

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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World Report 2009 Introduction By Kenneth Roth

Human rights conditions in Iraq remain extremely poor. Security gains in 2008 did little to ease Iraq's crisis of displacement, with about 2.8 million Iraqis displaced within the country and another 2 million abroad, mainly in Syria and Jordan.

The government continues to rest on a narrow political and ethnic/sectarian base, though Tawafuq, a Sunni bloc, returned to its ranks in July after a year-long boycott. The government was to incorporate into state forces up to 100,000 mainly Sunni paramilitaries paid by US forces to provide local security, but government officials disputed their numbers and threatened to arrest some leaders, casting doubt over the plans.

Government-run detention facilities struggled to accommodate over 24,000 detainees, and tardy judicial review of cases exacerbated overcrowding. The US military said in October its detainee population had fallen to about 17,000 from a peak of approximately 26,000 in late 2007. Some detainees have spent years in custody without charge or trial.

As of mid-November 2008, Iraq's parliament was preparing to vote on a security agreement with the US to govern the presence of foreign troops when the UN Security Council mandate for the Multi-National Force-Iraq (MNF) expired at the end of 2008.

Iraq's parliament passed legislation in February intended to refine procedures for vetting former Baath Party members; the new law continues to focus on group affiliation rather than individual responsibility for past abuses. An amnesty law was passed at the same time aimed in part at easing overcrowding in the detention system, but had limited impact on the detainee population. In September parliament passed legislation needed to hold provincial elections, seen as crucial to redressing a 2005 polls boycott by Sunnis and loyalists of Shia cleric Muqtada al-Sadr; however, it deferred a decision on elections in ethnically divided Kirkuk.

Military operations by the MNF continued against insurgents throughout the country, and continued also to cause civilian casualties. For example, on September 19, US troops backed by airstrikes killed seven Iraqis north of Baghdad; the MNF said it had targeted an al Qaeda bomb maker, but local officials said those killed were members of a displaced Baghdad family.

Iraq's military launched offensives against insurgent and militia forces in various parts of the country. The government launched military operations with US military backing against loyalists of Muqtada al-Sadr in Basra and Baghdad in April and May. April operations centered in Baghdad's Sadr City killed at least 595 people, nearly half of them civilians, according to UN figures.

Civilians remained the targets of attacks by Sunni and Shia armed groups across the country, though the number of such attacks fell after the US and Iraqi security offensive ("surge") in 2007. In February 2008 Muqtada al-Sadr extended a freeze on the activities of his Jaysh al-Mahdi (Mahdi Army) militia; many Iraqis attributed the reduced level of violence in Iraq to the halt in the militia's armed activities in 2007 following bloody clashes with rival Shiite forces.

In Baghdad, twin bombings in a crowded commercial district on March 7, 2008, killed as many as 71 people, a June 18 truck bomb in a neighborhood where Sunnis have been displaced by Shiite militias killed as many as 63 people, a female suicide bomber targeting Shia pilgrims killed at least 32 people on July 28, and two separate waves of attacks before and during the Eid al-Fitr holiday in early October

killed at least 48 people. A car bomb in Dujail, north of Baghdad, killed as many as 32 people on September 12. A second female suicide bomber on July 28 in Kirkuk killed about 25 people during a Kurdish protest over the provincial elections law.

Displacement born of sectarian violence continued, but economic pressures and difficulties maintaining legal status in Syria, Jordan, and Egypt induced some refugees to return, and Iraq's government periodically announced financial incentives for returnees. (For the situation of the largest Iraqi refugee population, and of Palestinians fleeing Iraq and stuck at the Syrian border, see Syria chapter.) In Baghdad, returnees were seldom able to reclaim their former homes, though a campaign launched by security forces to evict squatters from homes they occupy was aimed at paving the way for returns. In Baghdad and elsewhere, orders for squatters to vacate public properties threatened to compound displacement.

In August the office of the United Nations High Commissioner for Refugees (UNHCR) reported that only 10,000 of the 30,000 Iraqis it had referred for settlement in the US since early 2007 had departed, though the pace accelerated in mid-2008. In September the US State Department said it had reached its goal of admitting 12,000 refugees in fiscal year 2008 (up from 1,600 in 2007), and had a target of 17,000 admissions in fiscal year 2009. The European Union for the first time also promised to take more Iraqi refugees.

Reports of widespread torture and other abuse of detainees in detention facilities run by Iraq's defense and interior ministries and police continue to emerge. Detainees interviewed by Human Rights Watch at Iraq's Central Criminal Court in May recounted abuse by police and military personnel in initial detention; the United Nations Assistance Mission for Iraq (UNAMI) previously reported widespread allegations of abuse in pretrial detention. Iraq's presidency council in August ratified parliament's approval for Iraq to become a party to the UN Convention against Torture.

The number of detainees in Iraqi government custody (excluding the northern Kurdish region) stood at approximately 24,000 in August, according to a Human Rights Ministry official. Judicial authorities reported in August over 100,000 approved amnesty applications but as of September diplomats tracking amnesty implementation estimated releases stood at only 5,000-8,000; estimates from Iraqi officials in October suggested a lower figure. The United Nations Children's Fund (UNICEF) in August reported some easing of overcrowding at al-Tobchi juvenile detention facility-where detainees had told UNAMI of sexual abuse in custody in 2007-following the release of hundreds of detainees under the amnesty.

As of early October 2008 the US military said it was holding about 17,000 detainees in Iraq; the previous month it said it had released approximately 13,000 since the beginning of 2008. Reviews of cases were limited to administrative hearings that fall short of internationally recognized due process norms. MNF officials estimated in May that no more than a tenth of detainees would be referred for criminal proceedings in Iraqi courts. In June the US Supreme Court issued a disappointing decision regarding two US citizens, Shawqi Omar and Mohammad Munaf, detained by the US in Iraq. While the Court upheld federal court jurisdiction over the men's cases, it paid little heed to the men's substantive claims that they would be tortured if turned over to Iraqi custody, stating that such assessments were for the political branches of government to make.

The number of children in MNF custody dropped during 2008 from a high of nearly 900 in December 2007 to approximately 170 as of mid-September 2008. The sharp decrease appears to reflect faster MNF processing of children's cases, transfers to Iraqi custody for trial, and a shift from arrests by the MNF to arrests by Iraqi forces. Juvenile detainees in MNF custody continue to lack access to independent legal counsel to challenge detention.

In May the Iraqi High Tribunal (IHT) began trying former foreign minister and deputy prime minister Tariq Aziz, along with seven other defendants, for the former government's execution of merchants accused of profiteering while Iraq was under sanctions in 1992. Previous trials in the IHT, including that of former president Saddam Hussein for crimes against humanity, were marred by failure to disclose key evidence, government conduct undermining the independence and impartiality of the court, and violations of defendants' right to confront witnesses.

Violence against women and girls in Iraq continues to be a serious problem, with members of insurgent groups and militias, soldiers, and police among the perpetrators. Even in high-profile cases involving police or security forces, prosecutions are rare. Insurgent groups operating in Basra and Baghdad have specifically targeted women who are politicians, civil servants, journalists, and women's rights activists. They have also attacked women on the street for what they consider "immoral" or "un-Islamic" behavior including not wearing a headscarf. The threat of these attacks keeps many Iraqi women at home. "Honor" killing by family members also remains a prevalent physical threat to Iraqi women and girls. While dozens of cases were reported in 2008, few resulted in convictions.

Lesbian, gay, bisexual, and transgender people are also vulnerable to attacks from state and non-state actors.

As of September 2008, the United States had approximately 146,000 troops in Iraq (down from 160,000-170,000 at the height of the 2007 "surge"). The United Kingdom, the only other country with a significant number of personnel in Iraq, had approximately 4,000. Most other countries with forces in Iraq were expected to withdraw them ahead of the lapse of the MNF's mandate in December 2008.

Prime Minister Nouri al-Maliki's government in November approved a security agreement with the US that would entail the withdrawal of all US forces by the beginning of 2012. Drafts of the agreement indicated that Iraqi-US committees would determine whether Iraqi legal jurisdiction could apply in instances where US troops were accused of committing crimes while outside specified military installations.

In August the UN Security Council voted to extend the mission of UNAMI for one year. The UNAMI Human Rights Office monitors, reports, and follows up on human rights violations as part of a plan aimed at developing Iraqi mechanisms for addressing past and current abuses.

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