

UN Assistance Mission for Iraq



بعثة الأمم المتحدة

(UNAMI)

لتقديم المساعدة للعراق

## Human Rights Report

1 March –30 April 2006

### Summary

The enjoyment of human rights in Iraq continued to be severely undermined by growing insecurity, high levels of violence and a break down in law and order resulting from the action of militias and criminal gangs. The right to life continued to be severely affected by the ongoing insurgency, terrorist attacks as well as by revenge killings and action by armed groups. Women, children and professionals, including academics and judges, were increasingly targeted by the on-going violence.

Especially after the 22 February bombing against the Al Askari shrine in Samarra, sectarian killings, intimidations and threats have become one of the most significant forms of human rights violation. As a result, the number of internally displaced persons has increased considerably, affecting many communities and creating further tensions and socio-economic problems.

On-going military operations, especially in western and central Iraq, have also severely affected the enjoyment of human rights and have resulted, at times, in the loss of life of civilians.

Efforts in the rule of law sector aimed at establishing an independent national human rights commission have met broad support from the Iraqi ministries concerned and the judiciary, donor countries and UN agencies and programs. However, delays in government formation have put on hold required urgent action, especially with respect to internal regulations and accountability systems in the administration of justice, notably within the police.

### **PROTECTION**

#### **Situation of human rights**

#### **Extra-judicial executions, targeted and indiscriminate killings**

The Government has not made available precise figures regarding the number of civilian casualties. However, hundreds of civilians are reported killed or wounded weekly, including women and children, as targeted or unintended victims of violent attacks.

Dozens of bodies bearing signs of torture and showing execution style killings have continued to appear daily in and around Baghdad, as well as in other parts of the country. As an illustration, on 7 March 18 bodies were found in an abandoned minibus, blindfolded, shot or strangled. The following day 23 bodies, many of them strangled, were found dumped in parts of Baghdad. 81 people were reported killed on 26 and 27 March including 30 bodies found decapitated near Baquba. The Medico Legal Institute in Baghdad issued 1,294 death certificates in March and 1,155 in April. Most of those bodies, who include only individuals who have not been identified or whose death is violent or suspect, died as a result of shot wounds.

Targeted assassinations continued to take place aiming at politicians, members of the public administration including police, army and judges, professionals and those perceived to be associated with the Multinational Forces (MNF), affecting also the functioning of key institutions, such as the judiciary.

Particularly disturbing is also the recent spike in assassinations of politicians' relatives. On 13 April, Mr. Mahmoud Ahmed al-Hashemi, brother of Mr. Tariq al-Hashemi, was also killed by unknown gunmen in the centre of Baghdad. On 17 April, the body of Mr. Taha Mutlaq, brother of the Mr. Saleh Mutlaq, General Secretary of the National Dialogue Front, was found dead in Western Baghdad. Mr. Mutlaq had been kidnapped by unidentified persons in later March 2006. He had been reportedly shot several times and appeared to have been tortured before he was killed. On 27 April, Ms. Maysoun Ahmed Al Hashimi, sister of Mr. Tariq Al Hashimi, leader of the Iraqi Islamic Party and appointed Vice-President of Iraq, was killed with her driver outside her home in Hay Al-Ilaam, an area in Al Saidyia neighbourhood in Baghdad.

### **Sectarian violence**

Increased efforts need to be undertaken by the Government of Iraq, political parties, religious and tribal leaders and civil society to bridge the sectarian divide in the country, which was dangerously fomented following the 22 February 2006 bombing in Samarra. Civilians continued to be targeted by terrorist attacks or killed as unintended victims by insurgent, militia or criminal activities. HRO received numerous documents and testimonies indicating that Shi'a and Sunni civilians are being intimidated, threatened or killed in order to cause their displacement. HRO has also received credible and consistent reports of summary or extrajudicial executions that have taken place only on the basis of the victim's name. As a result, Iraqis are reportedly resorting to changing their names in order to avoid being identified as belonging to any particular community.

Numerous terrorist attacks killed and maimed civilians and targeted also cultural symbols, mosques and churches of different denominations, with the clear intent of fomenting sectarian animosity. On 12 March, at least 54 persons were reported killed and hundreds wounded in car bombings in Sadr City, Baghdad. The following day revenge attacks took place; four individuals were allegedly accused of being involved in the bombings and summarily executed and hung from lamp posts in the neighbourhood. On 7 April, a terrorist attack against the Buratha mosque north of Baghdad killed at least

85 people and wounded another 160 immediately after Friday prayers. On 6 April, another attack in the holy city of Najaf killed at least 10 others. Approximately 30 people were killed on 13 and 14 April in Baquba, following attacks on three mosques, one Shiite and two Sunni. On 19 April a prominent Shi'a tribal leader, Sheikh Saad Jaber Yassin, was killed in Kut when a bomb exploded under his car.

Targeting of pilgrims has been also reported around the time of the celebration of Prophet Mohammed's birthday. On 15 March, at least 15 pilgrims were killed and over 50 wounded in Baghdad, Mahmoudiya and other places as they were directed to the holy city of Karbala. On 8 April, another explosion in Musayyib, 40 miles south of Baghdad, killed at least the six and wounded 14 Shi'a pilgrims visiting a Shrine in the city.

On 13 and 14 April, HRO recorded an alarming increase in violence in Basra. Over 40 people were reported killed, half of whom were said to be members of the Basra Sunni community. In the morning of 13 April, the Basra-based construction company "Al Fayhaa" was raided by armed men wearing Iraqi police uniforms and driving the same type of vehicles used by the Iraqi police. Sunni and Shi'a employees were apparently separated and seven Sunni were summarily executed. Their killing was interpreted by the construction company as a retribution for their company's earlier association with the Ba'ath party.

### **Human Rights Defenders**

Criminal actions have also affected human rights defenders. Dr. Ahmed Al-Mosawi, the head of the Iraqi Human Rights Society and well known national personality, was kidnapped on 6 March from the headquarters of his organization. On 22 March, 49 non-governmental organizations issued a press release demanding his immediate release. However, no information regarding his whereabouts has been received so far.

In Diyala activists working through NGOs are afraid to hold activities because of the multiplication of security incidents in April. During the first half of April, Mr. Zuhair Yaseen member of the Prisoners of War Organization was assassinated in front of his home in Baquba and another member was injured in the same incident. Around the same time, Mr. Mehdi Mchaitheer Al-Azawi, Director of Association of Disabled Females was assassinated by an armed group in front of his home.

### **Military operations**

In Baghdad and central areas of the country, where military operations have continued by the MNF and Iraqi forces, severe disruption to civilian life continues to take place. In Ramadi, where clashes are reported daily between insurgents and Iraqi and MNF, civilian casualties, damage to civilian property and extreme hardship to civilians are commonplace also due to the actions of the insurgency and the resulting use of force by the military. In the outskirts of Al-Iss Haqi District in Balad (Salah-El-Din Governorate), during the early morning of 15 March, an MNF raid caused the death of several civilians, including women and children. The MNF has announced that it is investigating the

incident. Medical and other sources from Ramadi reported that 11 civilians, including children, were killed in the city following aerial bombings on 22 April. HRO could not independently verify this allegation.

In March, the MNF announced that they were opening an inquiry into the incidents occurred in November 2005 in western town of Haditha. Residents accused US marines of killing 15 civilians after a marine was killed by a roadside bomb. The MNF had originally reported that the civilians had been killed by the bomb blast but a film produced by a local NGO suggested that the civilians died of gunfire and in their homes. On 21 March, a dog handler for the US army was convicted by a US military court for abusing detainees at Abu Ghraib prison. UNAMI welcomes the announcement made by the US Army, on 28 April, that the second in charge of the interrogation operations at Abu Ghraib prison, Lt. Col. Steven L. Jordan, faced six criminal charges, including maltreatment of detainees and dereliction of duty.

### **Indiscriminate attacks against civilians**

The insurgency has reportedly targeted civilian neighbourhoods with indiscriminate mortar fire as well as daily car bombs and other improvised explosive devices resulting in civilian casualties, including children. On 17 March, indiscriminate mortar attacks were reported in the area of Khan Bani Saad, 10 miles north of Baghdad, and also in several Baghdad neighbourhoods including, repeatedly, in Al-Dourah area. Several dead and wounded were reported following that attack. On 28 April, at least two civilians were killed during an attack by insurgents in the town of Baquba and, on 29 April, one Iraqi civilian was killed and two children wounded when a mortar round landed on a home in Tal Afar, 90 miles east of Iraq's border. The United Nations utterly condemns all attacks against civilians and civilian infrastructure. Such attacks are not only illegal under international humanitarian law but also create unnecessary suffering for the civilian population.

### **RULE OF LAW**

#### Behaviour of security forces

HRO continues to receive reports of kidnappings and killings carried out by militias, alone or allegedly in association with forces of the Ministry of Interior. Most of the cases relate to actions by armed individuals wearing black clothes abducting young men, who are executed and then left at the morgue or on the streets. Some of the extra-judicial executions are said to be a form of “setting of scores” or revenge killings.

A new brand of violence has emerged, a mix of organized crime and sectarian killings, increasingly attacking businesses. Gunmen often wearing police uniforms have stormed numerous businesses since the beginning of March resulting in workers being kidnapped or killed and money being stolen. On 29 March, 8 people working in a trading company in Baghdad, were lined-up against a wall and murdered. In other cases, armed groups wearing police uniforms have arrested individuals who have later appeared murdered although the Ministry of Interior later denied that its forces were involved in

the crime. The Ministry of Interior denied its involvement in the abduction of 50 employees of the Al-Rafiden security company in east Baghdad on 9 March although the operation was carried out by individuals wearing police commando uniforms. The fate of the men remains unresolved.

### **Militias**

As previously reported, the actions of militias, armed and vigilante groups, and their alleged implication in human rights violations, remain a cause of great concern. Reports indicate that such groups have increased their activity in central and southern areas of the country. Allegations that sectors of the new security forces have been infiltrated by militias responding to parallel structures have continued to be voiced by Iraqi NGOs, politicians, including members of the Government, and the international community.

During the reporting period, there has apparently been no action taken to effectively address this problem thus increasing a perception of growing impunity. As a result, many continue to express the view that new militias need to be created in order to guarantee personal or group safety. While UNAMI is aware of the serious challenge to law and order faced by the Government of Iraq, security considerations should not jeopardize the enjoyment of human rights in the country. The Government must ensure that police and security forces act in keeping with relevant international human rights standards as well as with police standing orders, implementing regulations, and that effective internal accountability systems are put in place so as to deal with violations on a day-to-day basis. Equally, it is the Government's responsibility that individuals accused of committing human rights violations are not included in any of the armed or police forces, that all allegations of crimes are properly investigated and that those held responsible for crimes are brought to justice.

HRO receives increasing reports about mosques and other religious sites allegedly being used as secret prisons and even operating as illegal courts. On 22 March, HRO received information that three men may have been detained inside Almuhsin mosque, allegedly used by Al-Mahdi militia to "investigate and try" individuals. The three men worked in a vegetable market next to Sadr-city and were allegedly executed after being tortured. Summary trials and execution-style have been reported as being used by Sunni groups.

### **Impunity**

It is of grave concern that numerous cases of assassinations, torture, abuse of detainees, and intimidations are frequently inadequately investigated and therefore unpunished. Such a situation may encourage further acts of violence and crime. It is however often reported that neither the Iraqi judiciary nor the police yield much success investigating crimes perpetrated by numerous well established militias. The investigative capacity of the State remains limited because of security conditions as well as for lack of adequate resources and the limited number of investigative judges. Allegations made that some sectors of the security forces are colluding with armed militias or other armed groups risk

eroding support for the security forces and increase the perception that the impunity gap in Iraq is growing.

Existing mechanism for redressing violations are insufficient. Many individuals and organizations reported their distrust to contact authorities whenever there is a security risk. It is imperative that the new Government addresses on a priority basis the security of citizens and that it renews efforts to investigate all crimes or risk that a culture of impunity pervades the new institutions and further undermines the rule of law. It is also necessary that internal oversight mechanisms of key institutions, such as those in the Ministry of Interior, Defence and Justice, are put in place as well as a more effective forensic investigative capacity of the police and the Ministry of Health.

### **Death penalty**

On 9 March, 13 people were executed by hanging. On 23 March and 30 March, the Central Criminal Court of Iraq, sentenced to death four individuals for crimes related to terrorism, under article 194 of the Criminal Code.

As previously stated, the United Nations deeply regrets the reinstatement of the death penalty by the Government of Iraq in 2004 which the UN rejects in all circumstances, including cases of genocide, war crimes and crimes against humanity. International human rights instruments impose strict limitations on its use and in particular to limit it only to the “most serious” crimes and that it should thus be interpreted as an exceptional measure. The United Nations has consistently encouraged States to abolish the death penalty, and called on States to introduce a moratorium on executions.

### **Detainees**

The number of detainees held in the country continues to remain high and a source of discontent for the population at large. According to the Ministry of Human Rights, as of 30 April 2006, there were a total of 28,700 detainees – 15,387 in the custody of the MNF; 7,727 held by the Ministry of Justice; 176 juveniles held by Ministry of Labor and Social Affairs; 5,077 held by the Ministry of Interior and 333 by the Ministry of Defense. In relation to January – February 2006, the figures indicate a decrease in the overall number of detainees, especially in Iraqi facilities. However, there has been an increase of 7.5 percent in the number of detainees in the custody of the MNF in comparison to the end of February figures.

The general conditions of detention in Iraqi facilities are not consistent with international human rights standards. Prisons and detention centres are overcrowded (with pre-trial detainees and convicted being mixed) and often lack food, hygiene and medical treatment. With respect to the physical structure and condition of the facilities themselves, upper and central regions have better facilities than the southern region, which have suffered from lack of attention for many years from the central authorities. A major issue is the situation in Basra, Nasiriya, Imara, Samawa where conditions would be extremely difficult and with very weak infrastructures.

Torture and other cruel, inhumane or degrading treatment are allegedly common practice in some facilities run by the Ministry of Interior. It should be emphasized that under Iraqi Law, the Ministry of Justice is the only institution habilitated to hold detainees. The Ministries of Interior and Defense can only hold individuals in accordance with the short delay prescribed by law. In addition, those two ministries do not have funds or the appropriately trained staff to run detention centers.

The poor detention conditions are revealed during joint MNF-Iraqi inspections in places of detention under the control of the Ministry of Interior, Defence and Special Forces throughout the country. Those inspections were established after the great outcry created by the discovery of the Al-Jadiryia's bunker and are led by Iraqi representatives of relevant Iraqi Ministries, supported by the MNF. UNAMI encourages this process and calls for the reports resulting from those inspections to be made public. This matter has also been repeatedly raised by the Special Representative of the Secretary General in his contacts with senior Government officials. The Acting Minister for Human Rights for her part has called publicly in early March for the prosecution of those found guilty. The Al-Jadiryia's report is however unlikely to be published before the formation of the new Government.

One of the core national security functions will be gradually assumed by the Iraqi Government with the transfer of detainees and (especially internees held for imperative reasons of security) from MNF to the Iraqi Government custody, or their release. The hand-over process will take place in stages.

The Human Rights Office (HRO) is particularly concerned by reports that judicial release orders are often not respected in detention facilities. Militias allegedly close to the Ministry of Interior have been reported as able to detain and/or free specific individuals at their own discretion. Judicial authorities would not appear always able to exercise their power independently or effectively and enforce Iraqi laws in their relation with police forces and militias. Lack of protection of judges and court buildings has been thus a recurring issue. Considering the current detainee population, the number of judges and especially of investigative judges should substantially increase in order to allow the judiciary to deliver justice without delays.

The main concerns for the transfer are judicial, legal and technical such as bed capacity or training of correctional officers. The lack of judicial oversight is partly due to the fact that the current number of detainees continues to far outstrip the capacity of the Iraqi criminal courts to adjudicate the cases. Over the last months, UNAMI has developed contacts with MNF and numerous Iraqi officials in order to discuss options to increase the number of investigations, trials and of subsequent releases. The lack of judges, and investigative judges in particular and their lack of access to detention centres and prisons, the lack of enforcement of judicial release orders by law enforcement authorities, remain the major hurdles to an effective judicial oversight. The capacity of the Central Criminal Court of Iraq and of the other courts to investigate and prosecute individuals needs to be substantially increased. A step in that direction was taken on 24 April when the Higher Judicial Council formed three trial panels of the Central Criminal Court of Iraq, each

consisting of three judges and three replacements. Three investigative judges were assigned to the Court.

### **Trial of Saddam Hussein**

UNAMI continues to follow closely the trial of Saddam Hussein and his co-accused before the Iraqi Higher Tribunal held sessions of the trial of Saddam Hussein and his co-accused. The trial for the Dujail killings entered a new phase with the defendants' testimonies. Concerns have been expressed by the defence team about the lack of equality of power between the parties and the lack of independence and impartiality of the tribunal. The prosecution called witnesses and the defence produced a list of witnesses with serious concerns regarding their security

The Iraqi Higher Tribunal announced that the investigation of the Anfal campaign was concluded and that the case had been referred to Trial Chamber II on 3 April. The Anfal campaign took place in Northern Iraq during the late 1980's and was characterized by a series of savage military attacks on civilians who had remained in or moved back to so-called "prohibited areas" near the Iranian border and where hundreds of thousands of Iraqi Kurds were displaced, arrested, tortured or killed. Saddam Hussein and six other co-defendants are charged with war crimes related to an internal armed conflict and with crimes against humanity. Saddam Hussein and Ali-Hassan Al-Majid are also charged with genocide.

### **Women and Children**

Women and children continue to pay a heavy price as a result of the conflict in Iraq. According to a study conducted by the University of Baghdad, at least 9 women become widows every day as a result of the violence and an increasing number of children become orphans. The prevailing violence also increases the vulnerability of women, children and the elderly, hampers access to health and education and affects negatively their living standards. Children and schools have also become victims of the sectarian conflict. With crimes against children and attacks against schools on the rise and a high level of general violence, school attendance levels have decreased.

UNAMI continued to receive reports from individuals and NGOs that women face harassment and intimidation if they are less inclined to conform to traditional dressing. This form of harassment is corroborated by the distribution of leaflets and text messages sent via cellular phones. "Honour crimes," including domestic violence and killings, as well as kidnappings are reportedly increasing. The Kurdish Regional Government recently confirmed that 534 women may have been victims of so-called "honour killings" since the beginning of 2006. Although the practice has been outlawed, police do not enforce legislation or tends to be lenient towards offenders. Women activists and women NGOs have reported several cases of domestic violence in which victims were hesitant to seek help from the police out of fear for their lives.

There have also been reported cases where women were used by the Iraqi security forces to pressure their male family members to turn themselves in. A family living in Al-Amiriya district reported that during a raid a police officer held the mother from her hair and banged her head against the wall several times to force her brother, who was armed and hiding upstairs, to surrender. In another case, the victim has reported that a police officer tried to force her into a sexual relationship in exchange for the release of her husband and son.

### **Minorities**

HRO is particularly concerned about the treatment of ethnic and religious minorities in the country, as well as individuals because of their sexual orientation. The alarming trend of militias turning to systematic intimidation and killing of ethnic and religious minorities has already been reported. Many individuals have left and continue to leave their homes and are seeking refuge among the members of the same ethnic/religious group as a result of threat letters or other forms of intimidation,

Members of the Christian community have lodged complaints with the HRO regarding the treatment and intimidation of the Christian community in the North, and reported that in Mosul alone, some 400 families migrated from the city to other villages with Christian majority within the Governorate. The persecution of minorities seems to continue in the Basra province. HRO received uncorroborated reports on identity profiling in schools and marking of minority houses.

UNAMI held several meetings with representatives of the National Council of Minorities, a group representing most minority groups in Iraq. Its representatives are committed to fully participate in the democratic development of the country but have complained that some institutions are created under legislation which discriminates against full participation of minority groups. They argued, for example, that only parties or coalitions with more than ten seats in the Council of Representatives could obtain membership in the newly created Political Council for National Security, thus effectively excluding minority parties from it.

During an informal meeting between the HRO and a member of the Iraqi Jewish community, it was confirmed that only a small number of families remains in the country. The representative emphasized the importance for the Iraqi Jewish community to be reintegrated within the Iraqi society.

### **Academics and professionals**

The killing of professionals, including doctors and academics, is another cause for concern. At least 100 professors have been reportedly killed since 2003. HRO has received no figures concerning the number of students killed. A large number of lecturers, teachers and other intellectuals have reportedly stopped their work or left the country. HRO has received numerous reports that sectarian divisions have engulfed universities; some students appeared to be backed by different political factions. Lack of

security in campuses has led to reports of clashes between students as well as intimidation against students and professors. Since 22 February 2006, thousands of students have reportedly requested to be transferred to other universities.

On 5 April, the Director-General of UNESCO condemned the campaign of violence waged against Iraqi academics and intellectuals and called for international solidarity and mobilization in favour of education and educators in the country.

On Saturday 9 April 2006, a group of armed men gunned down Dr. Darb Muhammad Al-Mousawi, Director of the “Ear, Nose and Throat Centre of the University of Baghdad” at the door of his clinic on Al-Maghreb Street in Al- Adhamiya, in Baghdad. On 19 April, gunmen opened fire against staff members at the Baquba University killing three university professors, including a woman. On 24 April, two car bombs exploded in front of Al Mustansiriya University resulting in at least three persons killed and 25 others injured. Another bomb was placed near the Technical Medical Institute in Bab Al Mouatham in Baghdad, three persons were killed. The University in Baquba and Al Mustansiriya University temporarily closed in protest.

The targeting of judicial professionals is particularly worrisome in the context of the deterioration of law and order. In Baghdad, an investigative judge was killed on 5 April and the president of the Tribunal of First Instance was killed on 25 April. There are reports that many judges, especially those working on terrorism or serious criminal cases, are facing intimidations or threats, including in the provinces. According to various sources, judicial professionals are said to be considering resignation, have requested to be transferred or are reluctant to sit on sensitive cases. There have also been reports of violence in Diyala, Hillah, Karbala and Wassit affecting court functions. Concerns have been expressed by judicial authorities that, because of constant cases of torture reportedly committed by the police, the investigative powers should be squarely kept with the judiciary.

### **Recent displacement and situation of Palestinians in Iraq**

As a result of the pervasive violence, Iraqis continue to leave their areas of residence, either voluntarily or as a result of violence or threats by insurgents, militias and other armed groups. According to figures from the International Organization of Migration (IOM), the number of displaced persons since 22 February 2006 reached 14,307 families, or 85,842 persons. The IOM further reported that most of the Shi’a families are leaving central areas of Iraq (Baghdad, Anbar and Salah al Din) towards southern Governorates (Najaf, Qadissya, Wassit and Kerbala). Sunni families are leaving southern areas and moving towards the Governorates of Baghdad, Diyala and Anbar.

HRO received reports illustrating the dynamics of displacement. Approximately 80 families are now living in tents inside Kut stadium - out of a total of 1,300 displaced families living in Kut originally from Abu Ghraib area in Baghdad. Reportedly, 400 Shi’a families have been displaced from the same area after they received threats through

mobile phone calls, letters, written notes left at their homes and direct threats by armed individuals.

Similar methods have been used in most parts of the country intimidating Shi'a and Sunni neighbours into leaving their homes. Over 370 Sunni families left since February this year to Fallujah, Ramadi, and other places in Anbar, as well as Salah al Governorate. The Iraqi Ministry of Displacement and Migration has recorded the arrival of over 500 Shi'a families from Al Anbar, Baghdad and other provinces to Basra in the past few months. Internal displacement is accompanied by increasing displacement of Iraqis seeking refuge outside the country.

UNAMI HRO has been in contact with Palestinian representatives over the past months. Some 34,000 Palestinians have been living in Iraq for years but are currently victims to various types of human rights violations because they are perceived supporters of the insurgency. In this sense, they are victims of the same discrimination, labelling, stigmatization and profiling affecting other communities of foreign residents of Arab extraction in Iraq (e.g. Syrian Arabs, Sudanese, Yemenis, Egyptians, Somalis). On 22 February 2006, following the events in Samarra, militias attacked Palestinians living in the neighbourhood of Baladiyah in Baghdad with mortars and indiscriminate fire. Up to 10 Palestinians have been reported killed since 22 February; others have been illegally detained and tortured or have disappeared.

Since 19 March 2006, approximately 240 members of the Palestinian community, who have lived in Iraq for many years, have left Baghdad in fear for their safety and were stranded near the border with Jordan as of 30 April. UNAMI finds encouragement in a religious Fatwa by Grand Ayatollah Ali Al-Sistani recently issued by calling for the respect of Palestinians, and by the commitment of the Government to continue granting protection to the Palestinians in Iraq.

### **Freedom of expression**

According to the Committee to Protect Journalists (CPJ), more than 70 journalists have been killed on duty in Iraq since March 2003 and many others have been maimed, detained or threatened while pursuing the right to freedom of expression. Three journalists were killed by unidentified gunmen during the month of March. TV presenter Munsuf Abdallah al-Khaldi, was killed on 7 March, as he was driving; Amjad Hameed, head of programming for Al-Iraqiya TV channel, and his driver Anwar Turki, were killed on 12 March; and Muhsin Khudhair, editor of the magazine Alef Ba, was killed in Baghdad on 13 March.

UNAMI is concerned with restrictions on freedom of expression in the Kurdish Region. Mr. Kamal Sayid Qadir, a Kurdish writer with Austrian citizenship accused of endangering the security of the state was pardoned by the Kurdish Regional Authority and released on 3 April. He had been detained since 26 October 2005 and sentenced in late March to 18 months in prison for posting "defamatory" articles about the authorities in Kurdistan. However, another Kurdish journalist, Mr. Hawez Hawezi, was detained by

the Directorate of Security in Sulaimaniya on 30 April following his publication of an article in which he wrote about his earlier detention on 15 March 2006, criticizing the Kurdish leadership.

## **PROMOTION**

UNAMI continues to work with the Iraqi Government, state institutions and civil society organizations in order to establish a strong national human rights protection system which can address both current violations as well as past human rights crimes. These efforts are also likely to contribute to the creation of an environment which is supportive to the broader peace and reconstruction efforts by the Mission.

## **National Human Rights Commission and other Capacity-Building Activities**

The Office of the High Commissioner for Human Rights (OHCHR) and HRO organized a workshop in Cyprus from 8-10 March to engage Government officials, Parliamentarians and civil society groups on the establishment of an independent National Human Rights Commission in Iraq as foreseen in the Constitution. The participants adopted a Statement of Principles and a Plan of Action for follow-up work toward the creation of such a commission in Iraq. The recommendations made regarding the mandate of the independent National Human Rights Commission included promotion and protection of all human rights set out in international human rights treaties; encouraging their implementation by the government; assisting in ensuring that national legislation is in compliance with international human rights instruments; having the authority to receive and investigate complaints – individual, systemic; initiate public hearings; undertaking inspections of all places of detention in Iraq without prior consent; receiving unfettered access to documents, witnesses and other information; having the capacity to assist victims by providing legal aid; reporting publicly on violations of human rights as it sees appropriate; advising on the development of a comprehensive strategy to deal with past violations and on national reconciliation efforts. The independent National Human Rights Commission should also promote human rights, including through supporting initiatives to create a human rights culture, working with others including the Government, in particular the Ministry of Human Rights, the Council of Representatives, the judiciary, civil society including the media, in the promotion of human rights; paying particular attention to vulnerable groups including minorities. As a follow up to that meeting, the Ministry of Human Rights has already started the preparation of a draft law on the establishment of such a National Commission.

HRO, with the support of UNDP and in cooperation with the US led Civilian Police Assistance Training Team (CPATT), organized three seminars in Jordan during March 2006 for staff of the Ministry of Interior/Iraq Police (IP), the Ministry of Justice/Iraq Corrections Service (ICS) and the Ministry of Defense/Iraq National Army (INA) The discussions focused upon relevant aspects of human-rights and international humanitarian law governing *inter alia* the use of force and superior responsibility, principles of policing, soldiering and running a prison in the modern state in line with human rights standards.

From 10-13 April UNAMI's Office of Constitutional Support, UNDP and the International Institute of Higher Studies in Criminal Sciences (ISISC) in Siracusa, Italy, organized a conference on "The Judiciary in Iraq: Competence and Perspectives for the Constitutional Review and Implementation Process." Eighteen Iraqi participants from political parties, the judiciary, the Bar Association and academia discussed issues including the Federal Supreme Court, the Supreme Judicial Council, the Shura Council, Regional Courts, Conditions of Service, Special Courts, the role of Islam in the Constitution (in particular Article 2), and Transitional Justice. Participants agreed on issues that would need to be addressed by the Constitutional Review Committee.

### **Rule of law working group**

The fourth meeting of the Sectoral Working Group on the Rule of Law (SWGROL) was held on 23 March 2006 in Baghdad with representatives of various Ministries and donors under the chairmanship of the President of the Higher Judicial Council. Together with the Iraqi authorities, HRO has provided participants with a matrix which is an overview of ongoing assistance in the sector by the donor community and the UN as well as of the needs expressed by the Iraqi judiciary and Government Ministries. A Unified Work Paper, summarizing the requests by the Higher Judicial Council and key Ministries, was finalized. The SWGROL is also concurrently developing a policy framework and a comprehensive strategy on the rule of law.

In this connection, strengthening the justice system is seen as a priority in order to ensure fair and transparent access to justice for all Iraqis. Additional measures in the sector include legislative reforms; building the capacity of judicial institutions and personnel; promoting human rights and legal awareness; modernizing judicial infrastructure; and setting up an independent and effective national human rights commission.

In addition to reaffirming a commitment to the protection and promotion of rights provided for in the Iraqi Constitution and under international human rights instruments to which Iraq is party, it is equally crucial to give priority to the development of a comprehensive strategy for transitional justice addressing also the crimes of the past, through an adequate accountability mechanism, also as a basis for national reconciliation efforts.

### **National Center for Missing and Disappeared Persons**

The second meeting of the Transitional Committee for the Missing and Disappeared Persons was convened on 28 March in UNAMI, Baghdad. Since 2004, HRO has been engaged in consultations, with the Iraqi authorities, civil society and international experts, aimed at coordinating a process leading to the establishment of a National Centre for Missing and Disappeared Persons in Iraq. Those consultations produced a draft law for the establishment of the National Centre, as well as a draft law for the protection of mass graves; a consensus regarding the objectives and functioning of the National Centre, including a detailed organizational structure and a budget for the first two years of its existence. HRO will assist the early promulgation of the necessary legislation and then

the setting up of the Centre. It will also review existing opportunities for training and support to the Medico-Legal Institute in Baghdad. During the meeting, the representative of the Prime Minister asserted that the Government remains fully committed to the establishment of the National Centre, while the representatives of the Ministry of Human Rights reiterated the pledge to work for the approval of the draft laws as soon as the Council of Representatives started to work. On 27 April, the Presidency Council of Iraq approved the draft law on the protection of mass graves, one of the legal documents necessary for the strategy of establishing a National Centre for Missing and Disappeared Persons.

### **Non Governmental Organizations (NGOs)**

In order to develop a closer relationship with civil society and to increase the ability to monitor and affect positively the human rights situation in the country, on 27 March HRO convened and chaired a “Protection Working Group” with some 30 human rights NGOs in its Baghdad headquarters. A video link connected the group with 6 other Iraqi NGOs in UNAMI Amman. The NGOs welcomed the initiative and requested a more forceful role of the UN in the promotion and protection of human rights in the country. Such monthly meetings have been envisaged with the NGO community addressing both critical protection issues as well as promotion related concerns or activities.

NGOs relationship with the Government remains somewhat polarized. The Ministry of Civil Society wrote to the HRO in early April clarifying that the draft law on civil society organizations was still under revision by the General Committee of the Shura Council. As the draft law is not yet finalized, UNAMI hopes that comprehensive consultations will take place on its text allowing for a significant input from civil society organizations to bring the text in line with international norms and ensure that it does not unduly restrict freedom of association before its approval.