with UN Security Council Resolutions 1830 (2008)<sup>6</sup> which mandates UNAMI to “promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq”<sup>7</sup>. To that end, UNAMI monitors the human rights situation in Iraq and assists, especially through capacity-building activities, in the rehabilitation and reconstruction of state and civil society institutions. It collaborates closely with local human rights groups and seeks to maintain direct contact with victims and witnesses of human rights violations.

10. UNAMI’s regular human rights reports are intended to assist the Government of Iraq and the Kurdistan Regional Government (KRG) in ensuring protection of basic human rights and respect for the rule of law. Iraq remains bound by both its international treaty obligations and its domestic legislation in taking measures to curb violence and uphold human rights norms. *The International Covenant on Civil and Political Rights* (ICCPR) is in particular, clear on the basic protections that must be afforded to persons.<sup>8</sup> UNAMI remains committed to maintaining a constructive dialogue with the authorities in order to achieve these objectives, and to providing capacity building and training programmes for the governmental and non-governmental sectors.

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<sup>4</sup> In order to become party to the Convention, Iraq needs to deposit an instrument of ratification with the UN Secretary-General, which has, at the writing of the report, not been done.

<sup>5</sup> Iraq is scheduled to be reviewed in February 2010.

<sup>6</sup> SC Resolution 1830 was passed on 7 August 2008, deciding that the Special Representative of the Secretary-General and UNAMI “shall continue to pursue their expanded mandate as stipulated in Resolution 1770 (2007).

<sup>7</sup> UN Security Council resolution 1830 (2008), para 2(c)

<sup>8</sup> Iraq ratified the ICCPR in 1971 and all successive Iraqi governments are bound by this treaty obligation.

11. Based on its assessment of the human rights situation in Iraq, UNAMI reiterates the following recommendations:

### **Recommendations to the Government of Iraq**

- a) Ensure the effective implementation of the legislation regulating prisons and bring all detention facilities and prisons under the authority of the Ministry of Justice. Address urgently all allegations of abuse of detainees, including juveniles. Law enforcement personnel and detaining officials known or suspected of having tortured or ill-treated detainees in their custody should not enjoy immunity from prosecution.
- b) Finalise the process of accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by depositing an instrument of accession with the UN Secretary General so that Iraq becomes a full member to it and review all relevant legislation, especially the Penal Code and the Law on Criminal Proceedings and harmonise with the newly adopted Convention against Torture.
- c) Consider reviewing the Law on Criminal Proceedings and the rules of evidence to move away from the confession based system of prosecution to the evidence based one.
- d) Grant detainees timely, regular and adequate access to relatives and legal counsel; maintain efforts aimed at ensuring prompt access to justice and ensure that detainees have the right to challenge the legality of their detention and are promptly released unless charged with a cognizable offence and referred to trial according to the Iraqi law on criminal proceedings and amendments.
- e) Increase efforts to alleviate overcrowding in prisons and detention facilities and improve sanitation and hygiene conditions; in particular, institute urgent measures to examine conditions at juvenile detention facilities in respect of overcrowding and lack of adequate rehabilitation programmes.
- f) Give consideration to formally establishing a moratorium on the death penalty pending a thorough review of the Penal Code and the Law on Criminal Proceedings in accordance with UN GA resolutions 62/149 (2007) and 63/168 (2008).
- g) Investigate incidents involving gender-based violence, in particular the so-called “honour crimes” perpetrated against women, and take measures to ensure that persons found responsible for committing these crimes are held accountable and brought to justice; amend the criminal legislation permitting the application of mitigating circumstances to “honour crimes”; and consider the ratification of the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).<sup>9</sup>
- h) Give consideration to the creation of a high-level committee to establish appropriate child protection policies and to the establishment of a monitoring and reporting mechanism to gather concrete data on grave human rights violations affecting children, such as the recruitment of child soldiers and their use in

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<sup>9</sup> The Optional Protocol to CEDAW entered into force on 22 December 2000. By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction.

- hostilities, in line with the recommendations of the Special Representative of the Secretary General on Children and Armed Conflicts, and review the 1983 Law on Juvenile Care to bring it in line with international standards.
- i) Expedite the selection and appointment of Human Rights Commissioners and ensure that the mechanism established to appoint them be totally independent, transparent and free from political interference. Ensure that the Independent High Commission for Human Rights be provided with adequate resources to operate independently in accordance with article 102 of the Iraqi Constitution and the Paris Principles.
  - j) Investigate complaints of abuse targeting migrant workers, irrespective of their contractual or migration status.
  - k) Ensure a minimum representation of women by re-introducing a clear mandatory quota for women in upcoming elections laws.
  - l) Sustain efforts and adopt effective measures to support vulnerable communities, including religious and ethnic minorities, and allocate additional resources to meet the needs of the large numbers of displaced persons from these communities; adopt measures to ensure that other vulnerable groups, including third country nationals, receive required protection from the State; and continue to reaffirm the commitment to the principle of *non-refoulement*.
  - m) Ensure that Iraqi security forces observe the UN Code of Conduct for Law Enforcement Officials and human rights law when engaged in all security operations. Iraq's ICCPR obligations are to be observed at all times. In particular, in situations of public emergency, the provisions foreseen in article 4(2) should be strictly observed. Additionally, when engaged in military operations, the Iraqi security forces shall comply with Iraqi obligations under international human rights law and international humanitarian law.

### **Recommendations to the Kurdistan Regional Government**

- a) Conduct independent, thorough and prompt reviews of cases of detainees held by the Asayish<sup>10</sup> forces for prolonged periods without charge or trial. The results of these reviews should be made public, as should accurate data on the number of detainees held in Asayish custody. Ensure that detainees are promptly released unless charged with a cognizable offence and referred to trial. No one should be prosecuted for or held on suspicion of having committed crimes that did not constitute offences under the law at the time of their commission. Ensure timely referral of detainees to investigative judges in accordance with Iraqi criminal procedure.
- b) Review the current practice of administrative detention and grant detainees the right to challenge the lawfulness of their detention; ensure prompt and regular access to defence counsel and relative, and adopt measures to guarantee prompt and regular access to investigative judges and other judicial officials.
- c) Give consideration to implementing a moratorium on the death penalty pending a thorough review of legal proceedings followed at both pre-trial and trial stages.
- d) Allegations of torture should be promptly and thoroughly investigated, and criminal proceedings taken against officials found to have abused detainees in their custody. Every effort should be made to ensure that juvenile detainees are

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<sup>10</sup> The word "Asayish" in Kurdish language literally means "security". Asayish forces refer to civilian clothed security and intelligence forces in KRG. Their military counter-part is called Peshmarga.

- held at the appropriate and separate locations equipped with rehabilitation facilities, and additional resources devoted to address the issue of overcrowding at detention places.
- e) Cooperate with the Government of Iraq and the MNF-I in resolving cases of detainees in KRG custody who were allegedly arrested jointly by MNF-I or US military forces and Iraqi security forces.
  - f) Sustain efforts and adopt effective measures to support vulnerable communities, including religious and ethnic minorities, and allocate additional resources to meet the needs of the large numbers of displaced persons from these communities; and adopt measures to ensure that other vulnerable groups, including third country nationals, receive protection from the regional authorities.
  - g) Ensure that incidents involving violence against women, under whatever circumstances, are promptly and thoroughly investigated and their perpetrators brought to justice; make clear, through public statements and criminal prosecutions, that the perpetrators of these crimes will not go unpunished. Ensure that the punishment of perpetrators and compensation for victims are in accordance with the gravity of the crime and international human rights standards, particularly the provisions enshrined as international customary law in the Convention against Torture, and Other Cruel, Inhuman and Degrading Treatment.
  - h) Consider the adoption of legislation banning female genital mutilation as an act of violence against women inflicting physical, mental and sexual harm and suffering.
  - i) Ensure that the new law on journalism is effectively implemented and disseminated among the judiciary and law enforcement agencies.

### **Recommendations to the Multinational Force – Iraq**

- a) Continue to investigate thoroughly, promptly and impartially all credible allegations of unlawful killings by MNF-I military personnel; continue to take appropriate action against those found to have used excessive or indiscriminate force. The initiation of investigations into such incidents, as well as their findings, should be made public.
- b) Continue to refrain from transferring prisoners under death sentence to the Iraqi authorities pending a thorough review of legal proceedings followed in their cases at trial.
- c) Continue to cooperate with the Government of Iraq and the KRG authorities in resolving cases of detainees in KRG custody who were allegedly arrested jointly by MNF-I or Iraqi security forces.
- d) MNF-I and US Government authorities should continue to investigate reports of deaths caused by privately hired contractors working on behalf of the US Government, and strengthen effective mechanisms for holding these contractors accountable for unlawful killings; and continue to ensure that offences committed in Iraq by all categories of US contractor employees are subject to prosecution under the law.
- e) MNF-I should fulfil its obligations under international humanitarian law and international human rights law, including ICCPR and all provisions related to the administration of justice and due process of law, when engaged in military operations and in respect to its handling of detainees, in particular the obligation to respect the requirement for the protection of civilians and the obligation to

distinguish between civilians and combatants and between civilian objects on the one hand, and military objectives on the other.

#### **IV PROTECTION OF HUMAN RIGHTS**

##### **Indiscriminate killings of civilians**

12. During the second half of 2008, despite significant improvements in security conditions, the indiscriminate killing of civilians continued. According to the Ministry of Health, a total of 6,787 persons were killed and 20,178 injured in 2008 as a result of ongoing violence. The most affected provinces were Baghdad and Ninawa. UNAMI reiterates that the systematic and widespread attacks against the civilian population are tantamount to crimes against humanity and violate the laws and customs of war, and their perpetrators should be prosecuted.

13. The charts below shows statistics provided by the Ministry of Health of persons killed in 2008 by governorates.

Province	Injured				Killed			
	Men	Women	Children	Total Injured	Men	Women	Children	Total Killed
<b>Baghdad</b>	7503	822	676	<b>9001</b>	1437	111	101	<b>1649</b>
<b>Karkalla</b>	137	18	16	<b>171</b>	83	22	8	<b>113</b>
<b>Najaf</b>	18	3	0	<b>21</b>	39	5	2	<b>46</b>
<b>Wassit</b>	202	29	23	<b>254</b>	170	20	2	<b>192</b>
<b>Babil</b>	328	31	20	<b>379</b>	155	17	16	<b>188</b>
<b>Thi Qar</b>	376	36	28	<b>440</b>	109	44	45	<b>498</b>
<b>Salah Addin</b>	524	34	51	<b>609</b>	263	25	21	<b>309</b>
<b>Misan</b>	205	23	9	<b>237</b>	103	18	5	<b>126</b>
<b>Basra</b>	1525	193	211	<b>1929</b>	487	57	28	<b>527</b>
<b>Diwaniya</b>	40	4	6	<b>50</b>	15	4	3	<b>22</b>
<b>Muthanan</b>	-	-	-	<b>-</b>	-	-	-	<b>-</b>
<b>Ninawa</b>	3443	466	385	<b>4294</b>	1313	100	66	<b>1479</b>
<b>Kirkuk</b>	672	59	29	<b>760</b>	279	24	7	<b>310</b>
<b>Anbar</b>	191	11	6	<b>208</b>	160	4	2	<b>166</b>
<b>Diyala</b>	1480	211	134	<b>1825</b>	918	129	70	<b>1117</b>
<b>Total</b>	<b>16644</b>	<b>1940</b>	<b>1594</b>	<b>20178</b>	<b>5831</b>	<b>580</b>	<b>376</b>	<b>6787</b>

14. The second half of 2008 was marked by the continuation of suicide attacks, either body-borne or vehicular, by male and female attackers; widespread use of roadside bombs and improvised explosive devices (IEDs); and indiscriminate shelling and shooting of civilians. Together, roadside bombs, IEDs and suicide attacks accounted for the largest number of civilian casualties in Iraq. Additionally, the reporting period saw the increased use of adhesive bombs or magnetic bombs that can be quickly planted on a car's undercarriage without the knowledge of those in the vehicle and then detonated remotely. The examples listed below are small illustrative samples of the attacks that took place during the second half of 2008.

15. Suicide attacks continued to cause large numbers of civilian casualties and created a climate of fear amongst the population. Suicide bombers caused the death of 447 civilians and injuries to 1,204 civilians. The places attacked by suicide bombers ranged from crowded restaurants to police checkpoints and places of religious worship, and indicate the indiscriminate nature of this tactic. A number of attacks were reportedly carried out by female suicide bombers, able to get closer to targets without being searched due to cultural reasons and the lack of female police officers available to properly search them. In the first half of 2008, there were 19 attacks by female suicide bombers, while 14, out of the total of 102 attacks, were reported in the second half of the year.

16. The highest number of suicide attacks took place in November and resulted in large numbers of civilian casualties. On 8 November, near Ramadi, a two stage attack took place: after a suicide bomber had detonated his bomb, injuring seven police officers, a second bomber detonated himself among a group of civilians, killing eight and injuring ten people.

17. Roadside bombs and IEDs were regularly used by armed groups against civilian targets during the reporting period. The numbers of civilians killed and injured by these devices were particularly high during the months of July and August. On 9 July, a bomb exploded near al Abid bank in downtown Fallujah killing five and injuring seventeen people. On 10 July, a roadside bomb exploded in eastern Baghdad killing one civilian and wounding four.

18. The sectarian nature of attacks by suicide bombers and roadside bombs and IEDs was apparent in some cases. On 27 July, two female suicide bombers and one roadside bomb targeted pilgrims of Shiaa Imam Musa al-Kadhim on the anniversary of his death in the neighbourhood of Karrada in Baghdad. Twenty-six people were killed and ninety-five injured.

19. Indiscriminate shelling also continued to claim many victims. In particular, the use of mortars, which are transported easily and require basic skills to use, by armed groups accounted for the largest number of casualties. On 24 October, three children were killed and two wounded when a mortar round landed on a house east of Kut, 150 km (95 miles) southeast of Baghdad. UNAMI has also been affected by this type of incidents. On 29 November 2008, a rocket fell on the edge of the UNAMI compound and hit barracks where maintenance workers hired by UNAMI were sleeping. Two workers were killed and fifteen other wounded.

20. The second half of 2008 also saw the increased use of adhesive bombs by armed groups. On 22 October, several adhesive bombs placed under civilian cars killed

three civilians in different areas of Baghdad. On 7 November, an adhesive bomb placed under a civilian car detonated in Doura, southern Baghdad. The explosion killed two civilians inside the car and injured seven bystanders.

**Targeted attacks or killings of Iraqi security forces, Government employees and entities, religious figures, professional groups and other civilians**

21. During the reporting period, the trend of targeting police and military personnel by armed groups continued unabated. Fifty-three Iraqi Army or Police were killed and 117 injured in suicide attacks. Attacks occurred regularly and included the following examples: on 15 July, twenty-two police recruits were killed and fifty-seven were injured when two suicide bombers detonated in quick succession at Saad camp in Ba'aquba; on 1 December, fifteen people, including six policemen, were killed and forty-five others wounded when two explosions took place near the gate of the police academy on Palestine Street in east Baghdad.

22. Armed groups also continued to target senior Iraqi military and police officials. On 13 July, the head of the anti-terrorism directorate in Fallujah was injured when a roadside bomb targeted his house. Minutes later four policemen were killed and five others wounded when a roadside bomb exploded targeting a police patrol coming to the scene. On 28 August, gunmen assassinated Brigadier General Najam Abdullah of the 7th division of the Iraqi army and his wife in front of their house in Baghdad. On 22 October, an adhesive bomb detonated under the head of the Diwanayah Facility Protection Service's car, Colonel Mohammed Abu Atra, in Nidhal Street in downtown Baghdad killing him along with two of his guards.

23. The Awakening Councils or Sahwa militias, formed in 2006 with MNF-I support to combat al-Qaeda in the Anbar, Salahaddin, Diyala and Baghdad governorates also continued to be the targets of armed groups during the second half of 2008. On 24 July, a female suicide bomber targeted an Awakening Council leader Naeem al-Dulaimi in Ba'aquba, killing him along with two of his guards and four civilians and injuring more than twenty civilians.

24. Religious and tribal leaders, judges and lawyers, governmental officials, civil servants, governors and members of the Council of Representatives continued to be targeted during the reporting period. On July 22, Judge Mohamed Farhan survived an assassination attempt when a bomb went off targeting his car in al-Waseti neighbourhood in south-western Kirkuk. Kamal Shyaa Abdullah, a high-ranking official of the Ministry of Culture was ambushed and murdered by gunmen in Baghdad on 23 August. On 9 October, a roadside bomb killed Member of Parliament Salih al-Ughalii of the Sadrist bloc in Habibiyah. On 23 October, a suicide car bomber targeted the Minister of Labour and Social Affairs' convoy in Bab al-Sharji in downtown Baghdad city, killing thirteen people and injuring 22 others. On 24 November, an adhesive bomb detonated under a bus used by the Ministry of Trade killing 14 female employees and a child and injuring three other women and the bus driver.

25. The kidnapping of civilians by armed groups also continued during the reporting period. On 9 July, an armed group set up a fake check point near the village of Imam Asker in the vicinity of Balad Ruz in Diyala, stopped and then kidnapped Sabah Mollan, the director of Balad Ruz water plant. On 21 July, gunmen kidnapped four brothers from

a house in al-Boshi village near Ba'aquba city. On 31 October, gunmen abducted Omar Owaid Nasir near Himreen Bridge in the Saadiyah district, in north-eastern Diyala.

26. According to several different sources and reports received by UNAMI/HRO, mass graves continued to be discovered during the reporting period throughout Iraq. On 9 July, workers found eleven bodies while they were working in Suhaib Ibn al Roomi primary school in Ramadi. The heads of the victims were covered with black plastic bags. On 19 August, the Iraqi police found twenty decomposed bodies buried in an orchard in the village of Abu Tuma, 15 kilometres north of Ba'aquba. On 22 October, the Iraqi police found the remains of thirty-four people in Qaim, 300 kilometres (185 miles) west of Baghdad. The bodies were believed to have been buried two years earlier. On 18 November, the Iraqi police and members of the Ministry of Human Rights uncovered seventeen bodies buried under a construction site in the neighbourhood of Ur in eastern Baghdad. The bodies were blindfolded and their mouths had been taped shut. The incident report indicated that the victims may have been buried alive. On 29 November, the Iraqi police found the bodies of thirty civilians in al-Salam district north of Ba'aquba. The bodies were buried in a yard once used by fundamentalist groups that had controlled the area 18 months earlier. On 8 December, joint Iraqi and US forces found twenty unidentified bodies in Albyar southeast of Ramadi. The bodies were believed to be those of civilians killed during the peak months of sectarian violence.

#### **Civilian deaths and injuries involving private security contractors**

27. During the reporting period, one incident was reported to UNAMI where actions by private security contractors resulted in the death of a civilian. On 21 August, a civilian was killed and another was injured when a member of a private security company opened fire on civilians in Bab al Sharji neighbourhood in Baghdad.

28. In the United States, former employees of Blackwater Worldwide were charged in December in connection with the killing of 17 civilians in Nisour Square in Baghdad on 16 September 2007. Donald Ball, Dustin Heard, Evan Liberty, Nick Slatten and Paul Slough have been charged with 14 counts of manslaughter, as well as weapons violations and attempted manslaughter. A sixth man, Jeremy Ridgeway, pleaded guilty to manslaughter and agreed to testify against his former colleagues. Ridgeway declared in published court documents that the September 16 incident started when the Blackwater guards opened fire on a white vehicle "that posed no threat to the convoy" they were in charge of protecting. According to the same court document, Ridgeway recognized "that there had been no attempt to provide reasonable warnings to the driver of that vehicle". The date of the trial has not been set.

29. More than one year after the incident, on 31 August, an official from the US Embassy in Baghdad met the relatives of a 75 year-old Iraqi man shot dead by employees of Blackwater Worldwide in August 2007, for allegedly moving too close to a convoy protected by Blackwater. The official stated that the case has been brought to the attention of the US Department of Justice.

#### **Civilian deaths in the context of MNF-I and Iraqi military operations**

30. As the security situation in most areas of Iraq stabilized, the number of civilian deaths decreased. However, UNAMI remains concerned about civilian death incidents as a result of MNF-I military operations. On 23 July, MNF-I soldiers in Kirkuk killed 14-

year-old Arkan Ali Taha, claiming that shots had been fired at them from the taxi in which the boy was a passenger. On 18 August, MNF-I killed two civilians in a car on the road between Erbil and Dibaga sub-district. A US army spokesman claimed they were suspects who had declined to submit to the soldiers' instructions. A US air strike targeting alleged insurgents in al-Dawr near Tikrit on 19 September killed seven civilians, including three women. MNF-I claimed that four men killed in the attack were suspected insurgents and blamed them for hiding among women and children. In Mosul, on 5 October eleven members of a family (including three women and three children) died in a house that was being raided by US forces. Local media reported that US soldiers shot the residents; MNF-I however stated that armed men in the house set off a bomb that killed the family.

31. Civilian deaths caused by Iraqi Security Forces included the following: it was reported to UNAMI that a three-year old girl was killed on 22 September when Iraqi soldiers opened fire after they were hit by a roadside bomb near Ba'aquba. On 8 October Iraqi security forces killed one person in a car that failed to slow down as it approached a checkpoint in Basra. On 11 October, one civilian was killed and another injured during an Iraqi police raid in an orchard 4 km west of Ba'aquba. On 15 October a police patrol opened fire in central Mosul and killed one civilian. Civilians have also been caught in the middle of battles between Iraqi security forces and armed groups. In al Muthanna in Baghdad, guards of a government minister killed a woman and injured six other persons on 8 September in a shootout with traffic police described as a "misunderstanding" by an official of the ministry. On 25 October, gunmen believed to belong to the Mahdi Army clashed with Iraqi national police in al Shaab neighbourhood. The clash lasted more than an hour and resulted in one civilian killed and five injured.

### **Prosecution**

32. During the reporting period, several US soldiers were subject to court-martial proceedings under US law on suspicion of having committed crimes while stationed in Iraq as part of MNF-I.

33. On 22 July 2008, Sergeants Jess Cunningham and Charles Quigley, and Specialists Stephen Ribordy and Belmor Ramos were charged under the Uniform Code of Military Justice in relation with conspiracy to commit murder in the deaths of four Iraqis detained in late March or early April 2007 in the village of Hamdani near Baghdad. Specialist Ramos had his sentence reduced from 40 years in prison to seven months under a pre-trial plea bargain for conspiracy to commit murder; Specialist Ribordy was sentenced to eight months' prison for standing watch while his fellow soldiers allegedly killed the Iraqis. On 2 August 2008, Sergeant Hal Warner and First Lieutenant Michael Behenna were charged with premeditated murder over the killing of another Iraqi detainee, Ali Mansur Muhammad, near Tikrit in mid-May 2008.

34. A criminal trial of Sergeant Jose Luis Nazario commenced on 19 August. Mr. Nazario was accused of having killed two Iraqi men who had been detained while his squad searched a house in Fallujah in 2004. Sergeant Nazario was acquitted when two witnesses, Sergeants Jermaine Nelson and Ryan Weemer, refused to testify. On 26 August, charges were upheld against former Private Steven Dale Green who is accused of raping an Iraqi girl and murdering her and three family members in Mahmudiya on 12

March 2006. Private Green was charged after he left the military, and therefore the case is being tried by the US Department of Justice instead of the military court system.<sup>11</sup>

35. With respect to compensation for death and injury by MNF-I forces, in the United Kingdom, the Ministry of Defence agreed on 3 July to pay US\$ 6 million in compensation to the family of Baha Mousa, who died in the custody of British troops in Basra in September 2003, and to nine other Iraqis for ill-treatment they suffered. The settlement was negotiated by lawyers representing the UK government and the Iraqis.

### **Situation of women**

36. Research conducted by UNAMI/HRO on the situation of women indicates that gender based violence continued to claim the lives of many women, most of which remains unreported. The sensitivity of Iraqi communities to issues concerning women is such that families are frequently not reporting to the authorities incidents of violence against women. The vast majority of Iraqi women still face at least one form of domestic violence on a regular basis. In a statement on 25 November 2008<sup>12</sup>, the United Nations Special Rapporteur on Violence against Women declared that “Iraqi women have seen their rights eroded in all areas of life”. The declaration explained that “Women are victims of rape, sex trafficking, forced and early marriages, murder, and abduction for sectarian or criminal reasons; many are driven or forced into prostitution [ ... ] To escape the cycle of violence many women turn to suicide, sending a clear message of despair to their society.” UNAMI remains concerned by the threats and harassment women are facing regarding their dressing mode. Access to education for women is less protected than for men, 26.8% of Iraqi women have no education, compared to 14.6% for men. A large percentage of Iraqi women, 86.79% are not working outside their home.<sup>13</sup>

37. UNAMI/HRO particularly followed the situation of women in Kurdistan region. The number and pattern of incidents of gender-based violence, recorded in the second half of 2008, remained comparable to that of the first half of the year<sup>14</sup>. UNAMI has reported 139 cases of gender based violence<sup>15</sup> in the last six months of 2008 in five governorates in northern Iraq<sup>16</sup>. Out of the total number, 77 women were seriously burned, 26 were victims of murder or attempted murder and 25 were cases of questionable suicide. The total number of women killed as result of gender based violence documented by the KRG Ministry of Human Rights for the year 2008 has slightly decreased to 163 from 166 in 2007.

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<sup>11</sup> Pvt. Jesse Spielman, Spc. James Barker and Sgt. Paul Cortez were sentenced to long prison terms in 2006 and 2007 for their involvement in these crimes.

<sup>12</sup> “Violence against Iraqi women continues unabated”, United Nations Special Rapporteur on Violence Against Women – 25 November 2008, see:

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/FB6D94EF5507000DC125750C002E3654?opendocument>

<sup>13</sup> According to a survey published by the UN Information and Analysis Unit (IAU), 83.1% of Iraqi women are victims of marital control behaviour; 33.4% of survey group reported at least one form of emotional or psychological violence; 21.2% of Iraqi women are victims of domestic physical violence.

<sup>13</sup> “Violence against Iraqi women continues unabated”, United Nations Special Rapporteur on Violence against Women – 25 November 2008.

<sup>14</sup> See UNAMI Human Rights Report, 1 Jan. – 30 Jun. 2008, para. 51 & 52, pp.15-16

<sup>15</sup> These 139 cases represent 144 female victims

<sup>16</sup> Erbil, Sulaimania, Dahuk, Ta'mim and Nineveh governorates

38. In a positive move, the KRG Minister of Human Rights established on 29 October 2008 committees on violence against women in the three governorates of the Kurdistan region. These committees have held their initial meetings, with the participation of ministerial officials, police officers, forensic specialists and prosecutors. The committees admitted that the investigation of crimes against women was still being hampered by a lack of skills, training equipment and awareness. Two committees recommended that specialized courts should be created for gender-based violence cases or that at least specially trained judges should handle such cases. Such specialized courts or victims/witness units within specialized courts should provide protective measures and security arrangements, counselling and other appropriate assistance during the investigation and the trial phases and during any subsequent period of time when safety of the victims or witnesses so requires.

39. UNAMI/HRO has been alerted by local advocates for women's rights in the KRG of the frequency of the so-called "honour killings" and cases of female self-immolation in the Kurdish region, despite efforts from the KRG to raise public awareness regarding violence against women. In cases reported to UNAMI, women have been attacked, wounded and left to die and the death characterised as "accidental" by family members. For example, in the village of Pangeen (Qushtapa sub-district), 16-year-old Kanyaw Maghdid and her sister 22-year-old Lafaw were shot by their father on 23 September. Lafaw told police that her father shot his daughters to "protect their honour" when he found out about the relationship one was having with a boy. Kanyaw died on the spot while Lafaw was admitted to a hospital but later died. At the writing of this report, an investigation has been open but no arrest made yet. It has also been reported to UNAMI that the suspected killer of D'waa Aswad Khalil, a 17-year-old Yezidi girl publicly stoned to death in April 2007 in the village of Bahzan in the Ninawa governorate<sup>17</sup> was seeking traditional reconciliation with the victim's family to avoid criminal charges. UNAMI is concerned by the indifference shown towards these crimes and appeals to the KRG to ensure that the rule of law prevails. While welcoming the efforts made by the KRG to acknowledge the scope of the problem including by establishing the committee on violence against women, UNAMI believes that in parallel to sensitisation campaigns, timely and credible investigation and prosecution of violence against women will send a clear message that the perpetrators of these crimes will be held criminally accountable.

40. The practice of female genital mutilation (FGM) remains underreported in the KRG. The KRG Ministry of Women Affairs, the women's committee in the Kurdish National Assembly, and international and national human rights organizations have been collecting information and advocating for a decision on the amendment of the criminal code to make FGM a crime. To date, no clear decision has been made by the government and the Kurdish National Assembly. Women's rights groups in the KRG are campaigning to change the perception that FGM is harmless and required under Islam. Despite these efforts, the latest statistics collected by the German organization WADI during the last three months of 2008 showed that 98% of women living in 54 villages in Rania and Qalat Dazei districts in the area of Bishdar in the Sulaimania governorate have undergone FGM<sup>18</sup>.

### **Situation of Children and young adults**

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<sup>17</sup> See UNAMI Human Rights Report 1 April-30 June 2007, paras. 39 to 40

<sup>18</sup> Out of 1,198 women and girls living in the tested area, 1,175 were subjected to FGM

41. Despite the improvement in the security conditions, the promotion, protection and respect of children's rights remain a major challenge in Iraq. Children and young adults are exposed to a wide range of grave violations including death and injury from sectarian violence, military operations and unexploded ordinances and other remnants of war. Iraq has experienced attacks on areas where children and young adults congregate, including schools. Media, police and military sources and NGOs have reported limited but increasing use of children and young adults by a range of non-state armed groups, including as suicide bombers. Abduction of children and young adults has also been reported, usually for ransom or similar criminal motives. Gender-based violence is affecting women, children and young adults. Increasing reports show that women and children are becoming victims of sexual violence, forced marriages, "honour crimes" and trafficking. The difficult access to essential social services for children and young adults is also widely reported. Detention of children and young people also remains a major concern.

42. The Iraqi juvenile justice system continues to be characterized by the lack of community based actions to prevent juvenile crime. Lack of alternatives to the formal justice system (including appropriate diversion mechanisms) and an almost automatic tendency to remand juvenile suspects into custody pending trial remained constant. By the end of 2008 there were 1017 children in detention and reformatories out of which 368 (360 boys, 8 girls) were in pre-trial detention and 556 (531 boys, and 25 girls) as convicts in reformatories<sup>19</sup>. Correction facilities holding children in Iraq are critically overcrowded, their infrastructure has been neglected over the years and minimum standards of hygiene not being observed, leading frequently to the spreading of contagious diseases.

43. According to UNICEF, children and adolescents in contact with Iraqi security forces have been, and continue to be, exposed to physical and mental abuse, particularly upon arrest and during the early stages of investigation. The Iraqi criminal justice system places an overwhelming weight on confessions, thus detained children are almost inevitably subjected to threats, ill-treatment and torture by investigators with the aim of obtaining a confession. Children are likely to spend lengthy periods in pre-trial detention in violation of the provisions of the Convention on the Rights of the Child and other relevant standards. Key actors, service providers and institutions lack knowledge of modern juvenile justice procedures. The social support systems are inadequate, obsolete and under-funded. The Juvenile Care Law of 1983 needs to be reviewed in line with international standards.

44. The situation of children under MNF-I detention is no longer at crisis level, as detainee figures dropped from 874 on 8 December 2007 to approximately 500 in mid-May 2008, and then further to 50 by the end of December 2008.

### **Situation of minorities and other groups**

45. As efforts on the different political processes related to the governorate council elections and the resolution of the status of disputed territories increased in the second half of 2008, the situation of some minorities deteriorated. UNAMI remains concerned about the attempts to dilute the identity of minorities by forcing them to be identified

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<sup>19</sup> 93 children out of the 1017 were either in pre-trial detention or already convicted. The breakdown does not appear for this group.

either as Arab or Kurd and about the impunity of those responsible for abuses against minorities.

46. During the reported period UNAMI/HRO continued receiving reports of Christians being threatened, physically attacked and in some cases murdered by armed groups. The gravest incidents were the attacks that took place against Christians in Mosul. On 28 September, Christian demonstrations in Mosul requesting special provisions for minority representation in the governorate elections were followed by targeted attacks that left, according to the Ministry of Human Rights, 40 Christians dead. Following threats and attacks against their persons and properties, over 12,000 Christians fled from their homes<sup>20</sup>. According to victims and IDPs, the attacks were allegedly conducted by extremist Islamic groups and were not prevented nor stopped by the forces that controlled the area. The subsequent deployment of units of the Iraqi Army in western Mosul reduced the tension and contributed to the return of many Christians to their places of origin. Towards the end of 2008, some 80% of the displaced Christians returned to their homes in and around Mosul. However, on 11 November, two Christian sisters were killed in Mosul by unknown gunmen.

47. Members of the Shabak minority continued to be targeted in Ninawa. On 12 July, the prominent leader Mullah Khadim Abbas was assassinated near Bartella. To date, and in spite of repeated calls by UNAMI, no one has been held accountable for this killing. Another Shabak leader, Haj Asa'ad Issa Abbas, was kidnapped and killed in Mosul on 17 December. Shabak groups reported that over 750 Shabaks have been assassinated by armed groups since 2004. UNAMI received several reports alleging verbal abuse and harassment of the Shabak by Peshmerga forces for their presumed lack of loyalty to Kurdistan and for insulting Kurdish leadership. On 13 December 2008, it was reported to UNAMI that a group of Asayish disguised as local police raided the house of Hussein Majeed, a Shabak, in Bartella Ninawa and took him to al-Kalak sub-district in Kurdistan Region where he was tortured. He managed to escape and the following morning he was threatened to be killed if he reported the incident. Intimidation allegations increased as the provincial elections approached: UNAMI received reports of threats by armed groups to kill anyone who voted for the Shabak, and against the KDP, candidate Hussein Abbas.

48. UNAMI also received complaints from the Turkmen community that they continue to be denied the right to use their own language in Ninawa and reported restrictions to their freedom of movement by Peshmerga forces. Tensions between Kurdish and Turkmen communities remain high in Kirkuk. A suicide bombing and a mortar attack that took place at a Kurdish protest rally on 28 July escalated into deadly inter-ethnic clashes between armed Kurdish rioters, who blamed the Turkmen community for the attack on the rally, and armed guards protecting Turkmen facilities. Some 25 persons were killed and 180 injured and several buildings were attacked and burned.

49. Yazidi communities in Sinjar, Ninawa, continued reporting to UNAMI that they were the targets of threats and attacks by Islamic extremist groups. On 14 December, seven members of a Yezidi family in Sinjar were assassinated. It has also been reported to UNAMI that over 50 Yezidis have been arrested and prevented from conducting peaceful political activities by Peshmerga forces in December. UNAMI has also received

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<sup>20</sup> In their comments on this report, the Ministry of Human Rights stated that the official count of displaced families was about 2400.

complaints that members of the Yezidi community in Ninawa have been forced to collect their food aid in Dohuk, therefore reducing the statistical presence of Yezidis in the area.

### **Displacement**

50. During the second half of 2008, there has been a considerable increase in returns in comparison with the first half of 2008 with 145,920 internally displaced persons and refugees returned to their places of origin in Iraq. This increase can be attributed to several factors: the improvement of the security situation in Iraq; the introduction of Order 101 by the Prime Minister enabling returnees to regain possession of their occupied houses; the end of the summer break; and the need to enrol children in school. The overall number of returns in the year amounted to more than 221,000 persons. Internally displaced returned in much higher numbers (195,890) than refugees from neighbouring countries (25,370). Of the returns, 53% returned to Baghdad and 30% to Diyala.

51. The main concerns of returnees continue to be the security situation, lack of income and housing as well as lack of electricity and access to services. Access to Government support, enhancing the safety to returnees and assisting with critical aid interventions are supported by UN agencies and NGOs.

### **Migrant workers**

52. During the reporting period concerns were raised about the protection of migrant workers and possible human trafficking in Iraq as UNAMI received reports of foreign workers brought in by foreign contractors being exploited, underpaid, physically abused, deprived of their travel documents, left in inadequate living conditions, and insufficiently assisted.

53. A case that attracted worldwide publicity was the fate of one thousand migrant workers from India, Nepal, Bangladesh, Pakistan and Sri Lanka who were lured to Iraq by local agents in their respective countries of origin and kept for up to three months without jobs and pay in a warehouse at Baghdad airport. UNAMI/HRO met with the workers on 10 December, who told UNAMI that they paid between US\$2,000 to US\$5,000 to agents who promised them a job on US military bases in Iraq working for Najlaa, a Kuwait based subcontractor to the US contractor Kellogg, Brown and Root. Najlaa apparently lost the contract and workers ended up in three overcrowded warehouses in a compound surrounded by armed guards, with poor food, dirty water and only ten working toilets. In addition to concerns about their living conditions, UNAMI recorded irregularities about their legal status in Iraq as some had no valid entry visas and some had fake visas in their passports.

54 UNAMI also visited another site in Baghdad Airport where 42 Nepalese lived in cardboard makeshift tents for several months on the streets across from the Iraqi Airways building. Forced to sleep and wash in the open, they had survived on handouts given to them by the US army and sympathetic Iraqi civilians. They earlier had been provided with hotel accommodation by their agent until he was arrested by the Iraqi police and deported to Dubai. Unable to pay for the hotel, the Nepalese ended up on the streets. The International Organization for Migrations (IOM) has offered assistance and at the end of the reporting period eight men had returned to Nepal. UNAMI has requested compliance with international labour standards for all foreign workers in Iraq.

## **Camp Ashraf**

55. The situation of the estimated 3,300-3,500 residents of Camp Ashraf in Diyala remains of concern to UNAMI. On 19 October UNAMI/HRO visited Camp Ashraf to discuss concerns expressed by PMOI leadership and to meet with camp residents. However, discussions with residents always took place in the presence of a PMOI representative. The status of the residents of Camp Ashraf and PMOI members remains undefined as the hand-over of the security of the camp from MNF-I to the Iraqi Armed Forces was scheduled to occur on 1 January 2009. The US government has consistently reassured residents that they had guarantees from the Iraqi government for the safety of Camp Ashraf's residents. MNF-I has also reaffirmed that they will monitor the situation after 1 January 2009.

56. To prepare a detailed plan regarding the future of Camp Ashraf and to monitor the implementation of any decisions, the Government of Iraq has established a committee under the leadership of the National Security Council Director-General for Internal Security with representatives from the Ministries of Human Rights, Displacement and Migration, Foreign Affairs, Interior, Defence, and Justice and from the Iraqi National Intelligence Service. The Government of Iraq has publicly declared that the PMOI is an illegal organisation in Iraq, that the exiled Iranian PMOI members in Camp Ashraf must leave Iraq and that the camp will be closed. The Government of Iraq has also repeatedly declared that it will abide by Iraqi law and international law in dealing with the residents.

57. UNAMI welcomes the assurances given by the Government of Iraq that it will abide by Iraqi and international law regarding the issue of Camp Ashraf. UNAMI recalls that it has consistently advocated that PMOI members, residing in the Camp must be protected from forcible deportation, expulsion or repatriation in violation of the *non-refoulement* principle. UNAMI has also reminded the concerned parties that the residents should enjoy fundamental rights and the protection provided by the fourth Geneva Convention. UNAMI feels that those individuals suspected of responsibility for illegal past activities should be brought to justice in conformity with internationally recognized standards of fair trial and due process of law. Similarly, if they are to remain on Iraqi territory, the residents of Camp Ashraf are expected to continue to fully respect the laws of Iraq. At the writing of this report, three solutions still remain foreseeable: a voluntary return of Camp Ashraf residents to Iran, resettlement in third countries, or a regularization of residents' legal presence in Iraq.

## **Freedom of expression and the targeting of media workers**

58. Journalists and media workers continue to be one of the most vulnerable professional groups in Iraq and are the target of armed groups. During the reporting period, UNAMI continued to receive reports of intimidation, harassment, arrest and killing and injuring of media professionals. On 1 July, Azad Argushi, the Director of the TV station *Newroz Satellite*, was kidnapped by unknown men wearing police uniforms. He was tortured and left with severe injuries on the main road between Erbil and Salahaddin sub-district. On 21 July, unidentified men gunned down 23-year-old Soran Mama Hama, the head of the Kirkuk office of *Lvin* magazine, in front of his house in the Rashidawa Quarter of Kirkuk. Hemn Baqir, the deputy Editor-in-Chief of *Lvin* said that Hama had received threats after writing articles on subjects considered sensitive such as the

alleged involvement of Kurdish officials in prostitution rings in Kirkuk. On 17 August, gunmen threw a grenade at a car transporting a television crew working for *Afaq*, a Dawa party-funded local television station in Baghdad. The reporter, a cameraman and a driver were seriously injured. On 13 September, a four-member crew of privately-owned television channel *al-Sharqiyah* was kidnapped by gunmen and killed shortly afterwards in the al-Zangili quarter in west Mosul. On 20 September, the head of the Journalists Union, Mouaid Allami and four civilians were injured when a bomb planted near the main gate of the Journalists Union building in eastern Baghdad exploded. On 10 October 29-year-old Kurdish journalist Diyar Abbas Ahmed, working for *al-Ain* news agency, was assassinated in the city centre of Kirkuk as he left the Artists' Union building.

59. Journalists and media workers were also assaulted, intimidated, harassed or briefly detained by law-enforcement personnel. On 17 July, journalist Ahmed Jabbar Muhamad of *Regay Kurdistan* newspaper was attacked by a police officer from a special Ministry of Interior unit guarding oil installations and confiscated his camera. Two journalists from *Kurdistan Satellite TV*, Shawkat Qadir and Yousif Krwatani, claim that on 12 August they were arrested in Bahrka, north of Erbil, for allegedly failing to obtain permission from the sub-district's security authorities to carry out their investigative work. Turkmen sources claim that Timor Beyatli, a newsreader for the Arabic service of the Turkmen *Turkmeneli TV* in Kirkuk, was arrested by Kurdish Asayish security forces at Erbil airport on 5 November and released two days later without charges. Two journalists from *Baba Gur Gur TV*, Hassan Ghafur and Hamza Shwani, were allegedly insulted and mistreated by a police squad in Kirkuk on 30 September while they were preparing a report.

60. There have also been complaints of interference in media reporting. On 11 October, thirty-five media workers and journalists were prevented from leaving the Council of Representatives in Baghdad after attending one of its sessions. The journalists were asked by security personnel from the Council to hand over all material, photos, videos and recordings related to the heated debate during the press conference between Hunain Qado, a minorities representative and other members of parliament.

61. On 22 September, the Kurdistan National Assembly passed a new journalism law. It was ratified on 11 October by Kurdistan Region President Massoud Barzani and entered into force on 20 October 2008. Under the new law, which has partially decriminalised journalism offences, journalists can be fined, but no longer imprisoned. Newspapers cannot be confiscated or suspended. The vague demand that freedom of the press and the work of journalists must not violate "public order and morality" has also been removed. Journalists are still prohibited from compromising the "security of the nation," a wording which is similar to the previously used "security of the region," but which should prevent the prosecutions of media workers for any activities deemed to be anti-Kurdish. Compulsory membership in the Kurdistan Union of Journalists was also abolished. However, journalists have expressed to UNAMI concern that the fines stipulated by such a law could be potentially crippling: one to five million Iraqi dinars (US \$820 to 4,200) for any journalist who violates the journalism law, as well as fines of five to ten million Iraqi dinars (US\$ 4,200 to 8,400) for newspapers that publish news that compromise security, spread fear, hatred, animosity, undermine religious beliefs, interfere with individual privacy or contain libel and slander.

62. However, UNAMI is concerned by reports that many judges in Kurdistan are ignoring the new legislation. On 4 November, the Kurdistan Court of Appeal in Sulaimaniya imposed a one-month prison sentence on Shwan Dawdi, editor-in-chief of the Kirkuk-based *Hawal* newspaper for alleged defamation of the retired judge Kemal Mustafa. Dawdi was jailed and fined 300,000 Iraqi dinars (US\$ 255) for articles he had published in 2004. When the judge was asked why he did not apply the new journalism law he replied that he “had not received such a law.” On 13 November, the Criminal Court in Sulaimaniya reviewed its sentence, overturned the earlier charges and decided that Dawdi should be tried under the new law. Medical doctor and freelance journalist Adel Hussein was sentenced to six months in prison in Erbil on 24 November for having written an article about sexual health for homosexuals that was published in April 2007. The court had not applied the new journalism law but a provision in the 1969 Iraqi penal code on offending “public decency” thus denying the defendant protected status under the new law.

63. UNAMI/HRO also received reports of intimidation and violence against ordinary citizens exercising their right to freedom of expression. On 9 July, when students of the Information Technology Department at Sulaimaniya University erected a tent and began a hunger strike in front of the University to demand improvements to the curriculum and education system they were warned by Asayish officers to end their protests. When the students refused the demand, fourteen were arrested the following night by unidentified armed men in civilian clothes, taken to an Asayish detention centre where they were beaten and insulted then released a few hours later.

### **Governorate Council Elections**

64. The adoption of the Electoral Law on 26 September paved the way for Governorate Council elections to take place on 31 January 2009. Following protests by minority groups and intensive debates in the Parliament, an amendment granting reserved seats for Christians, Shabak, Yezidis and Sabeian-Mandean in Baghdad, Ninawa and Basra was finally approved on 3 November. Although Christian groups complained that the number of seats was not representative of their size, UNAMI HRO believes that the amendment to the law was a significant step in favour of the recognition of the special status of minorities in accordance with article 125 of the Constitution. Additionally, the final version of the law did not include a quota of at least one quarter of the seats being reserved for women. It is the first time since 2004 that this requirement was not part of the electoral legal framework. Women’s groups and female members of parliament protested the absence of a quota, which is contrary to the 31 July 2008 Iraqi Supreme Court interpretation of the electoral law to the effect that a 25% quota for women is mandatory.

65. Staff of the Independent High Electoral Commission (IHEC) was also the targets of several attacks aimed at influencing the electoral process. On 18 August, in Basra an IHEC office director and two assistants were killed in an armed ambush on their vehicle. On 26 August, an IHEC employee was killed when his home was bombed in Thi Qar. On 19 October, an IHEC employee in Tameem province was kidnapped. On 29 November, the IHEC director in Zafaranyah, Baghdad was murdered by unknown gunmen.

66. In addition to attacks against IHEC staff, politicians and candidates were also attacked during the reporting period. On 7 September, candidate Mohammed Rida al Khalaf was shot and killed in Abu al Khasib area of Basra. In mid-October, the President

of National Dialogue front in Anbar, Ahmed Dawoud was shot and injured in central Ramadi. At the same time, a senior Iraqi Islamic Party (IIP) member was killed by a suicide bomber at his home in central Fallujah. On 5 December, a Jalawla Local Council member and his three cousins were murdered in Diyala. During the second week of December a Sahwa Council leader in Karma was killed by a targeted bomb, an IIP office was bombed in Mosul, the mayor of Ba'aquba was injured in an explosion and a bomb exploded outside the Headquarters of the Basra Tribal Support Council. On 15 December the mayor of Aden, Ninawa, was assassinated. The last week of December recorded the bloodiest incidents: a reconciliation meeting for tribal leaders in Yousufiyah was targeted by a suicide bomber which resulted in 23 persons killed; a car bomb targeting a council member killed two policemen in Basra; and the head of the Association of Kurdish Tribes in Khanaqin, Diyala was assassinated.

67. The political campaign started on 29 November. Most reports of complaints received by UNAMI referred to destruction of political propaganda, threats against communities and partisan behaviour of security forces.

### **Legislative Developments**

68. During the second half of 2008 there was considerable progress in the adoption of human rights related legislation by the Council of Representatives and other State bodies.

69. UNAMI/HRO considers one of the most significant developments to be the adoption by the Council of Representatives of the Law for the establishment of the Independent Human Rights Commission on 16 November taking into account the Paris Principles on the independence of the National Human Rights Institutions. This concluded over two years of legislative process and intense UNAMI advocacy work. Once established, the Independent Human Rights Commission will become an essential institution for the promotion and protection of human rights in Iraq.

70. Following approval by the Iraqi Council of Representatives on 17 August, the three-member Iraqi presidency ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). A day later, an official of the Ministry of Human Rights called upon governmental and judicial authorities to protect prisoners and to prosecute those who abuse and torture prisoners and detainees. This essential and very positive step should be followed by depositing the ratified instrument before the UN Secretary-General and a thorough review of the existing legislation to harmonize it and bring it in line with the CAT and by the training of law enforcement officials for which UNAMI stands ready to assist.

71. The Human Rights Committee of the Council of Representatives also initiated the drafting of a package of welfare legislation which aims at securing financial assistance to economically disfranchised groups with specific focus on vulnerable women.

## **V RULE OF LAW**

### **Criminal Justice, detention and internment**

72. The situation of detainees across the country, including in the Region of Kurdistan, under the authority of the Ministries of Interior, Justice, Defence, and Labour and Social Affairs remains of great concern to UNAMI. Figures for the total number of detainees held by the Iraqi government (with the exception of KRG) were made available to UNAMI by the Ministry of Human Rights. According to the figures provided, the total number of detainees, security internees and sentenced prisoners under Iraqi control increased at the end of December 2008 to 26,249 including 1,017 juveniles, from 24,216 at the start of the reporting period. The figures relating to the KRG area received by UNAMI/HRO from the Ministry of Human Rights in Erbil stood at 2,707 persons. The number of detainees held by the KRG authorities does not include those held by the Asayish forces<sup>21</sup>.

<b>Detainees breakdown: July to December – 2008</b>							
<b>Seq.</b>	<b>Detention jurisdiction</b>	<b>July</b>	<b>Aug.</b>	<b>Sep.</b>	<b>Oct.</b>	<b>Nov.</b>	<b>Dec.</b>
1	MOJ	16788	17177	17070	16916	16661	16675
2	MOI	5720	6538	6473	6573	6616	6956
3	MOD	1060	1525	1618	1844	1639	1995
4	MOLSA	648	670	657	614	694	623
5	<b>Total Iraqi Government</b>	<b>24216</b>	<b>25910</b>	<b>25818</b>	<b>25947</b>	<b>25610</b>	<b>26249</b>
6	MNF – I	23229	20054	20054	17827	17827	15058
7	<b>Total in Iraq except KRG</b>	<b>47445</b>	<b>45964</b>	<b>45872</b>	<b>43774</b>	<b>43437</b>	<b>41307</b>
8	<b>Total in KRG</b>	<b>2640</b>	<b>2675</b>	<b>2655</b>	<b>2780</b>	<b>2718</b>	<b>2707</b>
9	<b>Total all over Iraq</b>	<b>50085</b>	<b>48639</b>	<b>48527</b>	<b>46554</b>	<b>46155</b>	<b>44014</b>

73. From 1 July to 31 December, the Central Criminal Court of Iraq and other criminal courts in the country have issued 192 death sentences. It is not known whether these sentences will be implemented as no death sentence has been executed in Iraq since February 2007 according to the High Judiciary Council. However, according to Amnesty International web site, there were 34 executions in the year 2008. UNAMI/HRO was unable to attend CCCI proceedings during the reporting period due to the new security measures introduced which restricted access to the Court.

### **Amnesty law**

74. On 27 February 2008, the General Amnesty Law came into force in Iraq. The law covers those Iraqi and non-Iraqi nationals who have been convicted of offences under the Iraqi Criminal Code. The General Amnesty Law does not provide amnesty for all offences and it has various exceptions. For example, persons sentenced for crimes resulting in death or permanent disability, premeditated murder, manslaughter, abduction, aggravated theft, rape, incest, forgery of Iraqi or foreign currency and official documents, drug offences, and the smuggling of antiquities are not eligible for consideration for amnesty. Those eligible for consideration include persons who have not been sentenced but who have been held in detention for more than six months

<sup>21</sup> At the time of writing, UNAMI was unable to obtain information pertaining to the number of detainees in Asayish facilities.

without referral to an investigative judge or more than one year without referral to a competent court.

75. To implement the General Amnesty Law, a committee has been established in each jurisdiction to review cases. Detainees or prisoners eligible for amnesty, or their relatives, can submit an application to have their cases reviewed and have the right of appeal to a competent court. The High Judiciary Council reports that, as of 31 December 2008, there were 127,431 cases, representing persons currently detained or at large, eligible for consideration under the law and 30,879 cases, representing persons ineligible due to the nature of their crimes.

76. UNAMI remains concerned over several omissions in the General Amnesty Law. The General Amnesty Law does not explicitly exclude from amnesty persons who may have committed crimes of universal jurisdiction such as crimes against humanity, genocide, war crimes or gross violations of international human rights. The latter are generally understood to include extra-judicial, summary or arbitrary executions, torture and enforced disappearances. In that respect, the General Amnesty Law could be inconsistent with Iraq's obligations under international law to investigate human rights violations and bring perpetrators to justice.

77. UNAMI is also concerned with the silence of the General Amnesty Law with respect to the right of victims to seek civil remedies and on the right of detainees or prisoners to seek compensation if it is proven that they were wrongfully detained. The General Amnesty Law should be explicit as to the rights of victims, both to assure those who may be unaware of these rights and to avoid ambiguity in the interpretation or applicability of civil laws in respect of remedies and reparations.

78. To date, while there are large numbers of detainees and prisoners eligible for amnesty, the actual application of the General Amnesty Law in practice remains limited. Since coming into force in February 2008, the number of eligible persons released under the law remains extremely small. Despite 127,431 cases of persons being eligible, according to some estimates received by UNAMI as of October 2008 only 2,000 detainees and convicted prisoners have been released since the law came into force.<sup>22</sup>

### **Lack of progress in the pursuit of torture cases**

79. UNAMI is concerned about the lack of progress in the prosecution of the suspect perpetrators of the torture and murder of detainees. The case of Adnan Awad Mohammed Thaib al-Jumaili is an illustrating example. He was arrested on 17 May 2007, in the Abu Ghraib area by the Iraqi Army and subsequently died in detention on 30 May 2007. An autopsy conducted by Iraqi doctors stated that Mr. Awad died from internal haemorrhaging in the brain and chest caused by blunt force trauma.

80. Following an investigation, an arrest warrant was issued on 2 October 2007 against Iraqi intelligence officer Lieutenant X for the charge of murder. The Officer was already suspected of numerous other systematic acts of torture but before he could be

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<sup>22</sup> In its 2008 Human Rights Report on Iraq, the United States Department of State mentions that "At the end of the year [2008], there were approximately 7,500 releases" in application of the General Amnesty Law quoting data from the Iraqi Ministry of Human Rights. See 2008 Country Reports on Human Rights Practices, 2008 Human Right report: Iraq at <http://www.state.gov/g/drl/rls/hrrpt2008/nea/119116.htm>

arrested he went into hiding. Warrants were then issued for the arrest of the commander and deputy commander of the Brigade concerned for allowing the Officer to escape. However, the two high-ranking officers were not arrested and subsequently were granted amnesty under the new Iraqi amnesty law. The Officer was on the run for eight months until his arrest on 10 June 2008 in al-Hillah. After spending approximately ten weeks in custody, the judge in charge of the investigation issued a decision to release the suspect. The release order stated:

*“Due to the progress of the investigation to advanced levels and legal permissibility I have decided to release the defendants [ X ] (...) on guaranteed bail set at ten million dinars for each defendant”.*

81. While it is the judge’s discretion to release a defendant on bail pending the conclusion of an investigation, the fact that the defendant had been at large for 8 months before his arrest and thus was a flight risk, could be considered to be a compelling ground to keep him in pre-trial detention. At the writing of the report, there was no progress in the investigation.

82. This case illustrates the fact that the use of torture as an interrogation method and the ill-treatment of detainees remains a serious challenge to Iraq’s criminal justice system. The lack of accountability of the perpetrators of such human rights abuses reinforces the culture of impunity. UNAMI notes that there are no documented cases to this day where an official of the Minister of Defence has been held accountable for human rights abuses. This laxity in the prosecution is contrary to the international obligations undertaken by Iraq and to the provisions of the Convention against Torture, whose ratification should be forthcoming.

### **Detention under the Authority of the Government of Iraq**

83. The number of detainees in Iraqi Government custody increased during the reporting period and there was little improvement on the ability of the Government of Iraq to effectively address the many issues surrounding detention, including a lack of capacity and resources.

84. The Charts below show a breakdown of the numbers of detainees in Iraqi detention facilities per Ministry concerned.

<b>Iraq Government Detainees from July to Dec. 2008 per Ministry concerned</b>					
<b>Month</b>	<b>MoJ</b>	<b>MoD</b>	<b>MoLSA</b>	<b>Mol</b>	<b>Total</b>
<b>July</b>	16788	1060	648	5720	<b>24216</b>
<b>Aug.</b>	17177	1525	670	6538	<b>25910</b>
<b>Sep.</b>	17070	1618	657	6473	<b>25818</b>
<b>Oct.</b>	16916	1844	614	6573	<b>25947</b>
<b>Nov.</b>	16661	1639	694	6616	<b>25610</b>
<b>Dec.</b>	16675	1995	623	6956	<b>26249</b>

85. The Charts below show a breakdown of the number of detainees in Iraqi detention facilities by gender and age groups.

<b>Iraq Government Detainees Figure from July to Dec. 2008</b>					
<b>Month</b>	<b>Men</b>	<b>Women</b>	<b>Juvenile female</b>	<b>Juvenile male</b>	<b>Total</b>
<b>July</b>	22923	338	21	934	<b>24216</b>
<b>Aug.</b>	24531	349	22	1008	<b>25910</b>
<b>Sep.</b>	24403	368	27	1020	<b>25818</b>
<b>Oct.</b>	24463	396	21	1067	<b>25947</b>
<b>Nov.</b>	24057	378	23	1152	<b>25610</b>
<b>Dec.</b>	24836	396	19	998	<b>26249</b>

86. UNAMI remains particularly concerned that during the reporting period it continued to receive reports of prolonged periods of detention without charge or access to legal counsel and the use of torture or physical abuse against detainees to extract confessions. During interviews conducted by UNAMI/HRO in a number of Iraqi run detention facilities, many detainees have complained of being physically abused by the police.

87. During the reporting period, UNAMI conducted visits to the al-Harithiya prison in Baghdad, to the al-Jazeera police station in Ramadi and the detention facility at the Central police station in Fallujah. The number of detainees in the al-Jazeera police station is estimated at 45<sup>23</sup> spread out in two large cells. According to one police officer interviewed by UNAMI, “the detainee number is unknown because it changes all the time”. All the detainees are pre-trial detainees; some of whom have been in detention for up to one year. There are no children or women. The biggest worries of these detainees are the delays of the trials. Five detainees had been released by MNF-I, then re-arrested by the Iraqi police at the time of the visit. The cells looked new, were cleaned and equipped with functioning air conditioning. Of particular concern to UNAMI is a comment by a senior police officer in Ramadi who complained that the ratification of the Convention against Torture would not be helpful, stating:

*“How are we going to get confessions? We have to force the criminals to confess and how are we going to do that now?”*

88. The detention facility in Fallujah is seriously overcrowded. At the time of the visit by UNAMI/HRO, 402 inmates, all in pre-trial detention, were held in five complexes of cells, each one subdivided into three to six rooms. UNAMI counted 123 detainees in less than 100 square meters in Room 1. Detainees hung their belongings to the wall to save

<sup>23</sup> There were 400 detainees in police custody in all of Ramadi as of mid-September 2008

room and had to sleep in shifts. All of the rooms in the facility were as cramped as Room 1. One separate cell contained 29 juveniles. Seven to ten inmates were previous MNF-I detainees at Camp Bucca and had been rearrested by Iraqi police. The building is old, the cells are too small and the generator does not provide sufficient power. Detainees also complained to UNAMI about the fact that investigative judges work too slowly. There were only two investigative judges in Fallujah at the time of the visit.

### **Detention under the Authority of the Multinational Force**

89. During the reporting period, there was a substantial decrease in the number of detainees held in MNF-I custody. From a peak of 23,229 in July, by the end of December, the number had fallen to 15,058. However, detainees have remained in custody for prolonged periods without judicial review of their cases. In August, UNAMI accepted an invitation to visit Camp Bucca near Basra where the vast majority of detainees under MNF-I custody are held.

90. Following the security agreement signed by the Iraqi and US governments on 17 November 2008<sup>24</sup>, MNF-I will no longer be authorized to detain suspects in Iraq after 1 January 2009, unless specifically requested by an Iraqi decision issued in accordance with Iraqi law. The plan envisages the release or transfer of all detainees, except for some 5,000 detainees, to Iraqi custody by mid-summer 2009. The MNF-I announced providing the Government of Iraq with 1,500 files of detainees on the first day of each month. The Government of Iraq would then have thirty days to respond after which the detainees would be either released or transferred to Iraqi custody at the request of the Iraqi authorities. Each individual file prepared by the MNF-I is to contain a case summary of each detainee, describing the reasons for arrest by the MNF-I. It will be in English and in Arabic and will be a court document. However, there will be no evidence attached to the file. MNF-I Task Force 134 announced recruiting more than 50 lawyers to prepare these files. This operation is to be repeated every month until August 2009. Throughout this process, the US army will free, or hand over to the Iraqis, 1,500 detainees a month at a rate of about 50 a day. By August 2009, the US army expects to retain not to more than 5,600 detainees, who will be transferred to a new detention facility, Camp Taji, located in the northern vicinity of Baghdad. Camp Taji is expected to be turned over to the Government of Iraq in December 2009. UNAMI/HRO will monitor the process throughout the year.

### **Detention under the Authority of Kurdistan Regional Government**

91. The KRG 2006 Anti-Terrorism Law, which forms the legal basis for many arrests, has been extended into mid-2010. Meanwhile, claims by detainees of insufficient legal assistance and of inordinate delays in investigations and trial proceedings were frequent. Of particular concern to UNAMI is the practice of keeping some persons in *de facto* unlimited administrative detention. UNAMI/HRO has come across persons detained for five years or more. Many stated to have lost hope of ever being released and the authorities make little effort to justify, explain or even mask this grave violation of human rights.

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<sup>24</sup> Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq, signed in Baghdad on 17 November 2008.

See: [http://www.mnf-iraq.com/images/CGs\\_Messages/security\\_agreement.pdf](http://www.mnf-iraq.com/images/CGs_Messages/security_agreement.pdf)

92. UNAMI/HRO continues to document serious violations of the rights of suspects and those deprived of their liberties by the KRG authorities. These include claims of beatings during interrogation, torture by electric shocks, forced confessions, secret detention facilities<sup>25</sup>, and a lack of medical attention. Abuse is often committed by masked men or while detainees are blindfolded. In general, detainees fear the interrogators and investigative personnel more than prison guards. UNAMI hopes that human rights compliance by guards in Asayish facilities will be supported by a newly-introduced system whereby detainees can file complaints with a monitor.<sup>26</sup> The KRG Ministry of Human Rights, which issues quarterly reports on prisons, claimed that those responsible for torture were being punished<sup>27</sup> but UNAMI finds that many of the sanctions imposed (salary reductions, transfer and dismissal) are not serious enough given the severity of abuse of human rights. While some detainees were reluctant to disclose information for fear of retaliation,<sup>28</sup> others complained freely about overcrowding, lack of hygiene, poor access to medical services, bad food, lack of recreational activities, insufficient family visits or other deficiencies.

93. In more positive developments, UNAMI noticed that several detention facilities were being renovated. For example, when UNAMI/HRO returned to Shaqlawa (which had been previously visited on 12 August 2007 and 14 February 2008) it was noted that renovation work had considerably improved the state of the cells, central courtyard and sanitation facilities. The numbers of inmates had also dropped from over 60 in February to 21 in October. UNAMI also notes that all mid- and high-level Government officials addressed expressed a general commitment to human rights without acknowledging the existence of human rights violations in the KRG. UNAMI also notes with appreciation that a committee on detention conditions headed by the KRG Prime Minister lobbies for greater respect for human rights.<sup>29</sup>

## **VI PROMOTION ACTIVITIES OF UNAMI**

94. In line with its mandate, UNAMI/HRO continued its efforts in supporting the Iraqi government and civil society organizations through capacity building activities on human rights related issues. These activities were aimed at helping the development of an Iraqi owned and lead human rights protection system, prioritizing respect for the Rule of Law, the protection of women, reporting obligations and reconciliation and transitional justice.

### **Support to the Rule of Law Sector**

95. In July, UNAMI/HRO together with the Governance, Justice and Integrity Group and Terrorism Prevention Branch of the United Nations Office on Drugs and Crime's (UNODC) and the United Nations Office for Project Services (UNOPS) organized a workshop for the KRG judiciary and prosecutors entitled "*The Role of Judiciary in Protection of Human Rights in Criminal Justice including Counter-Terrorism.*" The workshop, attended by 45 judges and prosecutors from the Kurdistan Region, emphasized the importance of an independent and impartial judiciary and the principle of

<sup>25</sup> KRG authorities consistently deny that secret detention facilities exist in Kurdistan.

<sup>26</sup> Meeting with Ismaet Argushi, Director-General of *Asayish Gishtî* Erbil, 12 August 2008.

<sup>27</sup> Meeting with the Minister of Human Rights, Shwan Mohammed Aziz, 3 July 2008.

<sup>28</sup> Names withheld by UNAMI for legal and security reasons.

<sup>29</sup> Information received during talks with Dindar Zebari, OCUNA, 23 October 2008.

separation of powers in order to ensure the rule of law and effective protection of fundamental rights and freedoms in Iraq. Participants were trained on existing international and regional legal rules and principles and jurisprudence governing the effective functioning of the judiciary. Discussions also tackled trial and review proceedings, civil rights and liberties. There was also a specific session on judges' role in monitoring and investigating violations of rights of suspects and victims and another session on human rights issues in counter-terrorism judicial proceedings.

96. In September, UNAMI/HRO together with the International Centre for Transitional Justice (ICTJ) and UNOPS, organized a training workshop in Amman on transitional justice issues with a focus on reparations for Iraqi government officials from the Institution of the Martyrs, the Institution of Political Prisoners and the Property Disputes Commission. Experts and trainers presented comparative experiences from Morocco, South Africa and Germany. Extensive discussions and mapping of needs for the three organisations were also conducted.

97. Also in September, UNAMI/HRO with ICTJ and UNOPS organized a workshop in Erbil on *"Implementing Reparation Mechanisms in Support of Transitional Justice."* This was the ninth seminar on transitional justice topics organized by HRO in the past two years. The objective of the workshop was to refresh and deepen the knowledge of those who had attended previous events as well as to expose a small number of new participants to transitional justice issues and concerns. Participants discussed reparations as a tool of transitional justice and criminal justice. They were also familiarized with truth-seeking mechanisms, institutional reforms and a number of transitional justice case studies from other countries. Participants included 40 parliamentarians, university professors, senior judges, NGO activists and government officials from the Ministry of Human Rights and the Ministry of Labour and Social Affairs from all three governorates of the Kurdistan Region.

98. In December, the first training of Ministry of Defence officials took place in Erbil. The workshop, which targeted 17 officials, was part of the UNAMI/HRO and the United Nations Development Programme project entitled *"Supporting MoI and MoD in Mainstreaming Human Rights into their Work and Structure"*. The training addressed various human rights dimensions which are closely connected to the work of the Ministry officials in order to enable the participants to acquire relevant skills of investigation and inspection from a human rights perspective. The training included sessions on International Human Rights Law, International Humanitarian Law and Iraqi Law.

### **Support to the Governmental Sector**

99. During the reporting period UNAMI/HRO received several requests from the Iraqi Government to support its human rights initiatives. The Ministry of Human Rights requested support for the preparations of its report to the United Nations Human Rights Council through the Universal Periodic Review. The Review is due in February 2010 and the reports are required to be submitted during the second half the year 2009.

100. UNAMI/HRO also received a request to support the efforts of the Ministry of Human Rights on the exhumation of missing Kuwaiti prisoners of war from the 1990-1991 conflict. The newly acquired expertise will be used in the future in researching the former regime's mass graves.

101. The Council of Representatives also requested UNAMI's support in the selection of members of the recently created Independent Human Rights Commission in order to ensure that the selection of the commissioners is done in a transparent, competitive and de-politicised manner. UNAMI/HRO has developed proposals to address the Government's request and has requested necessary funding from the Iraqi Trust Fund.

102. UNAMI/HRO together with UNIFEM, UNFPA and UNHCR has been working on the finalization of a project proposal to address violence against women in Iraq. The project aims at setting monitoring and documentation mechanisms to track incidents of violence against women, and provides capacity building to the Ministry of Women's Affairs and other related government institutions to enable them to address violence against women. A component dealing with trainings and capacity building for Iraqi non-governmental organisations working in this field is also included.

### **Support to the non-governmental sector**

103. In August, UNAMI/HRO invited 22 human rights activists representing civil society organisations and non-governmental organisations active in the field of women's rights, journalists and government officials working in protection and promotion of women's rights to a conference called "Protection of Women in Honour Crimes-Perspectives and Solutions" in Erbil. The objective of the meeting was to consult the local community, debate and discuss the most feasible measures to eliminate "honour-related" crimes in the Kurdistan region. Participants offered suggestions and solutions in the area of prevention and protection including legislative measures and awareness campaigns. The recommendations will be reflected in the upcoming report on violence against women by ASUDA, an NGO based in the Region of Kurdistan and dedicated to the promotion of women rights.

### **Other activities**

104. UNAMI organized a series of activities to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights (UDHR). These included the production of materials such as posters in Arabic and Kurdish and a calendar containing the 30 articles of UDHR which will be distributed to government ministries and institutions and to Iraqi non-governmental organisations and public institutions as part of the efforts to increase people's awareness of the basic principles and standards of human rights. In December, UNAMI organized in Baghdad an event to commemorate the Human Rights Day attended by Iraqi students, the Minister of Human Rights and members of the diplomatic community. The event included a painting competition.

105. UNAMI/HRO together with ESCWA as the lead United Nations agency, UNESCO, UNICEF and UNIFEM finalized the conceptualization and writing of a project entitled: "*Supporting Peaceful Co-Existence in Iraq through Adolescent Informal Education and Communal Awareness Raising Activities*". The Project aims to enhance inter-communal trust and cooperation in Iraq as well as reduce ethno-sectarian tensions through informal educational and communal awareness raising activities targeting Iraqi young people aged 12-15 and 15-18. The project was approved through the relevant Iraqi Trust Fund (ITF) mechanisms and will be implemented once the funds are made available to the participating agencies.

106. The project *“Enhancing the Learning Environment in Vulnerable Areas in Iraq for Meeting Education for All (EFA) Goals”* by six United Nations agencies including UN-Habitat, UNICEF, UNESCO, WHO, UNIFEM and UNAMI/HRO was finalized during the reporting period. The development goal of the joint program is to enhance access to and quality of basic education (primary and intermediate levels) by improving the learning and teaching environment in the most vulnerable areas of Iraq and strengthen the educational planning, management and support systems, ensuring quality basic education (formal & non-formal) in three governorates.

**---END of REPORT---**