



Human Rights Report

1 July – 31 August 2006

Summary

1. In spite of considerable efforts by the new Government to ensure respect for human rights and re-establish the rule of law, human rights violations, particularly against the right to life and personal integrity, continued to occur at an alarming daily rate. During the reporting period the number of civilians killed was a reported total of 6,599 (3,590 in July and 3,009 in August). The month of July witnessed an increase in the number of security related incidents resulting in an unprecedented number of civilians killed throughout the country. Although the number of killings decreased at the beginning of August, further increases were evident towards the end of the month in Baghdad and other Governorates. (See paragraphs 12-14)
2. Human rights abuses result from the combined actions of insurgent groups targeting the Iraqi security forces and the MNF-I as well as those working in the public administration, in business or in various professions. Armed groups use terrorist methods in order to foment insecurity and sectarian strife which in turn have continued to trigger a vicious cycle of violence and revenge killings, resulting in overall instability in the country.
3. A main aspect of the present situation in Iraq is the lack of a centralized and authorized control over the use of force in the country. As a result, there is a continuous growth of the militias, coupled with the emergence of gangs and organized crime sometimes accused of having links to sectors of the police and the security forces, as well as an increase in the number of private security firms – national and international. Militias, at times linked to political parties which are also part of the Government, continue to operate outside the law; death squads and sectarian and religious extremists are equally prone to commit human rights violations.
4. As the type and scale of human rights violations have continued to vary since 2003, the new Iraqi Government established in May 2006, although strongly committed to the promotion and protection of human rights, is currently facing a generalized breakdown of law and order which presents a serious challenge to the institutions of Iraq. Law enforcement agencies are insufficient, inadequately equipped and in need of further training. Lack of standing orders and weak internal accountability systems also continue to undermine human rights.

5. Most State institutions which are fundamental to the protection of basic rights continued to take steps in the right direction, although at a rate insufficient to effectively tackle old and new human rights abuses. In some cases, commitments undertaken have not yet been implemented with the result that progress in the institutional development of human rights protection and promotion remain unheeded. Furthermore, the response the security forces, as well as military operations in area where the insurgency is more active, has led to consistent allegations of human rights abuses. Reports of torture in official detention centres remain widespread while torture is also practiced by militias and death squads. At the same time, there is a growing perception of impunity for current and past crimes committed which risks further eroding the rule of law.

6. Organized and random violence, within a context of lack of law and order and weary socio-economic development, continue to provide the framework for everyday life in Iraq. Kidnappings by criminal gangs have revealed a sectarian dimension. (See paragraphs 36-40). Previous UNAMI human rights reports have documented the effects of violence on ordinary people, children, professionals, and vulnerable groups such as displaced persons. Women are reportedly increasingly victims of “honour crimes” (paragraphs 41-49) and freedom of expression is suffering as a result of killings and intimidation of journalists, media workers and attacks against news outlets (paragraphs 29-35). Members of Iraqi ethnic, religious or linguistic minorities feel that their identity and even physical existence is threatened.

7. Increasing movements of population in search of security continue to strain the resources and capacity of local and central authorities and magnify vulnerability. According to the UN High Commissioner for Refugees (UNHCR) and the International Organization of Migration (IOM), as of 29 August, there are approximately 300,000 displaced persons in Iraq following the destruction of Al-Askari shrine in Samarra in February 2006. (paragraphs 56-57).

8. Efforts have continued to ensure that individuals are not deprived of their liberty without a judicial warrant and increasing number of detainees have been transferred to the legitimate custody of the Ministry of Justice. During the reporting period, the overall number of detainees reached 35,542, increasing with respect to the previous reporting period of May-June. The judiciary also started to implement a plan to increase the number of judges, while the Ministry of Interior is considering the establishment of a Centre for Ethics and Human Rights. (More on detainees in paragraphs 58-63).

9. Significant progress cannot be achieved unless more forceful attempts are made to enhance the functioning of the country’s judiciary and its law enforcement as well as to make progress in legal and institutional reform. Such efforts should include addressing underlying grievances and combating impunity for past and current crimes. Decisive political action will be required to positively address legitimate fears and competing claims in order to effectively resolve these problems.

10. The violence affecting Iraq, which is challenging the very fabric of the country, is fomented by the legacy of impunity for past human rights violations which, in turn, is responsible for fueling revenge and further violence. The inability of State institutions to bring perpetrators of human rights violations to justice, and the resulting recourse of ordinary citizens to seek private retributive justice, risk polarizing Iraqi society to a previously unknown degree and result in a self-reinforcing pattern of sectarian confrontation. In order to implement the National Reconciliation Plan of June 2006, the Government of Iraq will need to effectively address past and current human rights violations. UNAMI HRO has initiated a transitional justice programme in support of those goals. (See paragraph 91-93)

11. Monitoring human rights in Iraq remains challenging, particularly because the security situation makes it difficult to independently verify the allegations received. However, individual accounts received by UNAMI, as well as information obtained through the authorities, reports by local human rights organizations, private security firms and the press, provide additional indicators pointing to clear patterns.

Protection of Human Rights

Extra-judicial executions, targeted and indiscriminate killings

12. According to information provided by the Ministry of Health and the Medico-Legal Institute in Baghdad, the number of civilians violently killed in the country was an unprecedented 3,590 in July (including 183 women and 23 children) and 3,009 in August (including 194 women and 24 children).¹ The number of wounded reached 3,793 in July, (including 234 women and 72 children), and 4,309 in August (including 256 women and 90 children). The Medico-legal Institute in Baghdad reported that the number of bodies brought to the Institute was a record 1,855 in July and 1,536 in August 2006; the overwhelming majority of the casualties died of gunshot wounds (1,417 in July and 1,091 in August). As a way of comparison, the total figure of civilians killed in Iraq were 2,669 in May and 3,149 in June 2006.

13. In Baghdad the total of persons killed in July and August was 5,106 (2,884 and 2,222 respectively). In August there was a decline in the overall number of killed and wounded probably due to a reduction in the number of casualties in Baghdad. Such reduction was somehow offset by increases in other Governorates, most notably Diyala and Mosul. The reduction in the number of casualties maybe attributed to a degree of improved security brought by “Operation Forward Together” in specific neighbourhoods of the capital. (See paragraph 23)

¹ The number of civilians killed by violence is calculated adding the number of casualties reported by the Ministry of Health, which includes reports from all hospitals in Baghdad and other Governorates excluding the Region of Kurdistan, and the reported number of bodies brought to the Medico-Legal Institute in Baghdad. Only a small fraction (between 5-6 %) of the latter figures may be attributed to causes other than violence. The Ministry of Health reported zero number of killed in Al-Anbar for July, which may indicate an under-estimation due to difficulties experienced in collecting information in that particular Governorate.

Iraqi civilians killed by violence (except KRG)			
	July 2006	August 2006	Total Killed
Reported killed by Ministry of Health (hospitals in Baghdad and rest of the country)	1,735 (women 56) (children 23)	1,473 (women 65) (children 24)	3,208
Reported number of bodies brought to the Medico-Legal Institute in Baghdad	1,855 (women 127)	1,536 (women 129)	3,391
Total killed	3,590	3,009	6,599

Wounded in Iraq (except KRG)		
July 2006	August 2006	Total wounded
3,793 (Women 234) (Children 72)	4,309 (Women 256) (Children 90)	8,102

14. These figures reflect the fact that indiscriminate killings of civilians have continued throughout the country while hundreds of bodies appear bearing signs of severe torture and execution style killing. Such murders are carried out by death squads or by armed groups, with sectarian or revenge connotations. Random killings of street vendors or cleaners have also taken place.

15. Members of the police and recruits have been particularly targeted; other attacks have been carried out against recruitment centres of the police and army or against normal restaurants used by them which often resulted also in a high number of civilian casualties.

16. A spike in sectarian and revenge attacks took place in July. On 9 July, gangs of armed men reportedly went on a rampage and killed at least 40 Arab Sunnis in the neighbourhood of Al-Jihad after establishing the religious affiliation of the victims through their identity cards at makeshift checkpoints. It was also reported that the militias entered homes and killed their inhabitants. This attack was purportedly triggered by an earlier attack on 8 July against a Shi'a mosque in the same area that reportedly killed 19 persons, including three children, and wounded 59 others. Although residents blamed Al-Mahdi Army for the killing of Sunnis, the group's leader, Moqtada Al-Sadr denied any involvement. Later on 9 July, two car bombs exploded near a Shi'a mosque in Kasra, a mixed neighborhood in northeastern Baghdad.

17. On 12 July, unidentified gunmen attacked a bus station in Muqdadiyah, separating Sunni from Shi'a men and taking the latter to the nearby village of Ballour where 24 of them were handcuffed, blindfolded, and shot in the head. On 13 July, three street sweepers were killed when a bomb exploded in eastern Baghdad. On 16 July, a suicide bombing in a coffee shop in Tuz Khurmatu, near Kirkuk, killed 28 people. On 17 July at least 48 people, including women and children, were killed and another 46 were wounded in a coordinated assault which included the explosion of two car bombs, several mortar

rounds and shooting in a crowded market in Al-Mahmoudiya. On 23 July, a terrorist attack amid a crowd of job-seeking day labourers, near a police station in the Jamila area of Al-Sadr City, killed at least 34 people. Later that day, another bomb exploded in the same area and eight people were also killed.

18. Particularly abhorrent are terrorist attacks against markets and mosques and the killing of religious pilgrims. During the reporting period, at least ten different mosques used by Sunni and Shi'a faithful have been the object of bomb or other attacks resulting in many killed and wounded. On 6 July, 12 people were killed and 41 wounded after a car bomb targeted Shi'a pilgrims from Iran at the Maithem Al-Tamar shrine in Kufa, near the holy city of Najaf. On 11 July, gunmen murdered at least 10 Shi'a in Baghdad who were riding a minibus that was taking a coffin to be buried in Najaf. Two other pilgrims were killed on 13 July in Al-Dora district, in Baghdad, when they also were on their way to Najaf. On the same day, gunmen fired on a car in Baghdad heading for a funeral in Najaf, killing one person and wounding another. Despite a government ban on vehicle movements in Baghdad, as part of the security plan for a Shi'a festivity which includes the visit to Imam Mousa Al-Kadhumi's grave, on 19 and 20 August, at least 20 people were killed and 300 other wounded when armed groups attacked the visitors who walked to the shrine.

19. Terrorist attacks have aimed at inflicting death and injury among civilians in places of public gatherings, such as markets, shopping areas and fuel stations. Several incidents took place on 10 July. Twelve persons were killed and many more wounded after a bomb exploded in Al-Sadr City, followed by a car bomb that exploded amidst the crowd that had gathered near the site of the earlier bomb. Another bomb in the Shurja market (central Baghdad) killed three persons and wounded 18. Unidentified gunmen attacked a commuter bus and shot dead seven people, including a woman, before setting the bus on fire in Amariyah, a predominantly Sunni neighbourhood in western Baghdad. Furthermore, Shi'a militias reportedly fought gun battles with insurgents in the neighbourhood of Al-Dora, in Baghdad. Another bomb outside a restaurant near Rasheed Street, in central Baghdad, killed six and wounded 28, while a bomb attack in a gas station in Mahmoudiya wounded 10 people. On 31 August, an explosion targeting again the Shurja market killed 24 and wounded 35. Earlier the same day, the explosion of a bomb hidden in a bicycle at an Army recruitment centre in Hilla, had killed 12 applicants.

20. Extra-judicial executions of former members of the armed forces or those associated with the former regime have also continued. Members of the public administration or political parties were also targeted. On 10 July, a former high-ranking officer from Saddam Hussein's army, ex-staff Major General Salih Mohammed Salih, was killed in Basra in a shootout. In particular, UNAMI HRO has received numerous reports of members of the air forces who have been killed since the fall of the former regime. On 10 July, a member of the provincial council in Diyala, Mr. Adnan Iskandar Al-Mahdawi, was killed and two of his guards wounded in a drive-by shooting while in Samarra, the same day, unidentified gunmen assassinated an official in the Iraqi Islamic Party and two of his guards. On 16 July, unidentified gunmen killed Faris Abdul Latif, a former member of the ousted Ba'ath Party, along with his son in a market in Muqadiya. A woman passer-by was also killed in the attack. On 31 August, Lieutenant-General

Wajeeh Thirar Hneyfish, a former commander of the Habbaniya Air Force base, was gunned down in the town of Ramadi.

21. Tensions remain high also in the multi-ethnic city of Kirkuk. On 10 July, a truck bomb made an unsuccessful attempt to strike an office of the Patriotic Union of Kurdistan (PUK), the party of President Jalal Talabani, killing five and wounding 12. On 27 August, several car bombs killed at least three persons and injured 35. Indiscriminate drive-by shootings caused the death of four Kurdish civilians in Al-Rashad sub-district, south of Kirkuk. Bomb and other attacks targeted offices of the PUK in Baghdad, Mosul, Basra, Kut, Karbala and Nassiriya on 11 August, after Shi'a cleric leader Ayatollah Mohammed Al-Yacoubi was criticized in the official Kurdish newspaper for allegedly fueling tensions between Arab Shi'as and Kurds in Kirkuk.

22. On 17 July, in Baghdad, unidentified gunmen shot dead Major General Fakhri Abdul Hassan Ali, Chief of the Legal Office in the Ministry of Interior (MOI), as he left his house in Mansour. Major General Fakhri was the representative of his Ministry in the Rule of Law Sectoral Working Group (ROLSWG), led by the President of the High Judicial Council and facilitated by UNAMI HRO. On 20 July, drive-by shootings killed ten shop owners and street vendors in the 14 of July Street, in the Mansour area in Baghdad. As a result, most shops in this normally busy area closed for fear of further killings. Tribal leaders, translators working with the US Embassy, and police officers were also targeted.

23. In an attempt to stem the violence in the capital, the Government launched "Operation Together Forward" in mid-July. On 25 July, the Government extended the "state of emergency" for another 30 days. In early August, an estimated 12,000 additional Iraqi and MNF-I troops concentrated on certain neighbourhoods which had witnessed high levels of insecurity such as Al-Dora, Kadhamiya, Adhamiya and Mansour. The operation, consisting of concerted interventions, including car bans in specified areas and house-to-house searches, resulted in a reduction in security incidents and a consequent decrease in the number of victims in those neighbourhoods. A degree of confidence was reportedly restored among the local population although concerns have been expressed regarding the sustainability of security conditions following the departure of the military and with the Iraqi Police taking over security tasks in the area.

24. One of the deadliest attacks was carried out on 31 August, when combined and nearly simultaneous bombings killed at least 64 people and wounded 286 in neighbourhoods of eastern Baghdad with a Shi'a population majority. The attack involved the use of explosives planted in buildings and shops rented a few days previously, a car bomb in a market, and several mortars and rockets that exploded simultaneously and caused death and destruction of property and homes in Shi'a areas.

Professional categories

Lawyers and judges

25. Judges and lawyers have continued to be targeted because of their work. Such violence against judges is keenly felt because of their already acute shortage throughout Iraq, a fact that further undermines the establishment of the rule of law in the country. During the reporting period, at least three judges were killed, another female judge was kidnapped, two others survived assassination attempts while another received death threats and had to be transferred to another part of the country. At least seven lawyers were killed during the same period. At least 120 lawyers are said to have left the country since January 2006.

26. Court houses, as well as a senior official at the Ministry of Justice, were also targeted. On 23 July, a bomb car exploded in front of Kirkuk Appeal's Court, killing 26 persons, including one lawyer, and wounding more than 100. On 24 August, four persons were killed and eight others wounded following a suicide attack outside Mosul House of Justice. Most of the victims were policemen. On 30 August, unidentified gunmen murdered Ms. Nadiya Muhammad Hasan, the Director General of the Public Notary in the Ministry of Justice, her driver and two bodyguards in Baghdad.

27. Lawyers are reportedly reluctant to carry on their work freely or to be involved in cases which may affect their safety. Lawyers appear reluctant to work on cases involving family matters ("honour crimes;" inheritance; children's custody cases following divorce) for fear of being targeted by intolerant and extremist elements in society. As a result, women are reported to be particularly affected. On 29 July, Salah Abdel-Kader, a lawyer in Baghdad known for working with cases of "honor crimes" and children's custody, was shot dead in his office. It was reported that according to his family a note was found near his body saying: *"This is the price to pay for those who do not follow Islamic laws and defend what is dreadful and dirty."*

28. The Bar Association in Sulaymaniya reported that, on 18 August, a lawyer was detained by security elements in Bakerjawo because he participated in a demonstration against the Kurdistan Regional Government. He was released two days later by an investigative judge.

Journalists

29. UNAMI remains concerned regarding ongoing threats to freedom of expression in the country posed by continuous targeting of journalists and news publications. According to international organizations monitoring freedom of expression in Iraq, between 100 and 134 journalists and media workers, of different Iraqi communities, have been killed since March 2003.

30. On 31 July, Iraqi journalist Abdul Wahab Abdul Razeq Ahmad Al-Qaisie, editor-in-chief of the magazine Kol Al Dounia, was found dead 10 days after he was abducted by masked militiamen in the New Baghdad district. Mohammad Abbas Mohammad, editor for the newspaper Al-Bayannah Al-Jadida, was shot dead while he was leaving his home in western Baghdad. On the same day, the body of freelance journalist Ismail Amin Ali,

a well-known columnist for Al-Sabah and Al-Qarar was discovered by the police in Al-Sadr City, in eastern Baghdad.

31. Journalists and publications have also faced legal prosecution by the authorities for carrying out their work. In August, prosecution started against three other journalists at Karrada Felony Court for charges based on article 226 of the Iraqi Penal Code, including slandering the police forces and judicial figures in three articles published in 2004 in Sada Wasit Newspaper, where the three worked. One article reportedly criticized the Governor of Wasit, while two other articles criticized the Iraqi Judicial System and the Iraqi police in that Governorate for violating basic human rights. The office of the Basra Governor confirmed to UNAMI HRO that the city authorities intend to sue any journalist who portrays a “*false message to the media regarding the security situation in Basra.*”

32. The Iraqi Journalists’ Association reported that forces of the Ministry of Interior beat Ali Al-Yassi, a journalist working for satellite TV channel Al-Hurra on 1 August. On the same day, Adel Najee Al-Mansouri, a reporter for Iranian TV channel *Al-Alam*, was found dead, a day after armed men took him from his house in the Al-Amiriyah district of Baghdad. Riyadh Mohammad Ali Atto, the editor of “Tal’afar Today weekly” newspaper in Talafar was kidnapped on 20 July in Mosul and his body found on 1 August. The body of Ayad Nsaif Al-Musawi was found in mid-August in Palestine Street, not far from the place where he had been kidnapped in mid-July. On 16 August, an armed group kidnapped Saif Abidl Jabar Al-Timimi from west Baghdad. Mr. Al-Timimi worked with Al-Ikha newspaper, affiliated with the Iraqi National Turkoman Party in Iraq.

33. The Iraqi Journalist’s Association announced the assassination attempt against the Deputy Chairman of the Association, Mr. Jabar Tarrad Al-Shimmary; the former chairman Mr. Abdulla Al-Lami, was also victim of an assassination attempt on 29 August. On 27 August a car bomb exploded outside the offices of the leading state-run newspaper “Al-Sabah” in Baghdad, killing two people and wounding 25 others. This was the second attack against the same newspaper in ten months. The same day, another bomb targeted the Hotel Palestine, which hosts many foreign news agencies and reporters, killing five persons and wounding 10 others. The Palestine Hotel had been also targeted in October 2005, when suicide bombers severely injured nine journalists and media workers.

34. Many journalists have fled the country after receiving threats or following assassination attempts. Several Iraqi Human Rights Organizations have called for inquiries to be conducted on all cases of attacks against journalists and for the Government to protect them. The Deputy Prime Minister for Security, Dr. Salam Zuba’i announced in mid August that his office would adopt a proposal to establish a force to protect media workers and organizations.

35. UNAMI HRO is also concerned about freedom of expression in the Region of Kurdistan following the detention of at least seven journalists by police forces when covering demonstrations against the KRG in Sulaymaniya Governorate on 13 August. The journalists were later released on bail (See paragraph 84-85).

Intimidation, threats, kidnappings

36. Intimidation, threats and kidnappings for ransom are continuing to affect the life of ordinary Iraqis. Such incidents have also sectarian connotation. Many kidnappings continue to be carried out by criminal gangs sometimes wearing police or Special Forces' uniforms. The victims are either released or they disappear based on their sect affiliation. In some cases, there are reports that hostages are sold to other gangs. No accurate statistics are available because, in most cases, the victims' families do not seek the assistance of the police or the judicial system but appeal instead to leaders of militias or tribes who may have influence with the alleged kidnappers. There are unconfirmed allegations that many of those disappeared are being kept in illegal detention centers run by death squads. In most cases, the victims simply disappear and their relatives have no information about their whereabouts. Many residents have reported receiving threatening letters intimating them to evacuate their homes. Those threats include instructions not to rent or sell the property left behind, which in turns increases hardship for the displaced family. UNAMI HRO also received reports that many of the abandoned houses are later occupied by militias.

37. On 13 July, Mohammed Karim Abid Sahib, the coach of Iraq's national wrestling team was killed in the Baghdad neighbourhood of Adhamiya. On 15 July, gunmen dressed in police uniforms kidnapped the head of Iraq's Olympic Committee, Ammar Jabbar Al-Saadi and at least 12 others, including the deputy head of the Olympic Committee, the chairman of the Tae-kwon-do Federation, Jamal Abdul-Karim, and the chief of the Boxing Federation Union, Bashar Mustafa. Although some of the victims were later released, Mr. Ammar Jabbar's whereabouts remain unknown. Many individuals kidnapped for ransom have not been released even if victims' families expressed their willingness to pay a ransom. Hours after Muhammed Ibrahim went missing, on 6 August, the family received a call from the kidnappers from his own mobile phone asking for a ransom. Negotiations regarding the sum to pay continued but, on 7 August, the kidnappers asked the family to evacuate their home and move to another area. On 8 August, phone calls stopped and the fate of Muhemmed remains unknown. On 31 July, unidentified gunmen kidnapped 26 people in a shopping street in Arasat, in central Baghdad, including the head of the Iraqi-American Chamber of Commerce, an independent organization affiliated with the US government, as well as 10 of his staff and 15 other employees working for a mobile telephone company. The kidnappers reportedly wore police uniforms and arrived in some 15 police vehicles without number plates and left after separating men from women, blindfolding, handcuffing and taking away the men.

38. According to reports and individual accounts received by UNAMI HRO, travelers on main roads to and from western borders of Iraq are often questioned about their religious affiliation by armed groups which act with impunity. On 1 August, 45 civilians from Al-Najaf were kidnapped by unidentified gunmen and taken to an unknown location. Eight employees in the Nasir Company belonging to the Ministry of Industry were kidnapped on 6 August, when traveling in a minibus. The driver was later released and only the body of another person was found. On 13 August, Khalid Abdulla with other 5 drivers in

five trucks, was returning from the Syrian border heading to Baghdad, when they stopped at a restaurant near Rutba; armed individuals took them away and severely tortured them. Three of the drivers were later released but Khalid and other two men with three trucks are still missing. According to reports received approximately 25 drivers and their trucks disappeared in the same road by the end of August.

39. Local aid groups, which at times are the sole source of assistance for the growing number of displaced persons, have reported receiving threats for helping displaced families of different religious affiliation. Violence hampers the delivery of aid in places such as Al-Anbar and Baghdad. In Kirkuk, at the end of August, a printed threat circulated among aid agencies accusing seven foreign-based aid organizations of working for the benefit of a foreign country and against the interests of Iraq.

40. Human rights activist, Mr. Hussein Al-Ibrahemi, survived an assassination attempt on 25 July when unidentified persons shot him as he was arriving to his home in the town of Karbala. In May 2006 Mr. Al-Ibrahemi had received threatening letters accusing him of being a “spy” for the United States and for facilitating things for the “occupation forces” through his teaching of human rights activities.

Women

41. Women remain particularly vulnerable and exposed to great risks. As previously reported,² the security situation and the militancy of intolerant groups are increasingly limiting women’s ability to move freely outside their homes while progressively restricting their access to health services and education as well as their ability to participate in public life.

42. Moreover, UNAMI HRO received reports that women are increasingly facing threats to their lives and physical integrity if they are accused of damaging the “honour” of the family. Although “honour crimes” are not new in Iraq, the generalized breakdown in law and order may risk fostering a culture of “taking matters into one’s hands.” While accurate figures are difficult to obtain for the whole of Iraq, it is known that “honour crimes” affect women primarily, albeit not exclusively. In a recent case known to UNAMI HRO, two boys and a girl of 14 to 15 years of age were killed on 11 August in the north of Iraq purportedly after the girl had established a relationship with one of the boys. No criminal investigation appears to have been initiated by the authorities to identify and punish those who committed such murders.

43. “Honour crimes,” though, affect women in a disproportionate manner. They violate fundamental rights guaranteed by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Iraq is party. Although CEDAW does not contain specific provisions regarding violence against women, General Recommendation 12 of the CEDAW Committee clarifies that gender-based violence is prohibited by the Convention and that States parties should act *“to protect women against violence of any kind occurring within the family, at the work place or in any*

² See UNAMI Human Rights Bi-Monthly Report, May-June 2006.

other area of social life.” The International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which Iraq is also a party, have specific provisions prohibiting violence against women and girl children.

44. In addition, article 4 of the UN Declaration on the Elimination of Violence Against Women requires that "*States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination*" (Article 4).

45. According to the Iraqi Penal Code, killing women on the grounds of “honour” constitutes an attenuating factor. Article 409 stipulates that men convicted of “honour killings” may be jailed only for a period of up to three years. However, because such crimes are infrequently reported, few are actually prosecuted. Furthermore police and judges often sympathize with the accused.

46. UNAMI HRO has learned of three women killed by unidentified men in Missan in mid-August allegedly for “honour” reasons. Two of those women were apparently well-known and lived in an area called “Al-Imarat Al-Sakaniya Al-Qadeema” in the center of Amara in Missan; the third woman lived in “Al-Iskan” area in Amara.

47. The Kurdistan Regional Government has been a leading voice in denouncing Iraq “honour killings” and its amendment of the penal code to consider such killings as ordinary crime is commendable. Furthermore, the Kurdish Regional Government has made significant progress in acknowledging the occurrence of “honour killings” and in raising public awareness regarding this matter.³ However, it has come to the attention of the UNAMI HRO that over the last six months there has been a significant increase in the rate of female mortality due to accidents or crimes in the Region of Kurdistan.

48. UNAMI has learned with concern that figures for the period 1 January to 1 July 2006 from the Medico-Legal Institute in the Governorates of Erbil and Sulaymaniya indicate that the number of females killed is 112 and 163 respectively. “Burning” was given as the cause of death in over half of the cases in Erbil and approximately two thirds in Sulaymaniya. Press reports in the Region of Kurdistan have indicated that similar episodes are also found in the Governorate of Dahuk. Many women’s rights activists, civil society organizations and members of the Kurdish National Assembly have reported to UNAMI that on many occasions such type of “fire accidents” conceal, in reality, an “honour crime” committed within the family.

49. In their fight against generalized violence, central, regional and local authorities should provide greater protection to women from crimes committed within the family, including all types of violence against women and girls on the grounds of honour. Whenever such crimes are committed the authorities should ensure that they are properly investigated and that those found to be responsible are brought to justice. An early revision of the Iraqi Penal Code, along the lines of the one undertaken by the Kurdish National Assembly, which determined that “honour killings” constitute an aggravating

³ See UNAMI Human Rights Report, May-June 2006; paragraph 44.

factor, becomes pressing. On 24 August, the Special Representative of the Secretary General (SRSG) for Iraq, Mr. Ashraf Qazi, expressed his concern to President Jalal Talabani regarding the issue of “honour crimes” in a letter subsequently sent also to the President of the Region of Kurdistan, in which he highlighted UNAMI’s concern with the phenomenon.

Military operations

50. In Al-Anbar, where military operations are ongoing there have been consistent reports by residents, NGOs and observers indicating that local residents continue to face severe restrictions to their freedom of movement or suffer temporary displacement, disruption of food and medical supplies, periodical disruption of electricity and water supplies, as well as limited access to other basic services such as health and education.

51. In Falluja, since early 2005, residents are required to carry special identity cards issued by the MNF-I in order to have access to the town. It has been reported that long queues are in place hampering the movement of people and goods. In Rutba, the MNF-I reportedly conducted operations in early July which included the total blockade of the town for approximately four days. Similar blockades continue to be imposed on the town intermittently.

52. In Ramadi, where the insurgency continues to conduct a sustained campaign against the Government and the MNF-I, residents reported that insurgents murdered and intimidated civilians and used civilian homes as hideouts, therefore exposing their inhabitants to MNF-I retaliation. There have been numerous insurgent attacks against the local civilian administration; Iraqi police and their families have been particularly targeted. Sectarian violence has also caused the displacement of non-Sunnis from the town while Sunni displaced persons have continued to arrive from other parts of the country.

53. UNAMI has continued to receive reports of MNF-I involvement in incidents of excessive use of force and of restrictions imposed on the movement of the civilian population, particularly in areas where military operations are ongoing. According to reports received from local residents and NGOs working in the area, during military operations in Ramadi in early July, the MNF-I closed roads and imposed strict curfews which resulted in price increases and penury of supplies. The MNF-I has been accused of allegedly using excessive force in civilian neighbourhoods through the use of targeted air strikes which resulted in casualties, distress and displacement in areas directly affected by the conflict. The MNF-I also was reported to have forcibly occupied civilian property that had been used by insurgents, even if this was done against the owners’ will. For these reasons, residents are also leaving homes close to houses used by the insurgents and / or occupied subsequently by the MNF-I. On 5 July, the MNF-I occupied Al-Ramadi Specialized Hospital allegedly because it harboured “terrorists.” Following negotiations with health officials in Al-Anbar, the MNF-I left the hospital on 13 July but maintained an outdoor patrol.

54. The presence of MNF-I snipers on the roof of buildings reportedly often results in reduced mobility, increased fears and hardship for the population. On 28 August, it was reported that snipers shot thirteen civilians for breach of the curfew, killing six and injuring seven, in the district of Al-Eskan Al-Jadida in Ramadi.

Minorities

55. Ethnic and religious minorities continue to be victim of violent and extremist groups, legal discrimination, political and social exclusion. They continue to report an erosion of their rights of political participation and to express freely their culture and beliefs. The Sabeen-Mandean minority, an indigenous group whose history in Iraq dates back thousands of years, has repeatedly expressed the fear that due to killings and emigration their presence in Iraq is in danger of extinction. Inter-ethnic tensions and violence remain high in Kirkuk, where a significant Turkoman population lives. Many Christian families are continuing their migration to the Region of Kurdistan from Baghdad and Ninewa. The Shabak community in Mosul and Ninewa plain continue to report being subject to violence and intimidation. Over one hundred of them have been reportedly killed since the beginning of June 2006, and over a thousand families have moved to villages outside Mosul. Members of the Shabak community living in villages of the Ninewa plain reported harassment by Kurdish militias who would be asking residents questions regarding their affiliation and ethnicity. Members of the Baha'i faith continue to be subject to discrimination in the issuance of identity and travel documentation. Minorities continue to remain concerned regarding their possible political marginalization as a result of the ongoing armed conflict. Representatives of most communities have complained about the lack of sufficient recognition of minorities in the Iraqi Constitution and are seeking further guarantees regarding their identity and political representation in the upcoming constitutional review.

Displacement

56. As a result of ongoing violence, Iraqis continue to move to safer areas of Iraq or to leave the country in search of security. According to data collected by the United Nations, since the destruction of Al-Askari shrine in Samarra on 22 February 2006, which unleashed a wave of sectarian violence in the country, approximately 300,000 individuals have been displaced from their residence and are now living in a different part of their own town or in another region. Tracing movements of displaced persons reveals that all Governorates of Iraq have been affected, although to varying degrees, by inflows and outflows of persons in search of greater security. Most Governorates have received displaced persons from Baghdad.

57. According to the Kurdistan Regional Government, as many as 50,000 individuals from all sectors of society, religions and sects coming from the rest of Iraq may have sought refuge in the Region of Kurdistan, whose government has commendably welcomed their arrival. The majority of the displaced are not in camps but manage to stay with relatives, acquaintances, in mosques or public buildings. Displaced persons face increased vulnerability because of their uprooting. Therefore, efforts should continue to

ensure that sanctuary is granted to civilians in need of protection while ensuring all their human rights, including access to basic services such as health and education in their host communities.

Rule of Law

Detention

58. The conditions and the legality of detention in Iraq continue to warrant attention. According to the Ministry of Human Rights, as of 31 August 2006, there were a total of 35,542 detainees. The table below demonstrates that, following a decrease in the period May-June 2006, there has been an increase in the number of detainees in July and August 2006, particularly in the number of detainees held by the Ministry of Justice (+ 92 % with respect to the end of June). This reflects the fact that increasing number of inmates have been transferred to the custody of MOJ from other detention authorities. The number of detainees in the Region of Kurdistan decreases compared to June (- 8%). Despite a significant reduction in the number of detainees under the custody of the Ministry of Defense (MOD), between July and August, the number of detainees under MOD authority increased comparing June and August (+ 2%). The number of detainees under the jurisdiction of the Ministry of Labour and Social Affairs, who holds juveniles, increased slightly. The number of detainees under MNF-I custody grew both in comparison with the end of June (+ 8%) and of July. Of the 13,571 detainees in MNF-I custody, 85 individuals were under United Kingdom custody while the rest was under United States authority. The number of detainees under the custody of the Ministry of Interior decreased marginally compared to the previous reporting period.

Detention jurisdiction	May	June	July	August	% Difference end June / end August
MNF - I	14,961	12,616	13,000	13,571	8%
MOJ	7,528	7,528	8,145	14,427	92%
MOI	4,727	4,346	3,787	4,331	-0.1%
MOD	660	730	969	743	2%
MOLSA	282	487	497	490	1%
Total except KRG	28,158	25,707	26,398	33,562	31%
Total in Kurdistan	1,448	2,147	1,980	1,980	-8%
Total Iraq	29,606	27,854	28,378	35,542	28%

59. At least 2,776 detainees were released during the reporting period; on 9 August, 186 individuals who had been detained by the MNF-I in Abu Ghraib for varying periods of time for “imperative reasons of security” were either transferred to MOJ custody or released.

60. Thousands of detainees continue to be held outside the existing legal framework partly due to the fact that the Iraqi courts do not have the capacity to adjudicate such a high number of cases. The number of judges, less than 800, is insufficient for a

population estimated at over 27 million. Furthermore, as reported above,⁴ judges and judicial personnel work under severe security conditions and many have been killed, attacked or threatened. UNAMI welcomes the announcement that 200 judges will be appointed shortly. They have been selected among 500 reputable lawyers who have practiced law in Iraq for over ten years. Furthermore, 379 judges will graduate from the Judicial Institute next July 2007. The increase in the number of judges is expected to facilitate processing a growing number of judicial cases and avoid impunity for major human rights violations. On 30 May, a joint inspection led by the Deputy-Prime Minister and MNF-I, in a prison known as “Site 4” revealed the existence of 1,431 detainees presenting systematic evidence of physical and psychological abuses. Related to alleged abuses committed at “Site 4,” 52 arrest warrants have been issued against officials of the Ministry of Interior and are currently waiting to be served.

61. The current absence of law and order combined with a range of exceptional measures from the “state of emergency,” extended by the Council of Representatives for an additional 30 days on 25 July, as well as continuous security sweeps, continue to swell the number of detainees and overwhelm the judicial system.

62. With the transfer of military command from the MNF-I to the Iraqi authorities, the powers of detention of the Iraqi Army will be linked to the exceptional security measures granted by the “state of emergency.” It is imperative that the powers of arrest are strictly utilized within the law.

63. Plans for a forthcoming amnesty, as part of the National Reconciliation Plan announced by Prime Minister Nouri Al-Maliki on 25 June in an attempt to boost national reconciliation, are welcome. However, such amnesty shall not be applicable for war crimes, crimes against humanity, and genocide. UNAMI believes that amnesty should not be general and unconditional and should be limited in time and carefully worded. The process leading to any amnesty should be seen as transparent and fair and should be accompanied by an awareness campaign meant to explain its purpose and applicability to the general public so that it could really serve the purpose of national reconciliation.

Torture

64. UNAMI HRO has consistently documented the widespread use of torture in Iraq. This matter has regularly emerged as a major concern and has been widely acknowledged as a major problem by Iraqi officials. Periodically, information has been received by HRO regarding the use of torture in detention centres. The bodies that regularly appear throughout the country bear signs indicating that the victims have been brutally tortured before their extra-judicial execution.

65. UNAMI HRO has received reports and documentation showing the type of torture inflicted on detainees, particularly during interrogation. Detainees’ bodies show signs of beating using electrical cables, wounds in different parts of their bodies, including in the head and genitals, broken bones of legs and hands, electric and cigarette burns. Bodies

⁴ See paragraphs 25-28.

found at the Medico-legal Institute often bear signs of severe torture including acid-induced injuries and burns caused by chemical substances, missing skin, broken bones (back, hands and legs), missing eyes, missing teeth and wounds caused by power drills or nails. Individuals who escaped death in such incidents reported that saw others being tortured to get information about their sect. For example, an individual reported that he was beaten by members of a Sunni extremist group with electrical cables and iron bars to make him confess the sect to which he belonged. The body of another man kidnapped by Shi'a militias bore signs of facial mutilation, had fingers missing from his hands and had a significant perforation – presumably from a power drill – below his left shoulder.

66. On 1 and 2 July, the UN Special Rapporteur on Torture, Mr. Manfred Nowak, met with UNAMI HRO as well as with Iraqi NGOs in Amman and with victims of torture who came from different regions of Iraq. Seventeen detailed cases, which had been submitted by victims and human rights organizations to UNAMI and supported by complete testimonies, pictures, appeals, official complaints and certificates, were handed over to the Special Rapporteur. On 2 July, Mr. Nowak held a video-conference with additional Iraqi NGOs and representatives of the Ministry of Human Rights from Baghdad. NGOs brought to the attention of the Special Rapporteur cases from prisons run by the Ministries of Interior and Defense and also allegations of torture in prisons run by militias or by the MNF-I. The nature of torture reported varies from excessive use of force resulting in the death of inmates to single acts of punishment also related to riots.

67. Iraqi NGOs expressed their frustration at the current situation and stressed the urgent need for the UN and other international entities to intervene in order to prevent further human rights violations. NGOs expressed that their main concern remained the mandate of the Special Rapporteur and his authority to take effective and practical measures to address the situation in prisons all over Iraq, his ability to positively change the situation on the ground and his willingness to visit.

68. The Special Rapporteur's role is to examine torture cases in all countries, irrespective of whether they have ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. However, fact finding missions can only be executed when the Special Rapporteur receives formal invitations from Governments. The Special Rapporteur has received many complaints and allegations of cases of torture from Iraq but unfortunately, to date, no formal invitation to visit Iraq has been extended. Mr. Manfred Nowak expressed his readiness to visit the country should an invitation be extended to him. UNAMI HRO strongly recommends that Iraq accedes to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and that the Government of Iraq extends a formal invitation to Special Rapporteur on Torture

Al-Jadiriya Report

69. The United Nations has continued to request that the Government of Iraq publish the findings on the investigation on the illegal detention centre of "Al-Jadiriya," also known as the "bunker," uncovered in Baghdad on 13 November 2005. Most recently on 19 July,

the UN High Commissioner for Human Rights wrote again to the Prime Minister stating that “*prompt action against impunity and the prosecution of those responsible for serious human rights violations will be crucially important in creating the conditions for effective national reconciliation and rule of law at this crucial point in Iraq’s history.*” The High Commissioner also reiterated the United Nations’ willingness to assist the Government of Iraq in addressing human rights concerns in detention facilities throughout the country and in building up institutional capacity to resolve human rights challenges.

70. As reported in the previous human rights bi-monthly,⁵ UNAMI HRO has gathered information to the effect that the Minister of Interior and senior Ministry of Interior officials knew of the use of the facility as a detention centre. Reportedly, the MNF-I was aware of and had visited the bunker to treat detainees before 13 November 2005. The judiciary was also aware of the detention centre and the conditions of detainees with two judges available *in situ*, attached to the Special Investigative Directorate (SID), which was responsible for Al-Jadiriya on behalf of the Minister of Interior. Reportedly, SID would have been established in June 2005 under the leadership of the Deputy Minister of Intelligence Affairs. There would have been 26 officers working in SID, which received detainees from police stations and patrols, as well as Special Forces such as the Public Order Brigades, Intelligence, and Governorates police.

71. On Sunday 13 November 2005, the MNF-I along with the Iraqi troops raided the “bunker” and found 168 detainees. Reportedly, the cleanliness and sanitation in the facility was less than adequate; food was available but the living space was insufficient to accommodate the number of detainees. The age of the detainees ranged from 15 to mid-60s. Many detainees claimed that the “bunker” was under the responsibility of the Bader Organization; only some claimed that they have been arrested by individuals wearing military uniforms and the vast majority asserted that they had been arrested at checkpoints. In a few cases, the detainees claimed that they had been arrested as a form for blackmailing a third person. Medical examinations would have revealed that 101 out of 168 inmates had been abused and presented wounds and signs of abuse consistent with electric shocks, beatings and stabbing.

72. Reportedly, according to statements of detainees, 18 other inmates died or were killed during the detention; 14 of those deaths were confirmed by documentation of the witnesses; 95 detainees were arrested according to a judicial warrant and their statements were documented. Seventy-one defendants were arrested according to a judicial warrant but their statements were not documented by the judges. Reportedly, the statements of seven defendants were documented by an investigator only but their papers were not brought before the judiciary.

73. Despite repeated calls made to the Government of Iraq by the UN High Commissioner for Human Rights and the Special Representative of the Secretary General in Iraq, to make the findings of the report public, those findings have not been published yet. The Iraqi Government should open a judicial investigation into human rights violations in Al-Jadiriya, starting with the personnel of the “bunker” and including the

⁵ See UNAMI Human Rights Bi-monthly; May-June 2006.

most senior officials. The publication of the Al-Jadiriya's report, the establishment of a formal inquiry into this case and the prosecution of those found to be responsible for allegations of human rights violations, would serve the people and the Government of Iraq and provide a powerful signal that the country is firm in its commitment to establish a new system based on the respect of human rights and the rule of law.

Allegations of human rights violations committed by the MNF-I

74. On 9 July, the US Army stated that three soldiers on active duty had been charged with rape and murder and a fourth with dereliction of duty in connection with the raping and killing of a young woman, and the killing of her mother, father and 5-year-old brother on 13 March 2006 near the town of Mahmoudiya. The main alleged suspect for this crime has been already arrested in the United States and a sixth soldier was also reportedly charged in connection with this crime.

75. This crime generated significant debate in Iraq among senior politicians and public opinion regarding the existing provisions issued by the Coalition Provisional Authority (order 17) stipulating that Coalition Forces, diplomatic personnel and contractors working for Coalition Forces or for diplomats "*shall be immune from the Iraqi legal process.*" Article 32 of the US Military Code of Justice, requires a thorough and impartial examination of the charges and evidence before the case may be referred to a martial court. In relation with the Mahmoudiya crimes, Article 32 proceedings started on 6 August in Camp Victory in Baghdad. If convicted, the defendants could face the death penalty.

76. On 7 July, the Commander of the MNF-I Corps (Operations) issued a statement in Baghdad declaring that an US Army internal inquiry concluded that senior Marine officers were negligent when they failed to conduct thorough investigations into the killings of 24 Iraqi civilians in Haditha on 19 November 2005. The case was reviewed by two US military inquiries and was handed over to a military prosecution team to examine whether there is enough evidence to substantiate a case.

77. Another two cases, one of four American soldiers accused of killing three Iraqis near Samarra in May this year, and another against seven US Marines and a navy sailor for the killing of a disabled man in Hamdaniyah on 26 April, were opened in early August in the United States of America.

78. UNAMI HRO has raised a number of cases with the MNF-I, which has appointed a focal point to follow up on such cases and other related matters. UNAMI welcomes all investigations of violations of humanitarian and human rights law

Iraqi Higher Tribunal (IHT)

79. The closing arguments in the trial of Saddam Hussein and seven other co-defendants were presented by defense lawyers on 10, 11, 24, 26 and 27 July. The privately-retained defense counsels boycotted the sessions protesting against the Court procedures and in solidarity with the defense lawyers killed since the beginning of the trial. The Presiding

Judge mentioned that in accordance with Iraqi law, the proceedings would continue with court-appointed lawyers, whose names were not revealed and whose voices were distorted for security reasons.

80. Another procedural issue was the question regarding the obligation of the defendants to be present in the courtroom during the closing statements. In accordance with Article 145 and 158 of the Iraqi Criminal Procedural Code, defendants must appear in person except if they have violated the rules of the Court. On 26 July, Saddam Hussein claimed that he had been forced to attend the session although the Court denied that this was the case. Four defendants had been refusing meals since the evening of 7 July, but the Presiding Judge mentioned that, according to the medical report received by the Court, Saddam Hussein was deemed fit to attend the trial after resuming eating that same day.

81. The statements of the court-appointed lawyers made reference to international humanitarian law. The failure to establish individual responsibility was also widely raised by the lawyers, bringing up numerous references to jurisprudence from the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

82. The verdict in the *Dujail case* will be known on 16 October 2006. International observers monitoring the trial indicated a number of shortcomings in the institutional functioning of the Court, including its inadequate administration and its reliance on anonymous witnesses, which has limited the defendants' right to cross-examine witnesses and challenge their evidence. Furthermore, the security environment in Iraq has exposed limitations in the provision of protection to defense lawyers.

83. On 21 August, a second trial opened in Baghdad against Saddam Hussein and six other co-defendants. They are charged with war crimes and crimes against humanity for the "Anfal Campaign" in 1986-1987, which led to the killings of as many as 180,000 Kurds in northern Iraq. Prosecutors said villages had been razed in aerial and artillery bombardments, including poison gas attacks; villagers were forced into camps and were shot, tortured or raped. Saddam Hussein, who together with Ali-Hassan Al-Majid ("Chemical Ali") is also charged with genocide, refused to enter a plea on charges of genocide and war crimes. The defense filed a motion against the legitimacy of the Iraqi Higher Tribunal and claimed that the detainees were prisoners of war. On 22 and 23 August, witnesses for the prosecution provided accounts on how planes and helicopters launched attacks over two Kurdish villages with chemical weapons that caused death and severe injury to many persons including women and children. Other victims were detained and subsequently disappeared.

Region of Kurdistan

84. While the Region of Kurdistan continues to enjoy relative tranquility and better conditions of socio-economic development, specific human rights concerns remain regarding women's rights⁶ and freedom of expression. Demonstrations took place across

⁶ See paragraph 35 above.

towns in the Governorate of Sulaymaniya to protest against corruption of local officials and to call for an improvement in the provision of basic services. Most of the protests were peaceful, although some turned violent when groups of demonstrators attacked public buildings with stones. Some individuals had been apparently detained by the authorities before the demonstrations started in an effort to prevent them; approximately 200 persons were briefly detained following the demonstrations.

85. On 27 July, workers of the Tasluja Cement Factory, on strike since early July, clashed with private security guards while attempting to meet the establishment's manager. At least 13 demonstrators were reportedly injured during the incidents. Kurdish media reported that three Arab workers from the factory were killed, although UNAMI HRO has been unable to confirm the incident from official sources. On 9 August, in Kalar district, one demonstrator was killed and many injured, including several police officers, as a result of clashes between security forces and demonstrators. Following the incident, 28 police officers were suspended from duty until an official investigation is completed. On 8 August, in the town of Darbandikhan, approximately 100 demonstrators were detained during and following a similar demonstration. A journalist working for "Hawlati," an independent news weekly which has reported in the past being victim of persecution by the authorities, was detained and later released. On 13 August, in Sulaymaniya, a crowd estimated at 3,000 people demonstrated in front of the Governor's Office requesting improvement in the delivery of public services, an end to corruption and more social justice. Twelve journalists covering the events, as well as dozens of demonstrators including women, were kept in overnight detention. In Dahuk, similar demonstrations took place on 12 August, which ended peacefully with no casualties or detentions reported.

Promotion of Human Rights

Human Rights Project for Iraq 2006-2007

National Human Rights Commission and other Capacity-Building Activities

86. UNAMI HRO continued to work for the establishment of a National Human Rights Commission in Iraq, as mandated by the Iraqi Constitution and in accordance with international standards. A draft law for the establishment of a National Human Rights Commission has been prepared and will soon be examined by the Council of Representatives. In mid-July, several meetings were held between UNAMI HRO, the Human Rights Committee of the Council of Representatives and the Ministry of Human Rights to discuss and finalize the draft law on the establishment of the Commission. In cooperation with the UN Office of the High Commissioner for Human Rights (OHCHR), UNAMI HRO sponsored and organized a five-day Human Rights Workshop for Iraqi Parliamentarians, from 7 to 11 August in Geneva, Switzerland. The workshop gathered 12 members of the Human Rights Committee of the Council of Representatives for sessions on international human rights treaties and the treaty-body system, national human rights institutions, role of Parliaments in legislative reform, on the role of the Human Rights Council and other international human rights mechanisms. The members

of the Human Rights Committee had also sessions at the Geneva based Inter-Parliamentary Union.

87. It should also be noted that as a further consolidation of the rule of law in the country, in line with the Constitution and international standards, the Council of Representatives adopted on 25 July the Correctional Facilities Law.

Thematic Working Group on Human Rights

88. The second meeting of the Thematic Working Group on Human Rights within the UN Country Team was held, on 25 July, under the chairmanship of the Deputy Special Representative of the Secretary General for Development and Reconstruction, and Humanitarian Coordinator, Mr. Jean-Marie Fakhouri. The goal of this meeting was to facilitate information sharing on human rights and rule of law issues, to identify priorities and critical gaps in these areas as well as ensure a rights-based approach to programmes carried out by the UN Country Team.

Rule of Law Sectoral Working Group (ROLSWG)

89. On 10 July, HRO convened and chaired the second meeting of the Core group on human rights, part of the Rule of Law Sectoral Working Group, with the participation of the Ministry of Human Rights, the High Judicial Council, the European Commission as well as the United States and United Kingdom's Embassies. During the meeting, the representative of the Ministry of Human Rights explained the Ministry's projects while donors outlined their commitments to assist in the promotion of human rights in Iraq.

90. The core teams on the High Judicial Council (HJC) and Ministry of Justice, part of the Rule of Law Sectoral Working Group, met in Baghdad on 11 July and 23 July respectively. The first team reviewed new proposals of the HJC to improve the investigative capacity of the judiciary; the second reviewed the priorities of the Ministry of Justice and discussed implementation plans. UNAMI HRO is preparing to implement specific projects in support of the Ministry of Human Rights and the judiciary foreseen in the Human Rights Programme for Iraq developed by UNAMI HRO and OHCHR.

Transitional justice

91. On 22 and 23 July, UNAMI HRO, OHCHR and the International Centre for Transitional Justice (ICTJ), in partnership with the Ministry of Human Rights, organized a meeting on transitional justice in Iraq in order to review initiatives underway and to map out possible future steps. The overall goal of the meeting was also to support the implementation of the Prime Minister's National Reconciliation Plan. The transitional justice meeting coincided with discussions on the establishment of the Higher Committee for Reconciliation and National Dialogue held on 22 July. The meeting was opened by the President of the Council of Representatives and attended by the Minister of Human Rights, the Minister for National Reconciliation and the National Security Advisor. During the working group sessions of the second day, most participants identified

transitional justice mechanisms as a key component of the national reconciliation plan. They acknowledged that current mechanisms are incomplete or not functioning properly and requested more support from the United Nations to find an “Iraqi way” in connection to transitional justice. Members of the Council of Representatives, ministries, civil society and political parties also participated in the meeting.

92. The first day focused on international legal standards and best practices, a review of various transitional justice mechanisms applied in Iraq, such as the Iraqi Higher Criminal Tribunal, the Iraqi Central Criminal Court, the De-Baathification Commission, the Property Claims Commission and other reparation mechanisms. The question of missing and disappeared persons was discussed at length. During the working group sessions organized on the second day, participants discussed key transitional justice tools: vetting, prosecution, truth-seeking / reconciliation processes and reparation. The groups, composed and chaired by Iraqi participants, generated in depth discussions and arrived at specific recommendations, among them: that any constitutional reform on de-baathification should be led by the Council of Representatives; the establishment of a high-level committee to issue recommendations on prosecutions and amnesty; the establishment of a truth-telling committee; activation of the process of reparation through the formation of a Ministerial Committee to coordinate the work of the recently created associations of Martyrs and Political Prisoners. Those deliberations have highlighted the need to address both past grievances and the current human rights violations in Iraq, in order to create the conditions for true dialogue. It also emerged that although several initiatives regarding transitional justice have been undertaken since 2003, they had lacked coherence, consultation with the population and political support.

93. This meeting, therefore, constitutes a first step towards the definition of a transitional justice strategy for Iraq. Further discussions will be necessary to identify the best mechanisms for Iraq taking into account its specificity and the ongoing violence. It was clearly expressed that the pre-requisite for success in any transitional justice strategy was the carrying out of consultations with civil society and victims’ organizations. Among the follow up actions resulting from the meeting, UNAMI HRO agreed to produce for wide distribution a paper reflecting international best practices in terms of amnesty laws.