

IRAQ

REPUBLIC OF IRAQ

Head of state and government: Saddam Hussain

Capital: Baghdad

Population: 23.6 million

Official language: Arabic

Death penalty: retentionist

Scores of people, including possible prisoners of conscience and armed forces officers suspected of planning to overthrow the government, were executed. Scores of suspected anti-government opponents, including people suspected of having contacts with opposition groups in exile, were arrested. The fate and whereabouts of most of those arrested, including those detained in previous years, remained unknown. Several people were given lengthy prison terms after grossly unfair trials before special courts. Torture and ill-treatment of political prisoners and detainees were systematic. The two Kurdish political parties controlling Iraqi Kurdistan detained prisoners of conscience, and armed political groups were reportedly responsible for abductions and killings.

Background

Iraq remained under stringent economic sanctions imposed by UN Security Council resolutions since 1990 which reportedly resulted in severe hardship for the civilian population and a humanitarian crisis. In May the US government submitted a British-drafted resolution for a new sanctions regime, "smart sanctions", to the other permanent members of the UN Security Council. The proposal included lifting restrictions on imports of civilian goods while keeping in place controls on military imports and Iraqi oil revenues. The USA and United Kingdom (UK) wanted the resolution to be adopted by the Security Council before June, when the six-month phase of the "oil-for-food" program ended. However, the Russian Federation opposed the proposal and asked for more time to study the details. The vote was postponed indefinitely and the "oil-for-food" program was extended twice, in July and November.

In April the UN Commission on Human Rights adopted a resolution strongly condemning "the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror." The Commission extended for a further year the mandate of the UN Special Rapporteur on Iraq.

Civilian deaths resulting from air strikes by US and UK forces against Iraqi targets inside the "air exclusion zones" were reported during the year. In February, for the first time in more than two years, US and UK forces bombed targets in

Baghdad, outside the air exclusion zones. According to the Iraqi government, a man and a woman died as a result of these attacks and more than 20 people were injured. US officials said that the attacks were in retaliation for increased Iraqi anti-aircraft activities in the air exclusion zones and that the targets included Iraqi radar and command posts. The Iraqi government said that, on 19 June, 23 people were killed and 11 wounded after US and UK warplanes attacked a football pitch in Tel Afr, west of Mosul in northern Iraq. US officials denied this claim and stated that no missiles were dropped by US and UK forces on that day in that area. In January AI requested a visit to Iraq to investigate reports of civilian killings following US and UK air strikes. In March the government turned down the request without giving any specific reason.

Death penalty

The death penalty continued to be applied extensively. In November the Revolutionary Command Council, the highest executive body in the country, issued a decree to provide the death penalty for the offences of prostitution, homosexuality, incest and rape. The decree also stated that those convicted of providing accommodation for the purposes of prostitution would be executed by the sword. Women and men were reportedly beheaded in the last two years for alleged prostitution and procuring prostitutes, usually without formal trial and sometimes for political reasons.

Scores of people, including possible prisoners of conscience, were executed. The victims included army officers suspected of plotting to overthrow the government or of having contacts with opposition groups abroad, and suspected political opponents, particularly Shi'a Muslims suspected of anti-government activities.

☞ In March, three air force officers, Sa'eed 'Abd al-Majid 'Abd al-Ilah, Fawzi Hamed al-'Ubaidi and Fares Ahmad al-'Alwan, were executed by firing squad.

☞ Also in March, army officer Major-General Tariq Sa'dun was executed, reportedly for criticizing the government.

☞ In May, two Muslim clerics, 'Abd al-Sattar 'Abd al-Ibrahim al-Musawi and Ahmad al-Hashemi, were executed in Baghdad, reportedly for publicly accusing the government of being behind the murder of Ayatollah Mohammad Sadeq al-Sadr in 1999. The two were said to have been arrested at the end of 2000.

☞ In July, two lawyers, Mohammad 'Abd al-Razzaq al-Hadithi and Karim al-Shammari, were reportedly sentenced to death by a special court for alleged anti-government activities. The two were among a group of lawyers interrogated in June about the distribution of leaflets critical of the lack of independence of the judiciary. It was not known whether the sentences were carried out.

☞ In October, 23 political prisoners, mainly Shi'a Muslims, were reportedly executed in Abu Ghraib prison. Three of them, 'Abd al-Hamid Naji Taleb, Riyadh Fathi Jassem and Fares Talal Hatem, were said to have been accused of murdering a security officer in Saddam City in Baghdad in June.

Arrests and incommunicado detention

During the year scores of people were arrested for their suspected anti-government activities or simply because of their family relationship to people sought by the authorities. Many were held in incommunicado detention without charge or trial.

☞ In March Hussam Mohammad Jawad, a 67-year-old retired medical doctor, and his brother-in-law Iyyad Shams al-Din, aged 63, were arrested by the authorities, reportedly to put pressure on Su'ad Shams al-Din, a medical doctor and the wife of Hussam Mohammad Jawad, to return to the country. Arrested in June 1999 and tortured, she had subsequently fled abroad. The two men were reportedly released in May.

☞ In August, 22 people were arrested in Ramadi and Kut, allegedly for suspected anti-government activities. At the end of the year their fate and whereabouts remained unknown.

Long prison sentences after unfair trials

Trials before special courts, always conducted *in camera*, continued to fall far short of internationally recognized standards for fair trial. Military officers or civil servants lacking adequate training and independence were the judges. Access to government-appointed lawyers remained severely restricted and occasionally confined to the day of the trial.

☞ In April, four people — 'Issam Mahmoud, a retired army officer, Basil Sa'di al-Hadithi, a university lecturer, Khairi Mohammad Hassan and 'Imad Mohammad Hassan — were sentenced to life imprisonment by a special court in Mosul, reportedly on charges of attempting to form a political grouping. No information was available regarding their place of imprisonment.

☞ Also in April an Iraqi nuclear scientist, Hussain Isma'il al-Bahadli, was sentenced to 31 years' imprisonment by a special court. The charges were not made public.

Torture and ill-treatment

Political prisoners and detainees were subjected to systematic torture. The bodies of many of those executed had evident signs of torture. Common methods of physical torture included electric shocks or cigarette burns to various parts of the body, pulling out of fingernails, rape, long periods of suspension by the limbs from either a rotating fan in the ceiling or from a horizontal pole, beating with cables, hosepipe or metal rods, and *falaqa* (beating on the soles of the feet). In addition, detainees were threatened with rape and subjected to mock execution. They were placed in cells where they could hear the screams of others being tortured and were deliberately deprived of sleep.

☞ In March 'Abd al-Wahad al-Rifa'i, a 58-year-old retired teacher, was executed by hanging after he had been held in prison without charge or trial for more than two years. He was suspected of having links with the opposition through his brother who lived abroad. His family in Baghdad collected his body from the Baghdad Security Headquarters. The body reportedly bore clear marks of torture, with the toenails pulled out and the right eye swollen.

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☞ In July, two men, Zاهر al-Zuhairi and Fares Kadhem 'Akla, reportedly had their tongues cut out for slandering the President, by members of *Feda'iyye Saddam*, a militia created in 1994 by 'Uday Saddam Hussein, the President's eldest son. The amputations took place in a public square in Diwaniya City, south of Baghdad.

Iraqi Kurdistan

In the two provinces in northern Iraq controlled by Kurdish political parties, a new government was formed in January in the area controlled by the Patriotic Union of Kurdistan (PUK). The former Prime Minister, Kosrat Rassul, resigned for health reasons and was replaced by Barham Ahmad Salih. Local council elections were held in May in the area controlled by the Kurdistan Democratic Party (KDP). The KDP reportedly won all seats.

A number of bombs exploded at offices of the UN and international non-governmental organizations in Kurdistan, resulting in considerable material damage. Kurdish officials blamed the Iraqi security services for these bomb attacks.

In September many members of the Islamic Unity Movement in Kurdistan, whose stronghold is the Halabja area, broke away to set up a new Islamist group called *Jund al-Islam* (Soldiers of Islam). The new group immediately declared a "holy war" against non-Islamist parties and heavy fighting broke out between its members and PUK forces sent to the Halabja area. Dozens were killed on both sides. Armed forces of *Jund al-Islam* reportedly beheaded and mutilated a number of PUK prisoners in Kheli Hama village. Further fighting gave PUK forces control of Halabja and drove *Jund al-Islam* fighters into the mountains near the Iran-Iraq border.

The PUK issued a general amnesty in October for members of *Jund al-Islam*, urging them to return under the authority of the regional government. The amnesty did not include those responsible for the assassination of Faranso Hariri (see below) and the massacre at Kheli Hama village.

Political arrests

☞ In April Youkhana Yalda Khaie, a 32-year-old Assyrian Christian landowner from the Duhok area, was arrested by the KDP. He was held in solitary confinement, blindfolded, and allegedly subjected to torture before he was released in September. He was accused of having links with the Turkish opposition group, the Kurdish Workers' Party (PKK). However, his family said that the real reason for his arrest was to expropriate his land and prevent him from raising funds to build a church.

☞ In June, five members of the Iraqi Workers' Communist Party (IWCP) — Karwan Najm al-Din, Kamran Hussain, Falah Ahmad, Ribwar Jalil and Alan Najm al-Din — were arrested by the authorities in PUK-controlled Sulaymania. They were alleged to have opened a newspaper office without authorization. The five were released at the end of July without charge.

☞ Hashim Zebari, a journalist writing for the independent Kurdish newspaper *Hawlati*, and two other people were arrested in July in Dohuk, in the KDP-controlled area. They were held for a few weeks and then released. The reason for the arrests was not known.

Assassination and abduction by armed groups

☞ In February Faranso Hariri, the Governor of Arbil and member of the KDP's Central Committee, was shot dead by unidentified gunmen while driving his car in Arbil. Scores of people were arrested and interrogated in connection with the assassination. The KDP later blamed armed Islamists belonging to the Islamic Unity Movement of Kurdistan who, it alleged, later joined *Jund al-Islam*.

☞ Dr Ribwar 'Omar Nouri, the director of a hospital in Halabja, was abducted on 22 September by armed men belonging to *Jund al-Islam* to put pressure on the PUK to release an arrested *Jund al-Islam* member. Dr Nouri was freed 20 days later, after the PUK had released the *Jund al-Islam* member.

☞ Bistun Muhye al-Din Hama Sharif was abducted on 5 September by *Jund al-Islam*. He was held for three days and reportedly tortured before he was released. The reason for his abduction was said to be his membership of a left-wing political group.

AI country reports/ visits

Report

- Iraq: Systematic torture of political prisoners (AI Index: MDE 14/008/2001)