

UN Assistance Mission for Iraq (UNAMI)



بعثة الأمم المتحدة لتقديم المساعدة للعراق

Human Rights Report 1 July – 31 August 2005

Summary

The reports received during the reporting period reveal continuing concern for the lack of protection of civilians in regard to their civil, cultural, economic, political and social rights. This, together with continuing allegations reflecting deficiencies in the administration of the justice system, and in particular the handling of the circumstances and conditions for detention, continues to present a major challenge to the Iraqi authorities and to UNAMI.

The insurgency targeted innocent civilians including children, as well as police officers, politicians, foreign diplomats, human rights defenders and those associated with the MNF or perceived to be so. Corpses appear regularly in and around Baghdad and other areas. Most bear signs of torture and appear to be victims of extrajudicial executions.

Mandate of HRO

1. Security Council resolution 1546, para 7 (b) (iii), mandates UNAMI “to promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq.” In order to fulfill its mandate, the UNAMI Human Rights Office (HRO) monitors human rights in Iraq to support activities aimed at the rehabilitation and reconstruction of Iraqi institutions and to ultimately achieve an improvement of the human rights situation in the country.

2. HRO works with the ministries of Justice, Human Rights and Interior and with civil society to promote human rights and the rule of law with the spirit of fostering national reconciliation. For this purpose, HRO bases its interventions on the Human Rights Programme developed in 2004 jointly with the Office of the High Commissioner for Human Rights (OHCHR), other UN agencies, the Ministry of Justice and the Ministry of Human Rights.

Overall situation of human rights

3. The tragic events of 31 August, in which nearly 1,000 persons lost their lives during a religious procession in Baghdad, highlighted in a dramatic way the precarious situation of civilians in Iraq. On 17 July, at least 98 civilians were killed and approximately 150 wounded when insurgents exploded a fuel truck south of Baghdad. On 13 July, the

insurgency attacked an MNF patrol in the capital's poor Shi'a district of "New Baghdad" killing 30 civilians, mostly children. UNICEF and UNAMI publicly condemned the killing.

4. There are serious allegations of extra-judicial executions taking place which underline a deterioration in the situation of law and order. The bodies of 36 men, blindfolded, handcuffed, bearing signs of torture and summarily executed, were found on 25 August near Badhra. Families of the victims reported to the Human Rights Office that the men had been detained on 24 August in the Al Hurria district of Baghdad following an operation carried out by forces linked to the Ministry of Interior. A similar incident was reported to the Human Rights Office involving 11 males who had been allegedly detained by forces linked to the Ministry of Interior on 10 July in Seba' Abkar district of Baghdad and who were found dead three days later at the Medico Legal Institute.

5. UNAMI received consistent reports of excessive use of force with regard to persons and property as well as mass arrests carried out by Iraqi police and special forces acting alone or in association with the MNF. Reports of ill-treatment of detainees and inadequacies in judicial procedures have continued. Furthermore, first and second hand accounts from Baghdad, Basra, Mosul, Kirkuk and the Kurdish governorates, as well as corroborating information from other credible sources, consistently point to the systematic use of torture during interrogations at police stations and within other premises belonging to the Ministry of Interior.

6. During the reporting period, UNAMI held a number of meetings with the Iraqi Government and relevant members of the international community in order to bring to their attention all allegations of human rights violations. The Human Rights Office maintains close contacts with the Ministry of Human Rights and focal points have been identified within the Ministry of Justice, Ministry of Interior and Ministry of Defense to continue dialogue. It is expected that all allegations of human rights violations will be investigated and the results of such investigations be made public.

7. It is worth noting that, on 3 August, the Ministry of Interior instructed all sections of the Ministry that home searches are to be carried out in accordance to the law and with previous authorization of the competent authority, that all property confiscated during searches be properly registered and that under no circumstances detainees or their families should be insulted or tortured. Police stations in the area where searches will take place should also be notified and the search must be carried out in the presence of a local religious leader or someone designated by him. Although it is too early to make an assessment, the Human Rights Office continued to receive reports that the instructions of the Ministry of Interior have been disregarded in some instances.

8. There is also a growing concern about special security operations in central and northern areas, particularly in Al Anbar Governorate and Tal Afar, which result in displacement of population. Also, the use of snipers and allegations of use of illegal non-conventional weapons in those areas are a particular source of anguish for the local

population. It would be beneficial to publicly announce the type of weapons which are being or have been used by military forces.

9. The United Nations unreservedly condemns terrorism as it constitutes a serious violation of human rights. The United Nations is ready to assist the Iraqi authorities in ensuring that measures taken to combat terrorism and the insurgency comply with their obligations under international law, in particular international human rights, refugee, and humanitarian law.

Detention

10. Mass detentions of persons without warrants continue to be used in military operations by Iraqi police, special forces of the Ministry of Interior and by MNF-I. Reports of arbitrary arrest and detention continue to be reported to the Human Rights Office.

11. A human rights organization reported to UNAMI that many detentions took place during the month of July in Adhamiya neighbourhood and that on many occasions the family of the detainees cannot find their relatives in any recognized detention facility. Others have complained that they have found their relatives dead or that they have suffered torture while in detention.

12. The high number of persons detained across the country during security operations continues to be a matter of concern. Internees should enjoy all the protections envisaged in all the rights guaranteed by international human rights conventions. Many have reported their inability to obtain information concerning their relatives during initial phases of detention. Without disregard to due process it would be beneficial to establish mechanisms for speedier consideration of detainee cases which could have a beneficial impact on the overall political process. In this respect, the United Nations welcomes the announced release of 930 detainees on 27 August.

Rule of law

13. The United Nations regrets the decision of the Iraqi Transitional Government, dated 17 August 2005, authorizing the execution of three men convicted of kidnapping, killing and rape. Later, another case of execution was also authorized. The United Nations recalls that the Human Rights Commission in Geneva, has condemned the application of the death penalty- most recently in resolution 2005/59 of 20 April 2005 – and has called all states to abolish capital punishment.

14. UNAMI is deeply concerned at continued broadcast of a television programme “Terrorism in the Grip of Justice” despite remarks by the Government of Iraq that such programme may be “unlawful.” In June 2005, UNAMI wrote to the Government of Iraq to express concern at such programmes. The display presumed perpetrators of acts of violence against civilians may be viewed as an expression of desire for retribution and punishment. It is also a serious violation of a number of fundamental human rights to which all persons are entitled.

15. UNAMI together with the Office of the High Commissioner for Human Rights is assisting the Constitution Drafting Committee of the Transitional National Assembly in identifying best practices and adequate text for the human rights provisions of the Iraqi Constitution.

16. HRO organized a round-table on Justice Reform, on 12 July 2005, in Baghdad, co-chaired by the Minister of Justice and the Special Representative of the Secretary General, Mr. Ashraf Qazi. Some 40 people attended, among those, representatives from the donor community, the Ministry of Human Rights and a representative of the United Nations Office of Drugs and Crime (UNODC). The goal of this round-table was to examine the current needs of the Ministry of Justice, the Ministry of Human Rights and to determine how best to meet them. The Human Rights Office is now following up with the Iraqi authorities and donors on the implementation of the roundtable's recommendation.

17. Women activists started a mobilization campaign following news that drafts considered by the Constitution Drafting Committee were detrimental to women's rights. In an open letter directed also to the United Nations the activists condemned plans to abolish the 25 percent quota for the National Assembly guaranteed by the TAL and demanded instead a 40 percent quota. On 24 July, Special Representative Ashraf Qazi received a delegation of women who expressed concern about plans to legislate matters of personal status according to religious practices and requested UN assistance in ensuring the respect of all international conventions ratified by Iraq - particularly CEDAW. On 2 August the Human Rights Office and the Office of Constitutional Support co-chaired a round table of female parliamentarians to support the reaching of consensus among female constitutional committee members.

Minorities

18. Representatives of the Turkoman community complained to the human rights office that members of the Turkoman, Arab and Kurdish communities in Kirkuk, Mosul and Tel Afar are victims of arbitrary detention under the accusation that they are "terrorists." On many instances, families are not aware of the whereabouts of the detainees for months and many reported to have been tortured after being released.

19. Foreign long-term Arab residents and members of the Sunni community complained to the Human Rights Office about profiling and victimization by security forces. Furthermore, a recent decision by the Iraqi authorities requiring that foreigners must renew their residency status every two months is reported to cause unnecessary suffering. Representatives of the Palestinian community met with the HRO in Baghdad to complain about harassment by the authorities.

Civil society

20. The Human Rights Office together with OHCHR and the UN Office for Project Services (UNOPS) is implementing a country-wide programme including conferences, seminars, training, research and publications. Following a series of training courses on

monitoring and training of trainers in the first half 2005, a workshop on Human Rights Defenders took place in Amman from 27 to 29 June, 2005. Approximately 35 human rights organizations and human rights defenders participated in the meeting chaired by Ms. Hina Jilani, Special Representative of the Secretary-General on Human Rights Defenders. The workshop dealt with issues central to the role and work of human rights defenders such as legitimacy, transparency and accountability. It further elaborated on the operational framework for Iraqi NGOs.

21. In cooperation with UNOPS, on 28 July the Human Rights Office started the implementation of a 13-day training project in Erbil on international norms and standards on the range of constitutional issues with specific emphasis on human rights, including vulnerable groups. Similar training projects will be conducted in Baghdad and Basra. The Human Rights Office conducted a mission to Basra from 9-13 July. The visit served to increase understanding of the current human rights situation in the region, to reinforce existing contacts and develop new ones among local authorities, NGOs and international actors.