

# Human Rights Watch

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

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Events of 2009

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Human rights conditions in Iraq remain extremely poor, especially for displaced persons, religious and ethnic minorities, and vulnerable groups such as women and girls, and men suspected of homosexual conduct. Iraq marked the June 30, 2009 withdrawal of United States combat forces from its towns and cities with parades and a national holiday. In the subsequent weeks, violence shook the country as extremists launched multiple attacks in several locations.

Serious tensions between the Kurdistan Regional Government (KRG) and the Iraqi central and provincial governments continued over control of territories lying between the mainly Kurdish- and Arab-inhabited areas in northern Iraq. Escalating conflict there worsened the human rights situation of non-Kurdish and non-Arab minority groups living in these contested areas.

In January 2009, 14 of Iraq's 18 governorates held provincial elections (the three governorates comprising the Kurdistan region had their elections in July; no elections were held in the disputed Kirkuk governorate). The participation of more political parties, in particular Sunni Arab parties, resulted in a dramatic change of power in areas where Sunni Arabs had boycotted the 2005 elections, notably in Nineveh governorate. Overall, the election results reflected sectarian divisions.

On June 24, 2009, the Kurdistan National Assembly (the regional parliament) passed a draft regional constitution that laid claim to disputed areas, provoking outrage from central government leaders. The KRG insists, in the face of central and provincial government recalcitrance, that the referendum mandated by article 140 of Iraq's 2005 constitution finally be held (the constitutional deadline was December 31, 2007), confident that the referendum would endorse the incorporation of the disputed areas into the semi-autonomous Kurdish region.

Iraqi security forces in July 2009 raided Camp Ashraf, an area controlled for over two decades by several thousand members of an Iranian opposition group, the Mojahedin-e Khalq Organization. The raid, in which the government tried to assert its authority by establishing a police station inside the camp, resulted in the deaths of 11 Camp Ashraf residents, some by gunfire, and dozens injured. The government said it would conduct an investigation into the incident, but as of mid-November it had provided no information about the progress of any investigation or its results.

In November Iraq signed the Convention on Cluster Munitions, an international treaty that prohibits the use, production, and transfer of cluster bombs.

Civilians remained the targets of attacks across the country. In the first six weeks following the June 30 withdrawal of US forces from cities to their bases, coordinated bombings and other violence killed more than 700 Iraqis, mainly Shia. On August 19, coordinated truck bombs outside the foreign and finance ministries in Baghdad killed nearly 100 people and wounded more than 600. On October 25, two vehicle bombs, driven by suicide bombers, destroyed three major government buildings, including the Ministry of Justice. That attack,

the country's deadliest in more than two years, killed more than 155 people and wounded over 500.

Sunni Arab insurgents appeared to have been responsible for these and other attacks, such as the January and April 2009 bombings of Baghdad's Kadhimiyya mosque, a major Shia place of worship, killing more than 100 people. The perpetrators also targeted groups of Shia refugees waiting for food rations, children gathering for handouts of candy, religious pilgrimages, weddings, funerals, mosques, and hospitals in Shia areas. Sunni leaders forcefully condemned such attacks, and Shia militias refrained from engaging in widespread reprisal attacks.

Displacement caused by sectarian violence continued, but economic pressures and difficulties maintaining legal status in Syria, Jordan, and Egypt induced some refugees to return. The government remained without a workable plan for the return of Iraqis displaced internally or who had fled to neighboring countries, according to the office of the United Nations High Commissioner for Refugees. In Baghdad returnees were seldom able to reclaim their former homes. In rural communities many returnees found their houses destroyed or in complete disrepair, and they lacked access to income and basic services including, water, electricity, and healthcare. With the resurgence of attacks in the latter half of 2009, some returnees reportedly found themselves forcibly displaced again. People mostly returned to neighborhoods or districts under the control of members of their sect; very few families returned to former home areas where they would be in a minority.

Reports continued of widespread torture and other abuse of detainees in detention facilities run by Iraq's defense and interior ministries and police. Government-run detention facilities struggled to accommodate almost 30,000 detainees, and serious delays in the judicial review of detention exacerbated overcrowding: Some detainees have spent years in custody without charge or trial. The situation worsened in 2009 as the US military transferred detainees to Iraqi custody (more than 1,200 in the first nine months) under the 2008 US-Iraqi security agreement. The US military's remaining detainee population stood at under 9,000 as of September 2009, from a peak of approximately 26,000 in late 2007.

In June 2009 Prime Minister Nuri al-Maliki set up an eight-member special committee, composed of representatives from the government's security ministries as well as human rights and judicial agencies, to investigate allegations of widespread abuse and torture in Iraq's prisons. As of mid-November the government had provided no information about the progress of any investigation or its results.

In August the Iraqi High Tribunal (IHT) sentenced former deputy prime minister Tariq Aziz and Ali Hassan al-Majid (known as "Chemical Ali") each to seven years in jail for their roles in planning the forced displacement of Kurds from northern Iraq in the late 1980s. The conviction followed a separate 15-year jail sentence that both received in March for the former government's execution of merchants accused of profiteering under sanctions in 1992. Also in March 2009 the IHT sentenced al-Majid to death for the murder of Shia Muslims in 1999 (he was previously sentenced to death for his role in the 1988 Anfal campaign against the Kurds, and suppression of a Shia uprising after the 1991 Gulf War).

In July 2009 a public inquiry was launched in the United Kingdom into the death of Iraqi civilian Baha Mousa while in British custody in Basra in 2003. A post-mortem examination showed that Mousa had at least 93 injuries to his body, including a broken nose and fractured ribs. The inquiry is examining the British military's treatment of Iraqi detainees, including interrogation techniques.

Violence against women and girls 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 have 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 or dress. "Honor" killings by family members remain a threat to women and girls in Kurdish areas, as well as elsewhere in Iraq.

Female genital mutilation is practiced mainly in Kurdish areas of Iraq; reportedly 60 percent of Kurdish women have undergone this procedure, although the KRG claimed that the figures are exaggerated. Girls and women receive conflicting and inaccurate messages from public officials on its consequences. The Kurdistan parliament in 2008 passed a draft law outlawing FGM, but the ministerial decree necessary to implement it, expected in February 2009, was inexplicably cancelled.

In early 2009 a killing campaign against men suspected of being gay, or of not being sufficiently "masculine," erupted. Armed gangs kidnapped men and dumped their mutilated bodies in the garbage or in front of morgues. Men interviewed by Human Rights Watch in April recounted death threats, blackmail, midnight raids by masked men on private homes, and abductions from the streets. The campaign was most intense in Baghdad, but extended to other cities including Kirkuk, Najaf, and Basra.

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

Armed groups continued to persecute ethnic and religious minorities with impunity. After US forces withdrew from Iraqi cities, assailants launched horrific attacks against minority groups: in Nineveh province alone, bombings in four towns and cities killed more than 137 and injured almost 500 from the Yazidi, Shabak, and Turkmen communities.

As the conflict intensified between the Arab-dominated central government and the KRG over control of the disputed territories running across northern Iraq from the Iranian to the Syrian borders, minorities found themselves in an increasingly precarious position. Leaders of minority communities complained that Kurdish security forces engaged in arbitrary arrests and detentions, intimidation, and in some cases low-level violence, against minorities who challenged Kurdish control of the disputed territories.

An agreement signed between the United States and Iraq in 2008 requires a complete US withdrawal-including of non-combat military forces-from Iraq by the end of 2011. Having withdrawn to bases since the end of June 2009, US forces must now seek Iraqi permission to launch operations in the cities. As of October the United States had approximately 120,000 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 military personnel in Iraq,

held a ceremony in April in the city of Basra to mark the official end of the six-year British military mission in Iraq.

In August the United Nations Security Council voted to extend the mandate of the UN Assistance Mission for Iraq (UNAMI) for one year. The UNAMI Human Rights Office monitors human rights violations as part of a plan aimed at developing Iraqi mechanisms for addressing past and current abuses.

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