

report

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international

Assimilation, Exodus, Eradication: Iraq's minority communities since 2003

By Preti Taneja





The family of Muasser Raffou Azou, a Christian translator killed while working for the 101st Airborne Division of the US Army.

Paolo Woods/Anzenberger/Eyevine

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The author

Preti Taneja is a journalist specializing in human rights. She is a regular contributor to a range of international print, web-based and audio media. As a filmmaker she has produced and directed a number of human rights documentaries. She holds a degree in Theology and Religious Studies from the University of Cambridge.

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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Abbreviations

AINA	Assyrian International News Agency
CPA	Coalition Provisional Authority
GfbV	Society for Threatened Peoples
HRWF	Human Rights Without Frontiers
HRW	Human Rights Watch
ICG	International Crisis Group
IECI	Independent Electoral Commission of Iraq
IMC	Iraqi Minorities Council
IRIN	The Integrated Regional Information Networks (news agency)
ISF	Iraqi Security Force
ISDP	Iraq Sustainable Development Project
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
MNF-I	Multi National Force in Iraq
MRG	Minority Rights Group International
NGO	Non-governmental Organisation
SMAA	The Sabean Mandaean Association of Australia
UNAMI	United Nations Assistance Mission in Iraq
UNHCR	United Nations High Commissioner for Refugees
UNPO	Unrepresented Nations and Peoples' Organization

Executive summary

Since 2003, the civilian population of Iraq has been subjected to horrific levels of violence and terror. But for Iraq's minority communities, caught between the warring factions, the crisis is particularly acute. So much so that the very existence of some of these groups in their ancient homeland is now under threat.

Ten per cent of Iraq's population is made up of minority communities. They include Armenian and Chaldo-Assyrian Christians, Bahá'ís, Faili Kurds, Jews, Mandaeans, Palestinians, Shabaks, Turkomans and Yazidis. Some of these groups have lived in Iraq for two millennia or more. There is now a real fear that they will not survive the current conflict and their unique culture and heritage in Iraq may be extinguished forever.

A huge exodus of these communities is now taking place. The Iraqi Ministry for Migration and Displacement in Iraq has estimated that nearly half of the minority communities have left the country. According to the United Nations High Commissioner for Refugees, minorities make up approximately 30 per cent of the 1.8m Iraqi refugees now seeking sanctuary in Jordan, Syria and across the world.

Minorities are specifically targeted for eradication because of their faith and ethnicity. Christians are at risk because their faith associates them with the West and with the MNF-I (Multi National Force in Iraq). The traditional trade of this community as alcohol-sellers also makes them a target. Islamist groups have dubbed the Yazidi religion 'impure' and called for their destruction. For Mandaeans, the carrying of weapons is a direct violation of their religious laws, thus making it difficult for them to defend themselves.

All of Iraq's minority communities have suffered violations since 2003 which include:

- destruction and defacement of religious buildings
- mass murder of congregations gathered in and around them
- abduction, ransoming and murder of religious and civic leaders and individuals including children
- forced conversion to Islam using tactics such as death threats, rape and forced marriage.

Minority communities also face assimilation because the areas they live in, such as Mosul, Basra and Kirkuk, put them at the centre of power struggles between Kurds,

Sunni Arabs and Shia Arabs, fighting over historical claims and – crucially – Iraq's great oil wealth.

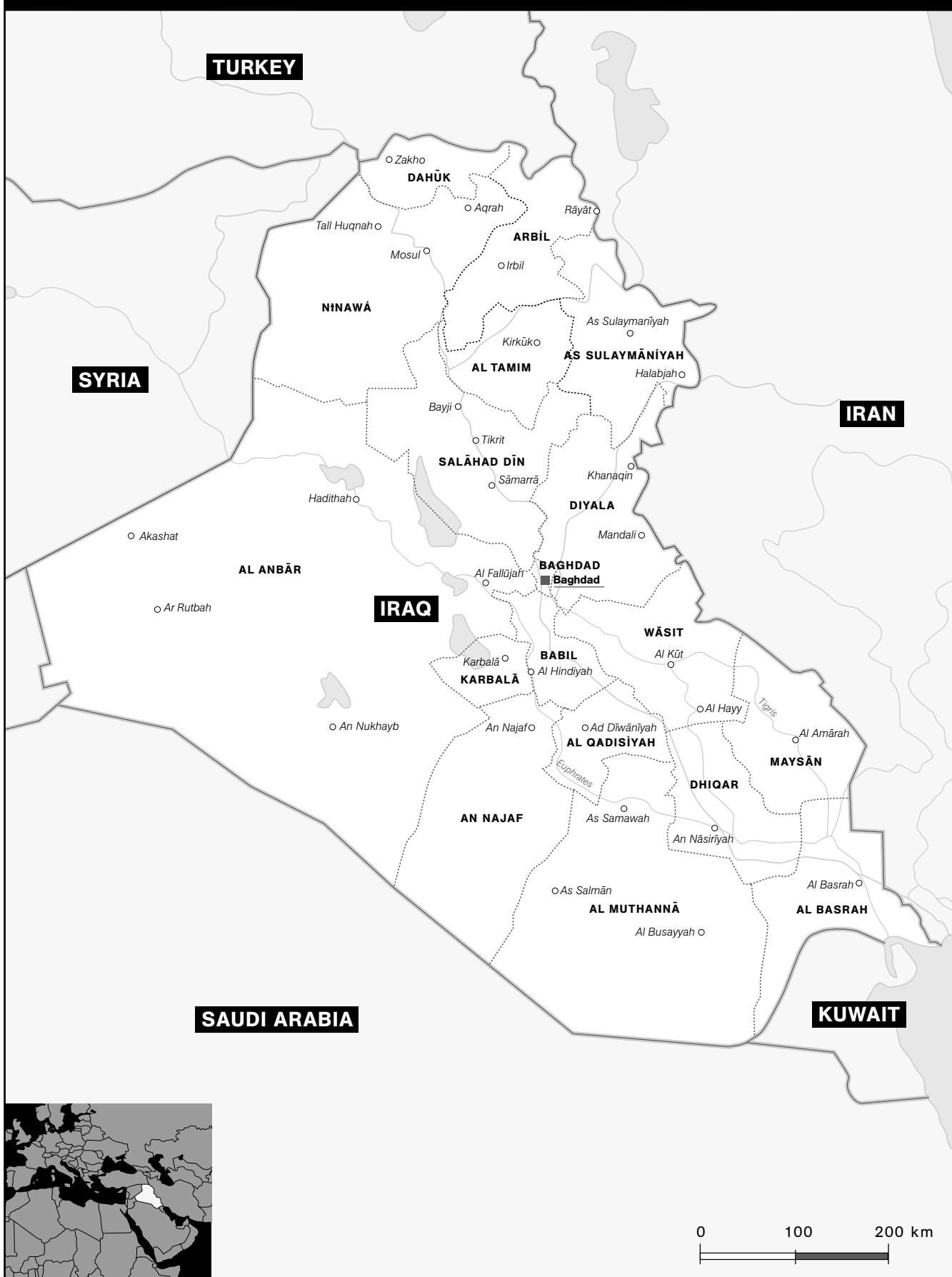
Ironically, many from these groups felt life might improve for them at the collapse of the Ba'ath regime. But as well as the current lack of security, discriminatory laws still active from the time of Saddam Hussein's rule continue to make life almost impossible.

The Bahá'í community remains without the right to citizenship and their freedom of movement and to practise their religion is still curtailed. Iraq's Palestinian community, once given special treatment to suit the political will of the Ba'ath Party, now find themselves under siege in Baghdad, the constant target of violence and threats. With neighbouring countries unwilling to give them refuge, they remain trapped in increasing numbers on the borders of Iraq.

So far Iraq's fledgling democratic processes have presented problems for minorities. During the 2005 elections, members of minority groups reported violence, intimidation and lack of access to polling booths. The new Constitution – approved in a 2005 referendum – was drafted with little participation from minority groups. Though it is progressive in many respects, it is alarmingly vague on the role Islam will play in the future Iraqi state – placing a question-mark over issues of religious freedom. It could also have offered stronger protections for minority and women's rights. As a matter of urgency, the MNF-I and the Iraqi government must recognize that Iraq's minority communities are being targeted for persecution. They should consult with minority representatives to put in place policies for protection and reassurance. Iraq's neighbouring states should take immediate steps to prevent the supply of financial and other aid to militia groups operating within Iraq responsible for sectarian attacks. It is vital that all states – both those within the region and beyond it – should honour their obligations under the 1951 Refugee Convention and provide a safe haven for refugees fleeing persecution. States outside the region – including in Europe and North America – should become involved in voluntary resettlement programmes of vulnerable Iraqi communities.

But the priority must be to create a climate where Iraq's ancient and diverse cultures can continue to exist and thrive. Despite the immeasurable difficulties, the international community and the Iraqi government must act now – before it is too late for Iraq's minorities.

Iraq



Introduction

Since March 2003, when the US-led coalition force invaded Iraq and brought the rule of Saddam Hussein's Ba'ath Party to an end, the extreme difficulties of creating a stable infrastructure led by a democratic government have been made tragically clear. Every day, reports of murder, torture, abductions (including of children) and destruction of property bear witness to the deepening chaos and fear the civilian population of Iraq is living in.

Following initial combat operations, the violence began to escalate again under the Coalition Provisional Authority (CPA).¹ It has continued to worsen through the CPA's handover to the Iraqi government, the country's first democratic elections in January 2005, and during the drafting of the new Constitution. At the time of writing, the US is deploying more troops in Iraq. Questions over whether Iraq will remain one country or be divided between the three majority communities (Sunni Arab, Shia Arab and Kurd) continue to be debated. In the meantime, daily reports of atrocities against innocent people continue to flood in. According to the United Nations Assistance Mission in Iraq (UNAMI) from 1 January to 30 June 2006, the number of civilians killed was 14,338. In July, the number of civilians killed was 3,590, including 183 women and 23 children. In August, 3,009 were killed, including 194 women and 24 children. 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.² During 2006, a total number of 34,452 civilians were violently killed and 36,685 wounded.³ UNAMI has reported that most died from gunshot wounds. Because of the intricate and localised nature of the violence, statistics on those killed or abducted and tortured are likely to be conservative compared to the reality.

Attacks have been attributed to insurgents, including Sunni Islamist groups, al-Qaeda, Ba'athists and the remnants of Saddam Hussein's supporters, Shia militias, including the Badr Brigade and the Mahdi army, and a range of criminal gangs. Some armed groups are linked to members of the Iraqi government; and/or supported by neighbouring countries, including Iran and Syria. As the conflict has developed, an increasing proportion of civilian killings are of a sectarian nature. The Iraq Security Force (ISF), the police and the MNF-I have also been responsible for deaths.

Within this broader picture live Iraq's religious and ethnic minorities. The communities covered in this report

make up about 10 per cent of the Iraqi population. They include Armenians, Bahá'ís, Chaldo-Assyrians, Faili Kurds, Jews, Mandaeans, Palestinians, Shabaks, Turkmans and Yazidis. Many of these groups have lived in Iraq for two millennia or more. Though they have survived a long history of persecution that goes back far beyond Saddam Hussein's rule, there is a real risk that they might not survive the current conflict. Because they are caught up in violence between the majority Sunni Arab, Shia Arab and Sunni Kurdish groups, and are also specifically targeted for atrocities, assimilation or mass displacement and exodus, some may now be facing total eradication from this ancient land.

These communities are invisible in the eyes of the world in terms of rights and in the context of the trauma Iraq is currently undergoing. But the names of the areas they live in have become familiar to the world since 2003: the Ninевah plains in northern Iraq, the capital of which is Iraq's third city, Mosul, in Baghdad, Kirkuk, Erbil and Basra, as well as Diyala province. These are all areas of political and economic significance, and include areas where the worst atrocities of the current conflict have taken place.

Mosul is an oil-rich territory, contested by the Kurds and the Arab majority. Kirkuk, home city to a rich diversity of minority populations, is also one of the main centres of perceived Kurdish national identity as well as being the centre of Iraq's oil industry. In Basra, oil, rice, maize, wheat, corn and dates are produced. These areas are seeing increasing numbers of civilian casualties, including execution-style killings. According to UNAMI, '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 as the MNF-I cracked down on sectarian violence. However, this reduction was somehow offset by increases in other Governorates, most notably Diyala and Mosul.'⁴

Iraq's minorities have also become direct targets of political, economic and religious-based violence. Since the fall of Saddam Hussein, violations inflicted on these groups have been 'noticeably aggravated'.⁵ Reported numbers of violent attacks continue to increase, including murder, torture, abduction for ransom and destruction of property belonging to minority groups, as have threats and intimidation. A further hidden layer is the degenerating situation for women from minorities. They are subject to rape and

harassment from sectarian groups, as well as a continuing toll of domestic violence in their own communities.

Regardless of individual behaviour, minority groups are negatively perceived by Islamist insurgents as supporters of the MNF-I, followers of the West and as disrespecting Muslim values. The traditional trades of some minorities as jewellers or traders in alcohol both exacerbate these views and can arouse envy for the financial security such work brings.

The current fragile infrastructure and security situation, with the ISF not yet operating at full capacity, means the Iraqi judiciary, police and army are unable to provide adequate protection and recompense for violations. According to the UNAMI human rights report of December 2006, a high level of corruption in these services and police collusion or participation in violent attacks is also widespread. Minorities typically also have no recourse to forming militia or to the tribal protection that some in the majority Sunni and Shia communities have resorted to. Women from minorities have even less recourse to justice than their male counterparts or equality in the public domain, and in rural communities have higher illiteracy rates than men. All of this makes the violations they are suffering harder to monitor and address. With each attack, the trust that previously existed between individuals and communities is eroded and the climate of fear takes its toll.

One Christian, who wished to remain anonymous for fear of reprisals, said: ‘The terrorists use the excuse that we are working for the West, or that we are not Muslim. Really they are trying to force us to leave our homeland.’⁶

According to testimony collected by MRG, many people from minority groups were hopeful that when Ba’ath rule ended in 2003, their suffering might also ease. None could have estimated the level of violence and persecution they would experience.

As Pascale Warda, former Minister for Displacement and Migration in Iraq during the transitional government, said when speaking of what minorities have suffered since the end of the regime: ‘Saddam Hussein used to have one head, and now he has 3,000.’⁷

Minority groups also face increasing marginalisation at all levels of society: from lack of access to citizenship

rights at a local level to inadequate representation in decision-making processes such as drafting the new Constitution and in the new government at national level. Some of the issues of daily discrimination and exclusion that minority communities face in Iraq are enshrined in laws active from the time of Saddam Hussein’s government. Changing attitudes in society take time and the mechanisms of Constitution and government, including the army, police and judiciary, should have a key role to play here. But since 2003, these institutions have been accused of corruption, ethnic or religious favouritism and prejudice against women.

The Iraqi Minorities Council is an NGO founded in 2005. It brings together representatives of seven of Iraq’s minority communities (Armenians, Chaldo-Assyrians, Faili Kurds, Mandaeans, Shabaks, Turkomans and Yazidis). Louis Climis, a Chaldo-Assyrian and Head of External Affairs on the IMC, said: ‘After the fall of the dictatorship, we have a date with democracy. Most of the violations that affect minorities root out the expectation of democracy and it becomes nothing more than a dream.’⁸

Iraq’s minority communities

Iraq’s minority communities include both religious and ethnic groups with some overlap. The main Muslim minorities are the Turkomans, who make up 3–4 per cent of the population and who follow either Sunni or Shia Islam, the Faili Kurds, who are Shia Muslims, and the Shabaks, who are also predominately Shia. Muslims make up about 96 per cent of the religious community of Iraq.⁹ The remainder are mainly Chaldean (who follow an Eastern rite of the Catholic Church), Assyrians (Church of the East or Nestorian), Syriacs (Eastern Orthodox) and Armenians (Roman Catholic and Eastern Orthodox). Religious minorities also include Mandaeans or Sabians, who follow Gnostic traditions, monotheistic Yazidis, Bahá’ís and a small number of Jews. Iraq is also home to a number of migrant or refugee communities, the largest being the Palestinians, including 15,000 (down from 35,000 in 2003) registered Palestinians,¹⁰ some of whom settled in Iraq in 1948, the rest having been born there.

International responses

According to the United Nations High Commissioner for Refugees (UNHCR), at least 1.6 million people remain internally displaced in Iraq and a further 1.6–1.8 million have fled to neighbouring states, many prior to 2003, but an increasing number since.¹¹ Despite the relatively small numbers that make up most minority communities in Iraq, approximately 30 per cent of those who have fled since 2003 and are now seeking refugee status are from minority communities.¹² Christians formed the largest groups of new refugees arriving in Jordan's capital Amman in the first quarter of 2006. In Syria, 44 per cent of Iraqi asylum-seekers were recorded as Christian since UNHCR began registrations in December 2003, with new registrations hitting a high in early 2006.¹³ Speaking to the UN news agency IRIN, Mowfaq Abdul al Raoof, spokesman for the Ministry of Migration and Displacement in Iraq, said: 'According to our estimates, nearly half of the minority communities have already fled to other countries.'¹⁴ The Catholic bishop of Baghdad, Andreos Abouna, was quoted recently as saying that half of all Iraqi Christians have fled the country since the 2003 US-led invasion.¹⁵ Though Jordan and Syria extended protection to most communities fleeing Iraq, this does not include Iraqi Palestinians.¹⁶ The UNHCR has launched a £30m appeal for the Iraq situation covering Iraq and five other countries in the region (Syrian Arab Republic, Jordan, Lebanon, Egypt, Turkey), but many have fled further afield.

Awareness of the difficulties Iraq's minorities are facing is growing internationally. However it seems governments are continuing to refuse to take the threats seriously. It is important to note that this applies even to those who are working alongside UK and American companies in Iraq, and for the MNF-I. Many from minority communities in Iraq are targeted because they work for American firms or are (mistakenly) associated with the MNF-I owing to their religion.

In the UK, the established Assyrian community numbers approximately 8,000. During the Second World War, 40,000 Assyrians fought in the RAF Levies in Hab-

baniyah, Iraq. In July 2004, Stephen Pound, MP for North Ealing, addressed the Deputy Speaker in the House of Commons, requesting that the government take the 'specific pressures and security situation of the Christians in Iraq into consideration' when making asylum decisions. He added: 'I have spoken this morning to one of the leading members of the community, Andy Darmoo,'¹⁷ whose father served for 31 years in the RAF. Speaking for the Assyrian community in the UK, he lists a long, bloody and heartbreaking catalogue of murders, attacks, assaults, land confiscation and denial of human rights currently taking place (in Iraq). Mr Pound went on to give examples of attacks to the House.¹⁸ According to the UK Home Office, asylum claims are currently decided on a case-by-case basis. In 2005, 91 per cent of Iraqis claiming asylum were refused at the initial decision stage.¹⁹

In Germany, approximately 20 000 Assyrian Christians live as refugees. In August 2006, the Swabian administrative court ruled they should be returned to the relative safety of the Kurdish region of Iraq. Tilman Zülch, general secretary of the German NGO The Society for Threatened Peoples (GfbV), described this region as a 'powder keg' and criticised the decision, saying: 'Anyone who wants to drive these Christians out of Germany in these circumstances is acting irresponsibly, indeed inhumanely.' As well as highlighting the plight of other minorities such as Mandaeans and Faili Kurds, he went on to assert: 'Fellow believers are being severely persecuted and threatened daily.'²⁰

Currently, the US has set the number of Iraqis to be granted refugee status in 2007 at just 500.²¹ The established Assyrian Iraqi community in the US is campaigning, with others, for better treatment for those fleeing persecution. Congresswoman Anna G. Esho (California) sent a letter to Secretary of State Condoleezza Rice in October 2006, calling her attention to the 'escalating crises facing the indigenous Christian population of Iraq'.²²

For those minorities who cannot or choose not to leave Iraq, the MNF-I offers no special protection.

Evidence of violence against minorities

Christians

The Chaldo-Assyrian and Syriac Christians see Iraq as their 'mother country', 'the centre of their historical cultural and demographic weight'.²³ They live mainly in Kirkuk, Basra, Baghdad, Mosul and on the plains of Nineveh. Both communities speak Syriac, which is derived from Aramaic, the language of the New Testament, one of the oldest continually written and spoken languages in the world. These communities are descendants of the earliest civilisations of Mesopotamia, but while the Chaldeans follow the Roman Catholic faith, Assyrians do not. In terms of ethnicity, though some Chaldeans and Assyrians consider themselves Arab, others dispute this. The majority and the government consider both groups as ethnically distinct from Arabs and Kurds.²⁴

The ethnic and linguistic Armenian minority also settled in Iraq before the birth of Christ, later worshipping as Christians and building churches. After the Armenian genocide committed by Ottoman Turks in 1915, more Armenians settled in Iraq. Education for Armenian children in their own language and religion is considered vital, and Armenian churches and schools are built side by side. They exist in Basra, Baghdad, Kirkuk, Mosul and Zakho. Like other minorities, Armenians have suffered killings, abductions, torture and threats. Underpinning this is the resulting poverty and displacement many face; in 2006, the Armenian Diocese estimated that the number of destitute Armenian Christians had grown by 50 per cent since 2003.²⁵

While Islam considers Chaldo-Assyrian and Syriac Christians to be *Ahl al Kitab* ('People of the Book') and therefore to be respected, in reality this has offered them little protection from the increasing violence perpetrated in the name of Islamic fundamentalism in Iraq.

Attacks against businesses

Attacks against Christian business owners have taken place systematically over the last three years. Because Christianity does not prohibit drinking alcohol, and under Saddam Hussein's government only Christians and Yazidis were permitted to sell liquor, off-licence owners in Iraq are easily identified as being from minority groups. Shops selling alcohol in Baghdad, Mosul and Basra have been bombed, looted and defaced. According to the Christian and Other Religions Endowment Bureau in Iraq, approximately 95 per cent of alcohol shops have

closed following threats by Islamic extremists.²⁶ Traditionally, the Christian minority also own businesses such as gyms, beauty parlours, CD and DVD shops and recording studios, again making them obvious targets.

In May 2003, Sheikh Mohammed al Fartousi, a member of al-Sadr,²⁷ issued a *fatwa* banning alcohol, commanding women to wear the veil and ordering cinemas to close. In a sermon at Muslim weekly prayers at Al-Mohsen mosque in Baghdad's Shia suburbs of Sadr City, he told 'several thousand' Muslims:

'The cinemas in Al-Saadun Street show indecent films. I warn them: if in a week they do not change, we will act differently with them.'

'We warn women and the go-betweens who take them to the Americans: If in a week from now they do not change their attitude, the murder of these women is sanctioned [by Islam].'

*'This warning also goes out to sellers of alcohol, radios and televisions.'*²⁸

According to another report, al Fartousi also said: 'Our *fatwa* is for all the people. Alcohol is banned under every religion'. He claimed to have up to 1,000 armed former soldiers under his control. Several alcohol factories were attacked just hours after the *fatwa* was issued.²⁹

Roger William, whose father-in-law owned a casino and a dancehall before a *fatwa* in 2003 declared that no one should trade in alcohol on pain of death, said: 'We had a very good situation until the fundamentalists began to appear, and we were affected ... They changed the idea of Christians among the people and from then on we have suffered. Because America and Britain are Christian countries, the [fundamentalists] blame us for the war. We are terrified. We really don't know what the future will hold.'³⁰

In April 2004, off-licence owner Sabah Sadiq's brother was kidnapped. Sadiq was shot on his way to pay the ransom.³¹ This is not a unique occurrence. In June, armed intruders broke into Sami Tammu's off-licence in Baghdad and shot him when he tried to escape. In August 2004, reports told of masked gunmen shooting Sabah Macardige in Baghdad in broad daylight. According to witnesses, Macardige had received warnings to stop selling alcohol.³² In July 2005, the Internet news message board Iraq4all reported the murder of a Christian owner of an off-licence in Baghdad who was shot at work. The gun

was fired from a car parked outside the shop. Assad Aziz, a Chaldean Catholic, bought an off-licence in 2003 in a mostly Shia neighbourhood in Baghdad. The shop was bombed and its owner hospitalised for a month. The business reopened in a mostly Christian area but was later 'riddled with bullets'.³³

Religious buildings and congregations

A pattern of churches and Christian-owned buildings such as schools being targeted has also been noted throughout this period. Reports of casualties show that the attacks are planned for maximum impact when services are taking place. 2003 saw a rocket attack on a convent in Mosul, explosions in two Christian schools in Baghdad and Mosul, and an explosion in a church in Baghdad on Christmas Eve. A bomb was found and defused in a monastery in Mosul.³⁴ On Sunday, 1 August 2004, almost simultaneous attacks on four Christian churches in Baghdad and one in Mosul killed at least 11 people and injured dozens more.³⁵

The day after the August 2004 church bombings, a previously unknown group calling itself the 'Committee of Planning and Follow-up in Iraq' reportedly claimed responsibility on a website, saying 'you wanted a crusade, and these are its results'.

The statement read:

A Declaration from the Committee of Planning and Follow-up in Iraq

In the name of God the most merciful,

... America didn't only occupy and invade militarily the Islamic lands but they also founded hundreds of Christianizing establishments, printing false deviated books and distributing them amongst the Muslims in an effort to strip them away of their religion and Christianize them. The Crusaders are one nation even if they differed in their ideas.

The American forces and their intelligence systems have found a safe haven and refuge amongst their brethren the grandchildren of monkeys and swine in Iraq.

The graceful God has enabled us on Sunday, 1 August 2004, to aim several painful blows at their dens, the dens of wickedness, corruption and Christianizing. Your striving brethren were able to blow up four cars aimed at the churches in Karrada, Baghdad, Jadida and Dora while another group of mujahedeen hit the churches in Mosul.

As we announce our responsibility for the bombings we tell you, the people of the crosses: return to your senses and be aware that God's soldiers are ready for you. You wanted a crusade and these are its results.

God is great and glory be to God and his messenger. He who has warned is excused.

Prayers and peace be upon our prophet Muhammad, his kin and companions.

The Committee of Planning and Follow-Up in Iraq

14/Jamadi I/1425 – August 1, 2004

*International Islamic Information Center'*³⁶

In October 2004, more attacks on churches across Baghdad left at least one person dead and nine injured. Some of the churches were severely damaged and the Roman Catholic Church of St George, which was constructed of wood, burned down. The attacks occurred on the second day of Ramadan, the Islamic holy month of fasting.³⁷

In November 2004, car bombs exploded in front of the Church of St George (Syrian Orthodox) and the Church of St Matthias (Assyrian Church of the East), both in Baghdad, killing at least eight people and wounding more. On 7 December, explosions took place in two churches in Mosul. The new Armenian Orthodox church in the Al Wihda quarter, which had not yet opened, was attacked in the afternoon, injuring three. The Chaldean Al Tahira Church and Archdiocese in the Alshafa quarter was attacked later the same day. Armed men cleared the church of believers before they detonated their explosives.³⁸

2006 began with more attacks on churches in January. Six synchronised car bombs exploded outside churches in Baghdad, Mosul and Kirkuk during mass. One Assyrian Christian and a Muslim couple living close to one of the churches were killed; nine others were injured.³⁹ The same day, a car bomb exploded outside the residence of the Apostolic Nuncio (also referred to as the Vatican Embassy).⁴⁰ On 24 September, two bomb attacks were made on the Old Oriental Orthodox Maria Cathedral in the ar-Riad quarter of Baghdad and two Christians were killed.

Political and religious leaders in Iraq have consistently condemned the bombing of churches and persecution of Christians. These include moderate Sunni groups, Grand Ayatollah Ali al-Sistani, the senior Shia cleric in Iraq, Moktada al-Sadr, the Shia cleric whose militia is thought to be responsible for many of the attacks on alcohol sellers, the American forces and the Iraqi government. Iraq's National Security Adviser, Mowaffak al-Rubaie, said both the nature of the attacks and evidence collected from the bomb sites pointed firmly to al-Qaeda leader Zarqawi, possibly working in cooperation with supporters of Saddam Hussein.⁴¹

Abductions for the purpose of forced conversion have also been reported. As Islamic laws place restrictions on inheritance, marriage and re-conversion, the implications of conversion impact over generations and affect the individual's civil rights and those of their family, as well as their faith.⁴²

Christian areas and associations with MNF-I

People have been abducted or killed in attacks simply because they are in targeted Christian areas, work for foreign companies, or hold official or professional positions. These include civil servants, medical personnel and civic and religious leaders. Such attacks strike directly at the social infrastructure of communities, leaving a void of fear and disabling those who are left from carrying on their everyday lives. On 7 June 2004, four masked men drove into the Christian Assyrian quarter of Hay Al-Athuryee in the Dora district of Baghdad and opened fire on Assyrians on their way to work. Three men and one woman were killed instantly.⁴³

In January 2005, the head of the Christian Democratic Party in Iraq, Minas Al-Yousifi, and the Syrian Catholic archbishop of Mosul, Basile Georges Casmoussa, were kidnapped.⁴⁴ A February 2005 report from UNHCR told of a Christian nurse who was beheaded by her kidnappers,⁴⁵ and Ansar Al-Sunna, a Sunni extremist group which mainly operates in northern Iraq, announced on its website the killing of a Christian general of the Iraqi Army.⁴⁶ Two members of the Assyrian Democratic movement, a Christian political party, were killed and two others wounded in November 2005 when gunmen opened fire in Mosul, according to a hospital official. CNN reported they were posting flyers for forthcoming regional parliamentary elections.⁴⁷

In January 2006, the Society for Threatened Peoples (GfbV) reported that 'dozens' of Christian students of the Technical University of Baghdad were victims of violent attacks by their Islamist fellow students. 'They were beaten and abused as infidels and as American agents,' the report said.⁴⁸

In October 2006, the same NGO reported that the Syrian Orthodox priest Paul Alexander (Paulos Iskander) was found beheaded in Mosul following his kidnapping. According to news reports the kidnappers demanded \$40,000, but added another stipulation; that the priest's church must publicly repudiate Pope Benedict XVI's remarks about Islam (see below). On the same day a 55-year-old cleric, Dr Joseph Fridon Petros, was attacked in Baghdad by Islamists and murdered. Attacks were carried out in the district of Camp Sara, which is inhabited mainly by Christians. Nine Assyrian Christians lost their lives.⁴⁹

Minorities who work with people in high-profile positions and with the international community are also at risk. The Assyrian internet magazine *Zinda* reported that on 19 August 2003, Nadan Yonadam was killed in an ambush while working with the US Army as a civilian translator.⁵⁰ On 22 September 2005, gunmen opened fire on a Nissan pickup truck carrying six Assyrian security guards assigned

to protect Pascale Warda, an Assyrian activist and the former Iraqi Minister of Migration and Displacement. Four out of the six were killed.⁵¹ In January 2006, American *Christian Science Monitor* journalist Jill Carroll was abducted in Baghdad. The body of her Assyrian interpreter, Allan Enwiya, was later found in the same neighbourhood.⁵² Carroll was released physically unharmed on 30 March.

Hate speech

World events in the 'war on terror' and reports of abuse of (often Muslim) detainees in American jails in Guantanamo Bay and elsewhere fuel the violence against the Christian minority in Iraq. In September 2006, Pope Benedict made a speech referring to the 14th-century Byzantine emperor, Manuel II Palaeologos: 'The Emperor comes to speak about the issue of *jihad*, holy war,' the Pope said. 'He said, I quote, "Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached".'⁵³

In a note to MRG, Yonadam Kanna, secretary general of the Assyrian Democratic Movement in Iraq and member of the Iraqi Council of Representatives, wrote:

'We are sorry to inform you that we expect more hate and violence in coming days because of the Pope's latest lecture in Germany. We expect some positive and serious steps from all peace and freedom supporters to contain and avoid any new crises that may occur in the Middle East, especially in Iraq, which is already suffering from security vacuum.'

In the days following the Pope's speech, militant Islamist websites reportedly posted messages threatening reprisals against 'worshippers of the cross'.⁵⁴

Sunni and Shia clerics in Iraq united in condemnation of the Pope's comments, calling them an insult to Islam and the Prophet Mohammed. After the speech, the *New York Times* reported that in Baghdad, many churches had cancelled their services and have not opened since. Reverend Zayya Edward Khossaba, pastor of the Church of the Virgin Mary in Baghdad, said, 'The actions of fanatics have increased against Christians.' The same article reported that a Christian teenage girl had been kidnapped, and her captors had initially demanded a ransom. Later, they said the Pope was the only one who could release her, and she was eventually killed.⁵⁵

Communities are further destabilised as technology allows the violation to be replayed over and over again – it is filmed, then a video is distributed as a threat and a warning. Ankawa.com, an Arabic language news website, gained one such video. According to the Assyrian information website Christians of Iraq, the film shows a group

named ‘The Brigades of Salaheddin Al-Eyobe the armed faction’ beheading three men after making them state their names. The victims were two Christians from Mosul, Reemon Farouq Sha’oun and Feeras Moufaq Potros, whose university identity cards were reportedly shown on screen, and a third, unidentified man.⁵⁶ Whether such films are real or enacted, the dissemination of this material heightens fear, provokes flight and renders the community unsustainable.

Intimidation and threats

Christians have also reported receiving threats of violence at the neighbourhood level through leafleting, text messages to mobile phones and one-on-one intimidation.⁵⁷

A spokesman for the IMC said: ‘Muslim preachers in Mosul have told people to buy the assets of Christians, because Christians will be leaving Iraq just as Jews did in the past. They throw leaflets into the shops and houses, threatening businesses such as liquor stores. It is only certain shops and businesses that have been targeted.’⁵⁸

Christians are threatened with death if they do not conform to Islamic dress codes; women are forced to wear the *hijab* in public and men to grow Islamic-style beards, convert to Islam or leave the area altogether.

The situation of Iraq’s Christians as a people under threat is backed by reports compiled by Christian supporters around the world. These show the brutality and level of attacks that occur when people are going about their everyday lives – out shopping, running businesses, going to college. Again, while all Iraqis live under threat of violence, evidence supports the belief that attacks are targeted against people because of a difference in faith, creating a culture of distrust and fear between peoples of different communities. In July 2004, this example was given to the UK government: ‘Last month, two Assyrian sisters who were working for Bechtel,⁵⁹ were killed just outside Basra in a drive-by shooting. They were identifiable Assyrian Christians, slaughtered for no discernible reason. The family are quite convinced that the murder took place because of their religion.’⁶⁰

Mandaean

The Mandaean or Sabian⁶¹ religion is one of the oldest surviving Gnostic religions in the world and dates back to the Mesopotamian civilisation. John the Baptist is its central prophet and water and access to naturally flowing water remain essential for the practice of the faith. Scholars believe the religion pre-dates the time of John the Baptist, however, and it has a similar creation myth to the Judeo-Christian Adam and Eve story. In Iraq today, the Mandaean population is concentrated in Baghdad and in the marsh areas of the Nineveh plains

between the Tigris and the Euphrates, called, in Aramaic Assyrian, Atra-D-Baith Nahraein.⁶² Whether Mandaean are ‘People of the Book’ according to Muslims is open to interpretation.

Representatives of the Mandaean community in Iraq have expressed a strong desire to protect their language, which is dying with them. Although the language has been listed in the 2006 UNESCO *Atlas of the World’s Languages in Danger of Disappearing*, very little has been done formally to protect it.

The situation for Mandaean in Iraq has ‘deteriorated remarkably’⁶³ since the invasion by the US and coalition forces and the collapse of the regime. This is made more brutal by the fact that the religion forbids the use of violence or the carrying of weapons,⁶⁴ and therefore its adherents are effectively prevented from defending themselves. This, together with the violence being inflicted on the community and one of the tenets of the faith that says marrying out is akin to religious conversion, makes the likelihood of Mandaean eradication from Iraq very real. According to the UNHCR, ‘The Mandaean who carry no weapons, who will not kill, and have no social establishment to defend them, are the first and easiest targets.’⁶⁵ Estimates of the number of Mandaean in Iraq today vary considerably. According to HRW there were about 30,000 Mandaean in Iraq in the Saddam Hussein era.⁶⁶ Media reports from 2005 estimated that there were fewer than 13,000 at that time, about one third of the pre-war population.⁶⁷

An IMC spokesman, Bashar al Sabti, who is a Mandaean, says, ‘For Mandaean, the biggest threat is extinction. The killing is equal to three deaths for every one person left alive. This is accelerating our extinction. Everyone is living in a state of general fear.’⁶⁸

Statistics compiled by the National League of Mandaean Sabians show a sample of the numbers of victims of atrocities as follows:

- **504 killings:** (six months from 22 October 2003 to 17 May 2004) Killed because of their religion. Of those killed, 90 per cent were goldsmiths aged 18 to 60.
- **118 kidnappings:** (approximately two years from 9 February 2003 to 24 March 2006)
Kidnapped as a way of forcing conversions and for ransom. Those abducted include students, workers, goldsmiths and housewives.
- **139 threats:** (three days from 9 April 2004 to 12 April 2004) To convert to Islam, or to leave their homes for political reasons.
- **5 held in American prisons in Iraq** (2005 to 2006)
Held under suspicion.
- **33 killed by the American forces** (air strikes during the invasion in 2003)

According to the report, 4663 Mandaean families left Iraq for Australia, Germany, Jordan and Syria between April 2003 and April 2005; 1162 families remain.⁶⁹ The table below shows approximate numbers by governorate.

Other Mandaean groups, including The Sabian Mandaeans Association of Australia (SMAA), have also reported on the killings, attacks, armed robberies and kidnappings, rapes and forced conversions the community has experienced since 2003. It says that by the end of April 2003, 80 Mandaean families were reported murdered in Iraq, with 30 killed in Baghdad alone in the days immediately following the fall of the city.⁷⁰

Religious persecution

Persecutions of Mandaean families have occurred on the grounds of religious extremism, exacerbated by the *fatwa* issued by the Sunni teacher Al Saied Al Tabtabee Al Hakeem and/or by the 'Information Foundation of Al-Sadr Office' in Basra, accusing the Mandaean community of being 'impure', of systematic adultery and of witchcraft, and calling on Muslims to 'lead' them to Islam in 2005.⁷¹

In April 2005, a Baghdad estate agent, Khairy Abdul Razaq, was machine-gunned in his office having refused to sell his house. Salah Lafta Saleh, a 20-year-old student, was kidnapped from the university by an extremist group which had learned he was a Mandaean. His body was found dumped in a street.⁷²

Such public attacks have a devastating impact on the local and wider community, resulting in further destabilisation and displacement. Reports of specific attacks against religious leaders show a pattern of attempted conversion, then forcing them to use their community standing as a means of converting others.⁷³

In January 2005, Read Radhi Habib, a 40-year-old engineer and president of the Mandaean Supreme Spiritual Council, Basra Branch, was shot and killed after being approached by three gunmen who demanded that he convert to Islam.⁷⁴ In February, the SMAA reported that a group of Muslims approached a Sabian deacon and priest trainee in Al Sowaira, demanding that he convert to Islam

and assist in the conversion of other Sabians. The deacon was severely beaten when he refused.

The SMAA estimates that in 2004, 35 Mandaean families underwent forced conversion in Fallujah alone.⁷⁵

Attacks on businesses

Violations against Mandaean families have also been exacerbated because traditionally they work as gold- and silversmiths and as jewellers. Baghdad has a historic gold market where generations of Mandaean families have plied their trade. They are therefore regarded as wealthier than average Iraqis. But these attacks, while they might be motivated by a desire for gold, have an underlying faith bias. Speaking of those who have been killed, Majid al Zuhairi, general coordinator of the Sabian National Union, said: 'In all the killings of the jewellers, all were Sabian, there was not one Muslim.' He added: 'Minorities have become micro-organisms which can hardly be seen without a microscope.'⁷⁶

On 26 April 2003, Sabih Shbib Elbab, a 60-year-old goldsmith from Baghdad, was murdered. His murder was followed by the looting of his shop. According to eyewitnesses, anti-Mandaean slogans were shouted while the killing and looting took place.⁷⁷ In July 2005, Khalil A. Khalil, a jeweller, was kidnapped from his business in Al-Rosyene street. His kidnappers were armed and masked. They stole his jewellery along with the money in the shop. After kidnapping him they tortured him. When he was freed he needed medical attention. The doctor's certificate reported: 'Khalil A. Khalil has attended my clinic. He has cuts and bruises and was bleeding from injuries to various parts of his body including the back, hands and legs. He has suffered very serious injuries.'⁷⁸

There have also been reports of cases where a shopkeeper has been killed but nothing stolen. These reports further underline the idea that the murders are not motivated by economic gain, but are a way of eradicating people of a certain ethnicity and faith. In January 2005, a goldsmith, Maher Sharad Zbala, was murdered in front of his family. In May, 35-year-old Wasfi Majid Khashkool

Table 1: Approximate numbers of Mandaean families by governorate.

Governorate	Families before the downfall of the regime, April 2003	Families after the downfall to April 2006
Baghdad	1600	150
Baquba	200	40
Diwaniya	400	62
Kirkuk	250	75
Kut	400	65
Missan	900	320
Nasriya	950	320
Ramadi	275	75

was killed in his shop by a gunman. Nothing was stolen.⁷⁹ In November 2005, Fawzi Mezban Al-Khameesi, a 50-year-old goldsmith, was kidnapped from his house in Baghdad, then tortured, killed and dismembered. No ransom was requested, nor was anything stolen from his home.⁸⁰

Finally, violations against this community are justified by perpetrators on the grounds that Mandaeans support the MNF-I and Americans by working with or for them. In February 2005, Muhamad Khazaal Lafta was stabbed to death after constant threats that had forced him to change his place of residence several times.⁸¹

But speaking just after he heard the news that his own jewellery shop in the commercial district of Baghdad had been bombed, IMC spokesman Bashar Al Sabti said: 'The body of Iraq is filled with pain and wounds. But we must not grieve this body before it is dead.' He is determined to stay in Baghdad and keep working on behalf of his community's survival in Iraq.

Threats and intimidation

Like the Christian community, Mandaeans have also been subjected to a campaign of intimidation and threats, whose ultimatums are: convert, leave or die. On 20 September 2005, the BBC report *Iraq chaos threatens ancient faith*⁸² quoted a threatening letter received by a Mandaean family who had fled to Syria: 'Either you adopt Islam and live among us in observance, or you leave our country and stop making a mockery of our values. Otherwise the sword of justice that distinguishes belief from blasphemy will separate us.'

Finally the practice of religious life has been made more difficult for Mandaeans. It has been reported that, since 2003, 17 Mandaean priests have left Iraq, and in April 2006 only 13 remained.⁸³

Speaking on *The Religion Report*, an Australian radio programme, Simon Jeans, a solicitor and advocate for the Mandaean community, said: 'Having worked with the community for two years, I genuinely believe they are at risk of being ethnically cleansed from Iraq ... The Mandaeans are not a strong community, numerically they are not very large, several tens of thousands of people, but they are at risk of serious harm and elimination in Iraq.'⁸⁴

Yazidis

In 2005, Mirza Dinnayi, adviser on Yazidi affairs to President Jalal Talabani, said: 'I find the future of Iraq miserable, and for the Yazidi it will be even more difficult.'⁸⁵

The UNHCR has estimated that approximately 550 000 of the 800 000-strong community worldwide live in Iraq,⁸⁶ of whom 75 per cent live in the mountains near

the Syrian border, and 10 per cent live in the Kurdish-administered areas of Erbil, Dohuk and Suleymaniyah. The remaining 15 per cent live in the Shiekhan region.⁸⁷ Their language, Kurmanji, is considered by some to be a Kurdish dialect.

The Yazidi religion is monotheistic and thought to be an offshoot of Zoroastrianism. It includes elements of Manicheism, Judaism, Christianity, Islam and Gnostic beliefs and dates back approximately 4000 years. One cannot become a Yazidi; only those born into the faith are considered to be members. The faith is also known as the 'Cult of the Angels'. At its centre is Maluk Ta'us, the Peacock Angel, who is identified with Lucifer, the fallen angel. Yazidis believe that after God created man, he ordered the angels to pray to him, but one angel refused and was cast out. In Islam and Christianity this fallen angel is synonymous with the Devil, but Yazidis hold that God forgave him and charged him with protecting the world. Yazidis are therefore known by other faiths as devil worshippers, a charge that has exacerbated their persecution in post-Saddam Iraq.

Speaking to the Reuters news agency, Adel Nasser MP said: 'While we are not devil worshippers, one has to take into account that people deride us as such.'⁸⁸ As the security situation in Iraq degenerates along ethnic and religious lines, this community is particularly at risk because of such prejudice.

Since 2003, Islamist groups have declared Yazidis 'impure' and leaflets have been distributed in Mosul by Islamic extremists calling for the death of all members of the Yazidi community. Between September and December 2004, the killing of more than 25 Yazidis was recorded, as well as more than 50 violent crimes targeting members of the community. On 17 August 2004, a young man from Bashiqa was beheaded and mutilated by insurgents as he was considered to be a non-believer. On 21 October 2004, the decapitated bodies of two men were found between Talafar and Sinjar. A few days earlier, they had been threatened by radical Muslims in Talafar for allegedly not respecting the ban on smoking during the holy month of Ramadan. In December 2004, radical Muslims in Talafar killed five Yazidis.⁸⁹

The Yazidi community also reported that eleven Yazidis were killed between September 2005 and September 2006, including Nineveh council member Hassan Nermo, who was assassinated on 20 April 2006.⁹⁰

Assimilation

For ethnic reasons Yazidis are caught between Arabs and Kurds in Iraq. Many Yazidis suffered in the *Anfal* campaign alongside the Kurds (dealt with in more detail later in this report) and were forced to define themselves as Arabs. Today, members of the Yazidi community have

spoken of their fear of being assimilated once more, this time by the Kurds.

Yazidis speak Kurdish and are granted full religious freedom under the Kurdish regional government in which they also hold two ministerial posts. In a cautious interview, Khurto Hajji Ismail, Baba Shiekh of the Yazidis, said minor officials in the Kurdistan Regional Governorate resent them and prevent their villages from receiving adequate services. ‘The government does protect us and provides some services, but there are some officials from the Kurdish parties that treat us badly,’ he said.⁹¹

Nawroz Ali, a Yazidi off-licence owner, was reported as saying the Kurds had ordered him out of his house in Sinjar and taken it over when they arrived.⁹² The same report said: ‘The problems haven’t ended since Saddam has gone. After the war, Kurdish guerrillas poured into this area [Sinjar] from the north. They appointed their own mayor and tried to take over the town.’⁹³

Abused by US forces

Minorities have been caught up in the human rights abuses that have allegedly taken place at the hands of the US troops in Iraq. Former US army interrogator Tony Lagouranis left the army in January 2005 after a tour of duty at Iraq’s Abu Ghraib prison.

Disgusted by the detainee abuse he both perpetrated and witnessed, Lagouranis has written a book about his experiences.

In answer to a journalist’s question (‘When did you start being uncomfortable with what you were doing?’) he said: ‘I didn’t realise how deeply I had gotten into detainee abuse until about halfway through [my time there]. And then it really hit me. There was an episode with a man we had in a shipping container.

We used dogs on him, strobe lights, loud music, sleep deprivation, it was also freezing cold – he was getting the whole treatment. The chief warrant officer of interrogation had decided to use those techniques, and I was implementing them. Not only did I believe he was innocent, but it became apparent he was really noble. He was Yazidi; they’re not really Christian or Muslim; they’re their own things, and they’ve been persecuted by everybody.

I think the experience that his people have had for 1,000 years in Iraq being persecuted allowed him to view the experience differently than someone like me might, and I began to recognize that I was a very small person.’⁹⁴

Jews

The history of the Jewish community in Iraq goes back 2600 years. Once numbering over 150,000, almost all have now left voluntarily or been forced out. They were brought to the region as slaves by the Babylonian King Nebuchadnezzar, and over the centuries regained their freedom. Traditionally, they were farmers, tailors, goldsmiths and traders in spices and jewellery. Since the outbreak of the Second World War, they have suffered persecutions as a result of Arab-nationalist violence. Since the creation of Israel in 1948, also the year when ‘Zionism’ was declared a criminal, and sometimes capital, offence in Iraq (only two Muslims were required to denounce one Jew), a mass exodus has taken place.

The UNHCR reports that since the fall of the regime in 2003, ‘the living conditions of the Jews in Iraq has worsened dramatically’⁹⁵ due to the pervasive suspicion that the Jews must be co-operating with the MNF-I. Today, the community no longer has a rabbi in Iraq and has ‘completely withdrawn from Iraqi public life’,⁹⁶ living in fear of targeted attacks.

In 2003, MRG reported that there were no more than a few hundred Jews living in Baghdad or the north.⁹⁷ By October 2005, the UNHCR reported only some 20 Jews remain in Baghdad, and stated that none can be found outside the city. At that time, the remaining Jews were all older than 70 with the exception of two families. In September 2006, the *International Religious Freedom Report* stated that the Jewish population ‘has dwindled to less than 15 persons in the Baghdad area’.

Bahá’ís

Bahá’ís are considered ‘apostates’ or heretics under *Shariah* law due to their belief in a post-Islamic religion. The Bahá’í prophet Bahá’u’lláh denied that Muhammad was the last prophet and claimed that he, Bahá’u’lláh, was the *latest* prophet of God. Their situation in Iraqi society has therefore always been difficult and the ramifications of this, such as the fact that Bahá’ís born in the last 30 years have no citizenship documents including passports, and therefore cannot leave the country, are still being felt today. Given the rise of religious fervour among radical factions in Iraq, Bahá’ís are just as much, if not more, at risk of suffering violent human rights violations than others in the post-Saddam state. The difficulties they have faced over such a protracted time make it almost impossible to estimate how many still live in Iraq.⁹⁸

A senior Bahá’í working as a doctor in Iraq said:

*'We were happy when the regime ended, and we started our activities once again, as all who were previously oppressed did ... But once again we are living in fear of fanatics who may be against us. They did not exist three years ago and they do now. Muslims are killing each other and trying to divide Baghdad. We are afraid of civil war, we are waiting to see what will happen and we are praying for the best.'*⁹⁹

Bahá'í options to flee are also limited. Although they form the largest religious minority in neighbouring Iran, the community there has experienced extreme human rights violations perpetrated by the state over decades, including killings, torture, disappearances, surveillance and denial of citizenship rights. The US Department of State notes in a recent report (2006) that those of the 'Bahá'í faith lately have become subject to new arrests and state controlled media harassment.¹⁰⁰

Faili Kurds

The Faili Kurds are Shia Muslims by religion (Kurds are predominately Sunni) and have lived in Iraq since the days of the Ottoman Empire. They inhabit the land along the Iran/Iraq border in the Zagroa Mountains, as well as parts of Baghdad.¹⁰¹

Faili Kurds were merchants and business people, active in political and civil society, and founded the Baghdad Chamber of Commerce in the 1960s. Under the Ba'ath regime, they were specifically targeted, stripped of their Iraqi citizenship and a huge number of them expelled to Iran on the charge that their Shia faith made them 'Iranian'. According to the UNHCR, at the beginning of 2003, there were more than 200 000 Iraqi refugees in Iran, 1,300 living in Azna, of whom 65 per cent are Faili Kurds. Many of them are under 20 years of age, were born in the camp and have known no other home.¹⁰²

Now, their ethnicity and religion once again make them the target of violent human rights violations. Because of the ethnic cleansing and dispersal they have suffered and their lack of citizenship rights under the regime, it is very difficult to gather evidence regarding how many remain there, and examples of specific ongoing violations they face. For any who felt return might be an option after the fall of Saddam Hussein, current conditions make this highly dangerous and difficult.

Palestinians

In 2003 Iraq's Palestinian community, who are mostly Sunni Muslims, numbered approximately 35,000. Today that figure is closer to 15,000. Most arrived in the coun-

try as refugees from Palestine in 1948, after the Arab-Israeli war of 1967 or from Kuwait and other Gulf states in 1991. Before 2003, most settled in Baghdad with a small community in Mosul. Although not granted Iraqi citizenship during Saddam Hussein's rule (they were restricted to 'official refugee' status), their Palestinian identity and Sunni Arab status made them useful to the Ba'ath Party. They were given subsidised or rent-free housing and free utilities, and were exempt from military service. They were encouraged to take roles in Iraqi political life and allowed to travel more freely than most Iraqi citizens.¹⁰³ According to some, resentment about their perceived special treatment during the regime is behind the violent attacks they now face on a daily basis. Astrid Van Genderen Stort, a UNHCR spokeswoman in Geneva, said: 'They [the Palestinians] have been victims of night raids, arbitrary arrests and torture carried out by Iraqi security forces.'¹⁰⁴

Human Rights Watch (HRW) reported this attack from the day Baghdad fell in 2003:

*'Nazima Sulaiman, a 50-year-old woman from Baghdad's al-Hurriyya neighbourhood, recalled that on the day Baghdad fell, fifteen armed men came to her home and told her family: "This home is for Iraqis; you own nothing. Saddam was protecting you; go and ask Saddam to find you another home." Two days after the threats, on 11 April 2003, unknown persons threw two bombs into Nazima's home, completely destroying it and killing her seven-month-old grandchild, Rawand Muhammad Sulaiman. Three of her children and three cousins were so severely wounded that they required hospitalization.'*¹⁰⁵

According to HRW, the Ministry of the Interior and the Iraqi security forces have been implicated in arbitrary arrests, killings and torture of Palestinian refugees. Those detained by Iraqi security forces described being targeted for abuse and torture specifically because they are Palestinians. Thirty-year-old Umm 'Umar, the mother of two children, aged ten and one, from al-Dura neighbourhood, and her brother-in-law Ra'id 'Ali Hussain, aged 29, told HRW that armed men wearing police uniforms kidnapped Umm 'Umar's husband, Muhammad 'Ali Hussain, on 24 July 2004, from his shop in the predominantly Shia Shaikh 'Umar area of Baghdad. The kidnappers contacted Ra'id to demand US\$10,000 ransom to release his brother, and Ra'id collected the money from friends and relatives and paid it. However, Umm 'Umar and Ra'id 'Ali Hussain found Muhammad 'Ali Hussain's corpse at the Baghdad morgue on 26 July; according to Umm 'Umar, her husband's body bore signs of torture.¹⁰⁶

In June 2006, the UNHCR reported in detail on its concern for the Palestinian community in Iraq:

*'Unknown assailants have killed at least six Palestinians in the Iraqi capital in the last two weeks, according to reports received by UNHCR staff there. Last Sunday, around 20 armed assailants entered a house in Baghdad and took a Palestinian man into the garden before shooting him dead in front of his family. In an earlier case, another Palestinian man was found dead shortly after being abducted on May 15 and a subsequent statement warned Palestinians to leave Iraq within 10 days or "face the same fate as the criminals in other areas". The unsigned statement told Palestinians "you have been warned" and "you will be judged fiercely".'*¹⁰⁷

Alongside these violent reprisals, Palestinians in Baghdad have reported daily insults and of being spat at and beaten when their nationality is disclosed.¹⁰⁸

As refugees fleeing to Jordan and Syria, their status is highly precarious. Iraqi Palestinians have been turned away from the Iraq/Jordan border and only a limited number have been allowed into Syria. Having accepted 287 refugees, the Syrian government informed the UNHCR in early May 2006 that it will not accept any more.¹⁰⁹ Since May 2006, 350 Palestinians, including children and pregnant women, have fled Baghdad and are stranded in no man's land between Iraq and Syria. In October 2006, following a mortar attack on the Palestinian community in Baghdad, the UNHCR again called on the Iraqi government and MNF-I to provide them with the protection they need. Four Palestinians were killed and more than a dozen were wounded, with many others displaced, the

UNHCR said. In December, a group of 41 Palestinian refugees arrived at the Iraq/Syria border, but Iraqi authorities would not allow them to proceed or return, saying they did not have the proper documentation.¹¹⁰

An Iraqi Palestinian, Ahmed Salim, told the news agency IRIN:

*'Iraqis want us to leave their country. Militias started to target us and force us out from our houses accusing us of being Saddam's followers. Sometimes I work as a vegetable seller to get some money since I lost my job and my family needs to eat. I am desperate and do not have a choice and don't know where to go. We urge the government to look after us. We are Muslims, Arabs, and not animals to be left to be killed like that.'*¹¹¹

Umm Muhammad, aged 56, said:

*'They [the militias] are monsters, they killed my two sons in front of my house and later shouted saying that we Palestinians are like pigs [because] we rely on what people can give us. This is not human; they [her sons] were the only good things I had in my life and now they have gone leaving behind their seven children to their unemployed widows to look after. I saw the head of my son being blown to pieces with bullets and in the eyes of those cowards I could see just happiness and excitement from doing that. Justice should be done and we have to be protected. We are human and every human being has the right to live. We have been warned to leave our house in a week but I think it will be my last day of life because from this house I will leave just in a coffin.'*¹¹²

Minorities in disputed territories in northern Iraq

Many minority rights violations perpetrated in Iraq today form part of an ongoing cycle of violence and injustice that goes back to the government of Saddam Hussein. Nowhere is this truer than in the north of the country.

From the western city of Sinjar on the Syria/Iraq border to Khanaquin on the Iran/Iraq border in the east, including Mosul, Erbil, Kirkuk, Diyala, Dohuk and Suleymaniyah, hundreds of thousands of Kurds, Faili Kurds, Shabaks, Turkomans, Mandaeans, Assyrians and Yazidis were affected by Saddam Hussein's genocide or *Anfal* campaign.

Launched in 1988, the campaign resulted in the death or forced disappearance of some 100 000 people – mostly Kurds, but including many thousands of people from different minorities – and the policy of 'Arabisation' that continued until 2003.

The right to return and how this is effected has therefore become a crucial issue since 2003, one which, given the competing tensions in this traumatised area of the country, has been fraught with difficulties. The question of just redress for the Kurds, who now wield significant political and military power and who seek to ensure that they will not be vulnerable in the future, as well as what happens to the Arabs who have lived in the 'Arabised' areas for up to three decades, is in the process of being resolved, by legal and non-legal means. For Arabs and Kurds, justice on this issue is proving difficult – for minorities, it is almost impossible.

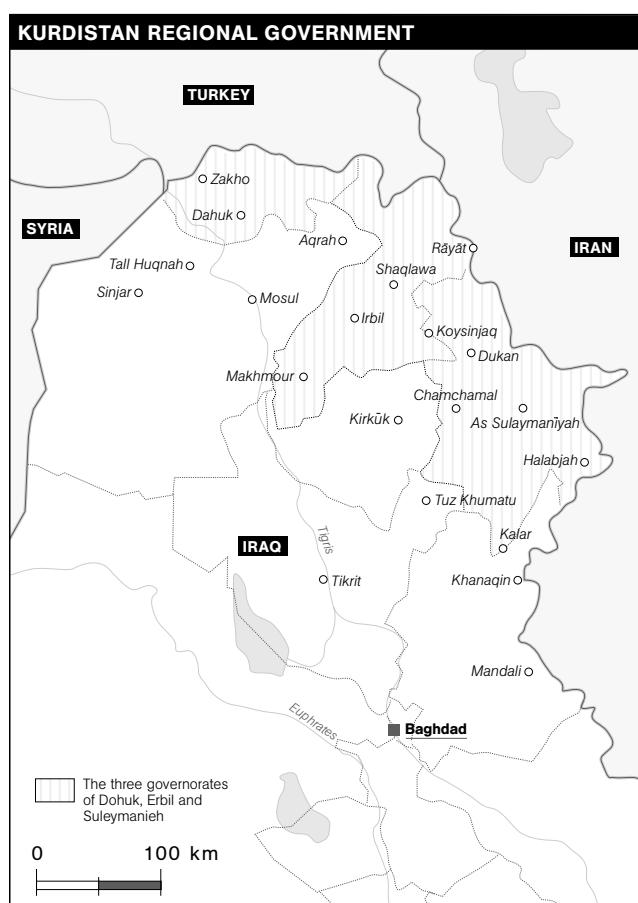
As well as disappearances and murder, the Arabisation policy officially forced minorities to change their ethnic identity. The 1987 and 1997 national censuses obliged all Assyrians to choose between an Arab or Kurdish nationality; those who insisted on identifying as Assyrian were struck off the list or arbitrarily registered as Arab or Kurd.¹¹³ In 2001, decree 199 proclaimed the 'right' of every Iraqi to change their ethnic identity and to choose an Arab one. Hundreds of thousands were also forcibly displaced, particularly in the economically significant region around Kirkuk.

Under considerable pressure from the US, the Kurdish authorities have consented not to press by immediate force their claims for restitution of Kurdish land and property in the Kirkuk area. The Kurdish policy is now to promote 'normalisation', or the return of communities displaced from Kirkuk and the restitution of their property, followed by a census of the population and the referendum on the status of the city, due to take place in 2007 (see below).¹¹⁴

But statements from various minority representatives interviewed by MRG emphasise the direct violence and intimidation they are experiencing at the hands of the Kurds, particularly on the Nineveh plains and in Kirkuk. There are reports that minorities are being pressured to support Kurdish political parties or to state their identity as Kurdish, which will strengthen Kurdish claims to the land. In return they are offered protection.¹¹⁵

MRG interviews with representatives from minority ethnic communities repeatedly reported such actions taken by Kurds. In one interview, an IMC spokesman said: 'The Kurds are causing rifts between minority groups for their own purposes. They treat Christians better than Arabs. Kurds are financing churches in order to corrupt priests, and are also corrupting through charity work. They are buying people and doing the same thing to Yazidis and Shabaks.'¹¹⁶

According to UNAMI, allegations that security elements associated with the Ministry of the Interior and Peshmerga (Kurdish) militias have been involved in illegal policing outside the KRG, notably in Kirkuk and Nineveh,



have continued to emerge.¹¹⁷ Riots in Kirkuk in the days following the US-led invasion of Iraq gave rise to reports of Kurdish militia taking over public buildings. Statements by Arabs and Turkomans told of being forced out of their homes as Kurds displaced under Saddam Hussein returned (see a more complete discussion of this below).

Like all Iraqi citizens, minorities in northern Iraq are caught up in sectarian violence between majority groups. But if the prospect of a political settlement over Kirkuk continues to recede, the threat of renewed inter-ethnic violence and forced displacements perpetrated by different factions or militias will increase. Minority communities will be among the most vulnerable should this occur.

Turkomans

Iraqi Turkomans numbered around 800 000 in 2001,¹¹⁸ and live in towns and villages in northern Iraq stretching from Tel Afar, to Mosul, Erbil, Altun, Kirkuk, Tuz Hurmatu, Kifri and Khaniqin. They are descendants of the Turkish-speaking Oghuz tribes and began settling in Iraq 1500 years ago. They are Iraq's third largest ethnic community (after Arabs and Kurds).¹¹⁹

Iraq's Turkoman community is intrinsically involved in what the NGO International Crisis Group (ICG) has described as 'a dangerous and dangerously neglected' battle – the battle for Kirkuk.¹²⁰

While Kurdish people hold that they are the indigenous inhabitants of the city and point to Ottoman sources confirming their majority presence there, Turkomans believe the city has always been theirs. They attribute the large Kurdish presence in Kirkuk to mass migrations after 1927, and again with Arabs in the 1950s and 1960s. These migrations motivated the political organisation of Turkomans in the region. Tensions between the groups resulted in the massacre of Turkoman leaders and hundreds of civilians on 14 July 1959. In the 1980s, Turkomans suffered during the *Anfal* campaign alongside the Kurds. The Iraqi Turkman Front, which is supported by Turkey, opposes Kirkuk and other areas of northern Iraq falling to Kurdish control. Another key reason why Kirkuk is so important to all these groups is well summed up by the Iraqi Turkman Front website, which states it is a city 'floating on a sea of oil'.¹²¹

In a draft Iraqi Constitution produced by the Kurdish Democratic Party (KDP), Kirkuk is named as the most important city in the Kurdish region of Iraq.¹²² Under the new Iraqi Constitution, the Kurdistan Regional Government (KRG) has a recognised authority over the three northern governorates,¹²³ which include many Kurd/Turkoman-inhabited areas, but do not include Kirkuk. In the December 2005 provincial elections, the Kurdish parties gained some 60 per cent of the vote in

Tamim (covering Kirkuk), securing 26 of the 41 seats in the council. A referendum on the future of Kirkuk is scheduled for 2007, acutely fuelling tensions and violence in the region and causing a further migration of the Turkoman people.

Sunni Arabs have sworn that the city will never become part of Kurdistan, and Shia militias too began establishing a base in Kirkuk in 2006. A Western diplomat in Iraq said: 'There are few more sensitive issues in Iraq today than what happens to Kirkuk ... All eyes are on it, all the ingredients for either consensual agreement or a devastating discord are there. If Kirkuk survives, then there's hope for Iraq.'¹²⁴

For Turkoman civilians, fear of attacks since 2003 is part of daily life. A Turkoman from Kirkuk and member of the IMC said:

*'After the fall of the dictator Saddam Hussein, a new and painful fact has appeared in the political area. Some of the people who suffered marginalisation and correction ["Arabisation"] have now turned to apply what happened to them on to others with whom they have lived side by side for hundreds of years. Turkomans are now suffering marginalisation and deportation because the Kurds are more strongly armed and thus in a position to win. Militia are controlling the region, trying to enforce the fact that they intend to expand their authority on the ground and control the land and people.'*¹²⁵

The deportations are backed up by a US State Department cable addressed to the White House, Pentagon and US Embassy in Baghdad obtained by the *Washington Post* in June 2005.¹²⁶ According to the *Post*, the 'extra-judicial detentions' were part of a 'concerted and widespread initiative' by Kurdish political parties 'to exercise authority in Kirkuk in an increasingly provocative manner'.

The article goes on to describe how hundreds of minority Arabs and Turkomans in Kirkuk have been abducted, and that Iraqi government documents, testimony of victims and their families and US and Iraqi officials have confirmed they are sent to prisons in Erbil and Suleymaniyah, Kurdish-controlled areas of northern Iraq. They are also subjected to torture.

While torture and detention without trial are illegal, the Kurdish governor of Kirkuk acknowledged that prisoners are transferred because of overcrowding. But the chief of Kirkuk's police force, who is a Turkoman, is described as saying the abductions are 'political kidnappings', and that the police collude in them: 'The main problem is that the loyalty in the police is to the [two main Kurdish] parties in the region and not the police force. They'll obey the parties' orders and disobey us,' he said.

While the *Post* article shows a deep distrust of Kurds among the Turkoman population, direct attacks (as opposed to arrests) have also destabilised the Turkoman population as a whole. Such are the tensions that exist over Kirkuk that violence erupted in the city almost immediately after the regime fell.¹²⁷

In the other areas inhabited by Turkomans, similar tensions have arisen. Muzaffer Arslan, adviser on Turkoman affairs to President Jalal al Talabani, said, ‘the Kurds claim Tel Afar for the same reason they claim Kirkuk, Mosul and Tuz Khurmatu. They want to take back as large an area as possible to add to their Dreamland.’¹²⁸

Turkomans have also been targeted in a more widespread pattern of violations. Asif Setturkman, representative of the Iraqi Turkmen Front in the UK, reported cases of violations against Turkomans in 2006. In June 2006, he claimed that 20 students were killed in the majority Turkoman city of Kara Teppe. On 13 June, four explosions in Turkoman districts of Kirkuk killed 13 Turkoman civilians and members of the police force. On 15 July, four members of the security team of the Iraqi Turkmen Front and more than 16 civilians were wounded in a car bomb explosion in Kirkuk.¹²⁹ On 16 July, a suicide bomber at the Aksu café in Tuz Hurmatu, near Kirkuk, killed 25 according to the Turkish daily newspaper *Hurriyet*. UNAMI put the death toll at 28.¹³⁰

In a statement to the United Nations Working Group on Indigenous Populations in July 2006, the Unrepresented Nations and Peoples Organisation (UNPO) took up the case of the Turkoman people and described the repressions they have faced since 2003, again underlining their position as caught between different political factions and armed groups.

‘In the Turkmen district of Tel Afar, for example, Peshmarga militias entered the city in April 2003, appointed a Kurdish head of district and committed numerous acts of violence in the process; including lootings, insulting, and provocative actions. This has proved to be only the beginning. Subsequently the climate has enabled other resistance groups to set themselves up in the region. Repeated destructive attacks by coalition troops and the National Guard have only served to hugely increase the casualties and escalate the crisis.’ From 2003–2006, UNPO estimated casualties in Tel Afar were:

- 1,350 dead and 2,650 wounded, including a large number of children, women and elders
- About 7,000 were arrested; 1,000 are still in prison
- 3,658 houses, 563 shops and 469 vehicles are damaged
- About 500 houses are completely demolished
- 1,468 houses robbed
- 4,685 families moved to other cities.¹³¹

On 16 August 2006, a UNAMI report said an armed group kidnapped Saif Abidl Jabar Al-Timimi from west Baghdad. Al-Timimi worked with *Al-Ikha* newspaper, affiliated with the Iraqi National Turkoman Party in Iraq.¹³²

Shabaks

Originally Aryan, the Shabak people of Iraq have lived mainly in the Nineveh plains, on a strip of land between the Tigris and Khazir, since 1502. There is also a small population of Shabak people in Mosul. They are culturally distinct from Kurds and Arabs, have their own traditions, and speak a language that is a mix of Farsi, Arabic, Turkish and Kurdish. About 70 per cent are Shia Muslim, the rest are Sunni. They have been recognised as a distinct ethnic group in Iraq since 1952. However, as explained above, their status and lands are disputed by the Kurdish leadership.

In August 2006, UNAMI reported that the Shabak community in Mosul and Nineveh face ongoing violence and intimidation. The UNAMI report did not specify the perpetrators, but they are likely to be among the insurgent groups responsible for the May attacks against minorities in Mosul, which caused a mass flight to the Nineveh plains. The report said: ‘Over one hundred of them [Shabaks] 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 Nineveh plains reported harassment by Kurdish militias who would be asking residents questions regarding their affiliation and ethnicity.’¹³³

According to Dr Hunain al-Qaddo, since 2003, Shabaks ‘feel we are aliens in our own country. People look at us as if we do not deserve to live. Shabaks are being killed on a daily basis ... and the media does not cover the grave and major violations in this region. There is ethnic cleansing against Shabaks in Nineveh province.’¹³⁴ Dr al-Qaddo is general secretary of the Democratic Shabak Assembly, chairman of the Iraqi Minorities Council and a member of the Council of Representatives. He attributes this to Kurdish political interests:

Since the liberation of Iraq [in 2003], Kurdish militias have assumed control of the Shabak areas and are attempting to Kurdify the people by calling them “Kurd Shabaks”, in order to annex the eastern side of Mosul into the Kurdish territory. Kurds have detained Shabaks and Assyrians and their armed militia roams the towns and villages terrorizing the people and raising the Kurdish flag over schools in Fadilia, Bashiqa, Khorsibad, Darawesh and other towns. The Kurds, particularly the Kurdistan Demo-

cratic Party, have opened party offices even in the smallest villages.'¹³⁵

Others confirm the Shabak community's distrust and suspicion of the Kurds. A Shabak IT teacher, interviewed after hearing that two members of her community had been killed, said:

'Sometimes Mosul can be even more dangerous than Baghdad. We have proof that the Kurdish people are involved in this killing to create fear. While people are being murdered, representatives of the KDP don't do anything. Then we sign up for protection with the Kurds. This is a way of forcing people to give up their land and support the Kurds with our vote ... we are told we have two choices: hell or paradise. If we want paradise, go with the Kurds. If we want hell, here is the warning.'

She went on to talk of the reality of living with the fear of attacks, saying, 'Young people are being completely destroyed. They just wonder when and how they are going to be killed.'¹³⁶

Chaldo-Assyrian Christians

Chaldo-Assyrians in Kirkuk are caught up in violence between larger ethnic groups. Their numbers, however, are much smaller – an estimated 12,000 in 2006.¹³⁷

The Iraqi Ministry of Displacement and Migration has reported on the serious difficulties Christians face as they attempt to reclaim their properties in northern Iraq.¹³⁸ Speaking in 2004 in the House of Commons, Stephen Pound MP said: 'At least 58 Chaldo-Assyrian villages have been partially or fully occupied by Kurds: eight are completely occupied and 50 partly occupied. All are in Dohuk province and in areas controlled by the KDP.'¹³⁹ He added: 'Instead of returning the land to its rightful Chaldo-Assyrian owners, the current Minister of Defence, Hazim al-Shaalan, has sent a letter to the Minister of Municipalities to instruct the Minister of the Mosul governorate to distribute Chaldo-Assyrian land to Iraqi military and intelligence service personnel – a continuance of the policy of the previous Ba'athist regime. The lands in question are in the following Chaldo-

Assyrian districts of the Nineveh plains: Telkepeh, Baghdede – a name later changed to Qaraqosh, then to Hamdaniya – Karamles, Bertallah, Botany Telesqof, Alqush, Bashiqa-Bahzani and Shaikhan.'¹⁴⁰

The *International Religious Freedom Report* (2006) stated: 'Christians living north of Mosul claimed that the KRG confiscated their property without compensation and began building settlements on their land. Assyrian Christians also alleged that the KDP-dominated judiciary routinely discriminated against non-Muslims and failed to enforce judgments in their favour.'¹⁴¹

In a research mission to northern Iraq, including the Nineveh plains, in May 2006, MRG found relations between resident Chaldo-Assyrians and the Kurdish parties presented a complex picture. Some Chaldo-Assyrian leaders complained of attempts to 'Kurdify' some of the villages on the plains, including altering place names, and of making resources for development conditional on support for the KDP. However, other Chaldo-Assyrians spoke positively of Kurdish support for reconstruction, development and the settlement in Nineveh of Chaldo-Assyrians displaced from other parts of Iraq, particularly Mosul and Baghdad. Christian guards are now prominent outside the churches and at checkpoints, and have received support channelled from the KRG. In an interview with MRG, the KRG Minister of Finance and then Deputy Prime Minister, Sarkis Aghajan, described how 30 Christian villages had been restored in the Nineveh plains and some 3500 families resettled from Mosul and Baghdad.

The Washington-based Assyrian organisation the Iraq Sustainable Development Project (ISDP) conducted a field trip to northern Iraq in early 2006. It reported extensive land seizure by the KDP with no recompense for minorities, and threats and coercion for minorities to assimilate. (However, church leaders who become members receive reconstruction funds for their churches and homes). One priest has been identified as informing the Kurdish authorities of Assyrians who oppose KDP control of the Nineveh plains. ISDP also reported that in order to get and keep jobs, minorities are forced to become members of the KDP. ISDP alleges that all Chaldo-Assyrians applying to work at the Sheraton hotel in Erbil were required to become members of the KDP; those who refused had their job offers withdrawn.¹⁴²

Political participation

Where territory is disputed, minorities can also experience violations to their right to participation and political representation. The fierce fight for control of Kirkuk and the border areas around the KRG has a specific political impact on minority communities where votes will make a difference to the outcome of elections. In the January 2005 elections, non-Muslim minorities (and non-Kurds) reported being prevented from voting. According to AINA, only 93 of the 330 polling stations in the Nineveh governorate opened, ballot boxes were not delivered, and incidents of voter fraud and intimidation occurred. The *International Religious Freedom Report 2005* said:

'This resulted from administrative breakdowns on election day and the refusal of Kurdish security forces to allow ballot boxes to pass to predominantly Christian villages, denying as many as 100,000 Assyrian Christians and smaller numbers of Sabians (Mandaeans) of their right to vote in the elections. After an investigation of these allegations, the Independent Electoral Commission of Iraq (IECI) acknowledged that the voting facilities in Nineveh were inadequate. The IECI claimed that these irregularities were a manifestation of the poor security situation in Nineveh, Anbar, and other regions and not a problem that exclusively affected a particular segment of the population.'

After the elections, the UN news agency IRIN reported that a crowd of mostly Turkomans and Christians numbering approximately '300 ... protested outside the fortified Green Zone in Baghdad, unhappy about alleged irregularities on election day, especially in Kirkuk, where witnesses accused Kurdish parties of entering polling stations, breaking ballot boxes open and stealing ballot papers.'¹⁴³

An IMC spokesman said: 'The Iraqi people weren't given access to voting, the government opened posts for the Kurds but not for the Christians, and that is corruption.'¹⁴⁴

Though minority communities therefore have a potential protection in the Kurdish region, in reality they are caught between the two majority ethnic sides. Human Rights Without Frontiers gives this account, the timing of which is noteworthy:

*'On 10 April 2003, the day after "the liberation" [sic], Hazim Petrus Damman, an Assyrian-Chaldean, was driving home in a company car from the Kirkuk oil company he was working for when he fell into an ambush laid by Peshmergas who were obviously waiting for him on his usual way back home. After shooting him down, they simply dragged his corpse out of the car and drove off in his vehicle, leaving him excruciatingly bleeding ... Due to the massive anarchy and chaos in the streets of Kirkuk in the following days, it took his traumatized family ten days to discover his whereabouts. His brother Ganim, a doctor, finally managed to find the hospital he had been taken to and discovered his body in the hospital morgue ... Some eye-witnesses think the Peshmerga intelligence had successfully targeted Hazim as a Chaldean-Assyrian, someone who would soon be an obstacle in their way towards reclaiming their "hometown", and had therefore been tracing his daily route from work to home in the previous days.'*¹⁴⁵

Whether the last assertion is true or not, it demonstrates the level of suspicion between the groups that flared almost immediately in 2003.

Women from minority communities

Souad Al-Jaziry, chair of the Iraqi Women's League, said that while everyone is preoccupied with the security situation in Iraq, 'these conditions provide a golden opportunity for the reactionary forces to impose their will, curtail the role of women and violate their rights'.¹⁴⁶

Since 2003, most of the victims of targeted attacks by insurgents, militias and death squads have been men; but women too have suffered killings, abduction and torture. They also experience a particular pattern of violations. Attacks against them are often of a sexual nature and include forced marriage.

Fear of these attacks leads to a progressive curtailment of freedom in daily life, including not being able to drive or go out without a male relative to accompany them. In March 2006, Women's Rights Association (WRA), a local Baghdad NGO, reported that since 2003, the number of women attacked for choosing not to wear head scarves or veils has more than tripled.¹⁴⁷

Risk of attack restricts women's access to health services, education and employment as well as participation in public life. At home, they bear the burden of raising families traumatised by living in fear. They are at real risk of becoming prisoners in their own homes, and are now fighting for their right simply to exist.

The situation is even more problematic for women of minority communities. Increasingly, minority women are suffering violence, including sexual violence, threats and intimidation linked to both their minority status and gender, as well as being forced to deny their religious and ethnic identity and self-expression through the way they dress.

Minority women are particularly at risk of rape with no recourse to justice as fundamentalists cite a belief that rape of an 'unbeliever' constitutes an act of purification and is not unlawful.¹⁴⁸

Furthermore, the numbers of recorded attacks and other violations are likely to be unrealistically low given that survivors must then deal with feelings of self-disgust, shame and loss of family honour that often follow sexual violence. In May 2006, *Time* magazine reported: 'Families and courts are usually so shamed by the disappearance [and presumed rape] of a daughter that they do not report these kidnappings. And the resulting stigma of compromised chastity is such that even if the girl should resurface, she may never be taken back by her relations.'¹⁴⁹ Even when they are reported, women face sexism in the system. According to HRW, Iraqi 'police officers gave low

priority to allegations of sexual violence and abduction'. The report said that the 'police were under-resourced, and that victims of sexual violence confronted indifference and sexism from Iraqi law enforcement personnel'.¹⁵⁰ In one case, an 18-year-old was abducted, raped, then forced to wear a belt loaded with explosives and sent to bomb a cleric's office in Khadamiyah, where she turned herself in to police. According to reports, the prison director of Khadamiyah Women's Prison, where the girl was interviewed, said: 'A judge gave her a seven-year jail sentence "for her sake" to protect her from the gang.'¹⁵¹ For minority women, reporting allegations and gaining state protection is even more difficult due to discrimination against minorities in the police and judiciary.

Reports of rape and sexual harassment on grounds of religious or ethnic difference have been recorded by UNAMI, NGOs representing different communities and by the Iraqi police. In May 2004, Shayma, a 23-year-old Mandaean woman, was abducted as she went shopping in the Zayoona district of Baghdad. She was taken into the countryside where she was repeatedly raped and tortured over a period of eight days. Her kidnappers demanded a ransom of US\$10,000. 'While they were abusing me, they kept shouting, "You are an unbeliever! Your life and everything you own belongs to us!"' she said. 'Armed individuals attack Mandaeans without fear of punishment. They kidnap Mandaean women and girls in particular,' she added.¹⁵² The Mandaean Human Rights Group reported that in June 2004:

'... the Supreme Mandaeans Religious Council in Iraq issued a statement calling for all international bodies, religious leaders and governments to intervene to stop the attacks against Mandaeans. The statement called upon the Islamic religious leaders in Iraq and outside to issue fatwas to stop the attacks against Mandaeans and other groups mentioned in the Koran as 'People of the Book'. The statement was in response to the kidnapping and rape of several young Mandaean girls. The young girls were snatched from their homes, raped for ten days and thrown in the streets with a threat of death if they talked about the incident.'

The report goes on to describe an incident from April 2005, when Salwa Samir Aziz, a translator, was assassinated in Bay'a'a, Baghdad. She had refused to wear the Islamic hijab.¹⁵³

GfbV also report that on 2 July 2005, a Mandaean woman, Hadeel Samir Aodaa, was kidnapped and raped by a group of men who had been harassing and tormenting her. According to a medical report, ‘She has suffered traumatic injury, with lesions of the abdomen and back, cuts, scratches and other injuries to the vagina and second-degree burns on the left leg.’¹⁵⁴

On 5 August 2005, Anita Tyadoors, an Assyrian student, was killed in the Zohoor region of Mosul. She was reportedly targeted for her modern lifestyle, including speaking English and wearing Western-style clothing.¹⁵⁵

Dr Erica Hunter, a specialist in Assyrian studies at the University of Cambridge, said that the Mandaean women and children who were forced to convert to Islam in Falujah in 2004 (see above) were ‘taken from their families to live with men they did not know and forced to practise another religion’. She said similar abductions were frequent and that she had also had reports of a Mandaean couple being forced to divorce and then marry Muslim partners.¹⁵⁶ As with the example of inheritance given above, an attempt to renounce the conversion can be life-threatening and the woman’s honour would anyway be considered lost, bringing shame to her family. In Mandaean culture, marriage, or forced conversion through marriage to someone of another faith, results in a Mandaean losing their membership of the community.

Yazidi women have also suffered. One Yazidi refugee, who chose to remain anonymous for fear of reprisals, told of how Muslim extremists would abduct Yazidi women from the fields where they were working and force them to convert to Islam. This is a double affront to the Yazidi faith as it perverts one of the courtship and marriage rituals of the Yazidi culture.¹⁵⁷

Women, just as much as men in minority groups, can be targeted simply because of their religion or ethnicity, and for going about their daily business in known minority areas. They also come under severe attack for working with the MNF-I or in American companies. On 21 May 2004, the *Los Angeles Times* reported the bombing of a minibus taking women home from work at the US base camp Cuervo. A Chaldo-Assyrian, Nahrain Yonaan, who worked in the coffee shop, was wounded; her sister and aunt were killed. According to Yonaan, gunmen opened fire on the bus and when it stopped, threw a home-made bomb into it. She reportedly told her family that the bombers said: ‘These are Christians. Let’s burn them,’ as they fetched the bomb.¹⁵⁸

Women of different religious minorities in Iraq face being forced to change their dress and habits to conform to Islamic dress codes under fear of being raped, abducted and harassed. According to UNAMI, women have also reported that wearing a headscarf is becoming not a matter of religious choice but one of survival in many parts of Iraq.¹⁵⁹ Women in some public offices, including min-

istries, female university students on campus and school girls are under continuous pressure to conform and wear a headscarf at all times.

In her blog, *Baghdad Burning*, Iraqi Muslim blogger Riverbend wrote:

‘There are no laws that say we have to wear a *hijab* (yet), but there are the men in head-to-toe black and the turbans, the extremists and fanatics who were liberated by the occupation, and at some point, you tire of the defiance. You no longer want to be seen. I feel like the black or white scarf I fling haphazardly on my head as I walk out the door makes me invisible to a certain degree – it’s easier to blend in with the masses shrouded in black. If you’re a female, you don’t want the attention – you don’t want it from Iraqi police, you don’t want it from the black-clad militia man, you don’t want it from the American soldier. You don’t want to be noticed or seen.

‘I have nothing against the *hijab*, of course, as long as it is being worn by choice. Many of my relatives and friends wear a headscarf. Most of them began wearing it after the war. It started out as a way to avoid trouble and undue attention, and now they just keep it on because it makes no sense to take it off. What is happening to the country?

‘I realized how common it had become only in mid-July when M., a childhood friend, came to say goodbye before leaving the country. She walked into the house, complaining of the heat and the roads, her brother following closely behind. It took me to the end of the visit for the peculiarity of the situation to hit me. She was getting ready to leave before the sun set [the curfew] and she picked up the beige headscarf folded neatly by her side. As she told me about one of her neighbours being shot, she opened up the scarf with a flourish, set it on her head like a pro, and pinned it snugly under her chin with the precision of a seasoned *hijab*-wearer. All this without a mirror – like she had done it a hundred times over. Which would be fine, except that M. is Christian.’¹⁶⁰

Women from religious minorities have also reported that they have been denied employment and educational opportunities because they are not Muslims.¹⁶¹ Finally, the protection of women’s rights in the new Iraqi Constitution has been criticised as weak (see below), which means the responsibility for upholding women’s rights can always be shifted. Rahman Ala’a, a senior official in the Interior Ministry, said, ‘For the police to interfere in women’s rights issues, we need to have it well explained in the Constitution, which at present doesn’t address such issues.’¹⁶²

Minority rights in law and administration since 2003

For many minorities, the specific barriers that they face today in terms of participation in public life and access to justice have their roots in violent repression and restrictive laws perpetrated and passed both before and during Saddam Hussein's administration. As different groups now fight for supremacy in Iraq, the question of whether or not the negative impact of these practices and laws can be redressed has been put on hold, further marginalising minority communities even as casualties in the current conflict continue to mount. The consequences of this in the case of land claims in northern Iraq have been described above, but since 2003, violations of minority rights in Iraq have also been organised, supported and perpetuated through the very legal, economic and political mechanisms that are meant to be protecting and providing for their safety and well-being.

According to Zaynab Murad of the Cultural Association of Faili Kurds, during the *Anfal* campaign Faili merchants and traders were summoned to an emergency meeting and told to bring all their documents. When they complied, they were arrested. Their documents were confiscated and they were sent to the Iraq/Iran border without their families. To reclaim property today, those documents must be presented. 'The question is – who owns [sic] the documents that prove that they are the true owners of the property?' he said.¹⁶³

One Fali Kurd representative said: 'Our people have been executed and our families jailed, sometimes we do not even know where their graves are. The government refuses us repatriation rights, despite the United Nations. There are cases of people who haven't seen their families for 25 years. They haven't seen the graves because they are not allowed to return. Displacement and exclusion is all you have in all directions. Iraqis are tired. They are fed up with legislation and schizophrenic policies. Ministers say one thing in public and another in private.'¹⁶⁴

There are other examples of a lack of accountability or redress for those who were forced to give up their homes and property under Saddam Hussein's government. In 2003, Mandaean attempted to deposit a cheque for approximately \$100 000 (160 million dinar), given as payment for a Mandaean social club in Baghdad appropriated under the regime. When the cheque was submitted to the Ministry of Finance in 2003, the Mandaean were told that the signature was not legitimate, and payment was refused. The Mandaean had neither regained their property nor received compensation for it by the end of the 2005.¹⁶⁵

The Armenian Church of Iraq said it was working with government officials to obtain the return of properties that the former regime had forced it to sell. Although the church was paid fair market value for six properties in Mosul, Basra, Kirkuk, Baghdad and Dohuk, it was coerced. Church officials said discussions with the transitional government yielded no results in 2005.¹⁶⁶

There have been conflicting reports as to the effectiveness of the Iraqi Property Claims Commission, set up after the fall of Saddam Hussein. Speaking at a conference organised by MRG and the US Institute of Peace (USIP) in Jordan in 2006, Nizar Al Haydar, a Mandaean, said: 'The Commission has achieved a lot in a short time. It has only been impeded by red tape.'¹⁶⁷ After the initial deadline for making claims passed, the Commission for the Resolution of Real Property Disputes was set up on 6 March 2006. The new deadline for claims is 30 June 2007. Both were established to 'offer assistance to citizens who have lost their properties as a result of the previous regime' between 17 July 1968 and 9 April 2003.¹⁶⁸ But for those who have been displaced since 2003 where actions by the previous regime may be a root cause but not an immediate one, things may be more difficult, particularly where the current official authorities are involved.

Under the former government, some minority communities were stripped of their citizenship, and although the Transitional Administrative Law (TAL) and now the Constitution state that any person who had his citizenship withdrawn shall have the right to demand its reinstatement, for Jews in Iraq this violation has remained in place. On 15 November 2005, the Transitional National Assembly (TNA) passed a citizenship law that, among other things, specifically excludes local Jews from regaining citizenship. The Presidency Council (the president and the two deputy presidents) sent a notice to the TNA that it was vetoing this legislation, but the TNA challenged the legal effectiveness of the notice. The law came into effect in March 2006, when it was published in the *Official Gazette*.¹⁶⁹

Non-citizens face extreme difficulties in Iraq: the UNHCR has also received reports that members of the Palestinian community have been unable to renew their residency permits since 28 March 2006. This has had serious consequences for their freedom of movement and security.¹⁷⁰

Women, and women from minority communities, have also suffered curtailments to their freedom of movement, and this is discussed extensively above. However, it

seems that civil servants in the new Iraq are sanctioning administrative barriers. Al Iraqiya TV reported that, according to the passport administration, to obtain a passport, Iraqi women must have a male guardian present during the application.¹⁷¹

An IMC member, and Yazidi women's rights advocate, said: 'In the former regime women were not allowed to travel without male escorts or legal guardians who had to also approve passports. This attitude still exists and these are violations of women's rights.'¹⁷²

In 2006, the Basra education director instituted a policy whereby all women in schools and all female university students in Mosul, including non-Muslims, were required to wear the *hijab*. Women have also reported that they have been denied employment and educational opportunities because they are non-Muslim, did not dress in accordance with conservative Islamic norms, or did not sufficiently adhere to strict interpretations of religious rules governing public behaviour.¹⁷³

Even when the law makes changes to the past and is in favour of minority rights, violations still occur. Religious minorities have reported that although their sacred days are now recognised in law, schools routinely schedule exams during non-Muslim holy days and no special dispensation is given to students wishing to observe them.¹⁷⁴

Of all the minority communities, it is perhaps Bahá'í people whose suffering under the Ba'ath regime continues to have the most serious impact on the community today. In 1970, the Law on the Prohibition of Baha'i Activity (Law 105) stripped Bahá'ís of the right to practise their religion. Many were given prison sentences ranging from ten years to life. To buy their freedom they were forced to deny their religion and asked every day to do so until they agreed.¹⁷⁵

According to a member of the Bahá'í community who herself spent six years in jail, a Bahá'í joke goes that when Bahá'ís meet each other they ask: 'Where were you in prison?' as a way of getting to know each other.¹⁷⁶

Under Law 105, Bahá'í books were banned and their spiritual assemblies dissolved. Bahá'í property was confiscated by the Ba'ath Party. In 1975, Rule 358 was passed, freezing Bahá'í civil liberty and prohibiting Bahá'ís from being issued with national identity cards. Without an ID card, Bahá'ís cannot travel, buy or sell property or enrol in school. Regulations 105 and 358 are still in force and continue to be enforced by the current Iraqi administration.

A senior member of the Bahá'í community interviewed by MRG described the true impact of this on generations of the community:

*'Because Law 105 still exists we meet in our homes to worship and when we marry we are forced to have civil ceremonies. Our religious ceremonies are not considered legal. We are still suffering – my children have never left Iraq, we have no civil buildings. We don't mind if they don't accept our beliefs, we want our rights as humans. Let them not believe our religion; we don't care. We just want to live as humans. Freedom to meet and pray, freedom to hold marriage ceremonies – the removal of Law 105 on the confiscation of our public buildings and of 358 on civil status. We have tried to cancel these laws but we have not been listened to. We tried to see the Prime Minister to have our religious assets considered. We have tried to approach the Parliament to allow us to live as decent people in this country ... As a group, indeed it is true that the only thing we still own is the graveyard.'*¹⁷⁷

Minorities and the new Iraqi Constitution

In a recent article on constitutional law and minority rights, the Director of MRG, Mark Lattimer, writes:

'The vast majority of recent constitutions have marked a society's emergence, or attempted emergence, from colonialism, authoritarianism or conflict, and the drafting of the constitution has taken place in a period of political instability and frequently of political violence ... New constitutions are as much as structured repudiation of the past as they are a blueprint for the future.'¹⁷⁸

In this, the new Constitution of Iraq does not differ. Its preamble makes reference to the 'flames of grief of the mass graves'¹⁷⁹ of the *Anfal* campaign and the clearing of the marshes, to the 'tragedies of Iraq's martyrs, Shia and Sunni, Arabs and Kurds and Turkmen, the Fayli Kurds' and 'all other components of the people'. But it also looks to the future when it declares, 'we sought hand in hand to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination and exclusion'.

The preamble is poetic, sweeping and aspirational. But as a whole, the new Constitution – from the drafting stage onwards – has been mired in controversy. This is especially true of the provisions relating to minority and women's rights.

On one level, Iraq's new Constitution is progressive. Human rights lawyers, academics and NGOs believe it is ahead of many in the region, and indeed, its provisions in terms of minority rights are more liberal than those in many Western constitutions. Faleh Jabar, Director of the Iraqi Institute for Strategic Studies in London, says, 'It recognises civil rights, decentralisation, democratic governance, federalism and freedoms.' However, it also contains weaknesses, which Faleh Jabar sums up in this way: 'It [the Constitution] lacks protection measures for these basic norms and freedoms, and has alarmingly vague or conflicting articles on civil society, autonomy, minority and women's rights, political freedom the role of religion.'¹⁸⁰ He goes on: 'The main casualty of the flawed Constitution drafting process – which was characterised by haste; pressure from external actors; and the under-representation of Sunni Arabs, women and minority representatives – was the legitimacy of the text itself.'

The Constitution drafting committee was made up of 71 drafters, of whom only five were from minority communities, including one woman.¹⁸¹ This lack of representation may have contributed to the specific ambiguities that affect minorities in the text.

Amer Thamer Ali, a member of the Council of Representatives and of the United Iraqi Alliance (and himself a Faili Kurd), said, 'I can't say there was a serious commitment to minority rights when the Constitution was being drafted. But there were real voices, and they were supported to get their voices heard.' Safia Al Souhail, a member of the Council of Representatives and a supporter of women's rights and minority rights, agreed, saying: 'In general the issue of minorities has not been high priority for politicians.'¹⁸²

Constitutional provisions affecting minority rights

Article 2 poses the first dilemma of interpretation, enshrining Islam as the official religion of the state and a founding source of legislation stating:

'No law may be enacted that contradicts the established provisions of Islam.'

The emphasis on religion in the Constitution is hardly unique and the relative importance of Islam is typical of the standards of the Middle East. The debate as to the role that Islam should play in the law of Iraq, and which interpretation of *Shari'a* would predominate, continued through much of the drafting. The final provision obviously raises issues for non-Muslim minorities who risk having the dictates of another faith imposed on them. However, the reach of this first provision is further qualified by two important preconditions – and all three must be read together – which state:

'No law may be enacted that contradicts the principles of democracy; No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.'

Of course, how Article 2 is interpreted depends on Iraq's Supreme Federal Court – the judicial body that will decide most important constitutional cases. It is notable, for example, that Article 2 says Islam is 'a' not 'the' founding source for legislation. But the approach of this court may in turn be determined by its composition. This is laid down in Article 92 of the Constitution:

'The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence and legal scholars, whose number, the method of their selection and the work of the Court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.'

As referred to above, access to employment in the judiciary for minorities is proving difficult in the current civil turmoil.

While doubts remain as to how much Islam will influence the national law of the country, the second item in Article 2 emphatically guarantees the religious freedom of minorities:

'This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis and Mandaean Sabeans.'

Other protections for minorities in the Iraqi Constitution include Article 4, which recognises the right to education in a 'mother tongue such as Turkmen, Syriac and Armenian' and says that in administrative units where Turkoman and Syriac language speakers constitute a majority of the population, those shall be official languages.

Non-discrimination is further guaranteed in Article 14:

'Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion, or economic or social status.'

However, this Article has come in for some criticism, because it is an apparently exhaustive list and does not include discrimination on the basis of language. Nor does it provide protection for non-Iraqis. This could be highly problematic for those denied Iraqi citizenship status.

According to one international human rights lawyer, John Packer, 'Article 14 is a crucial provision that should be brought up to international standards so that its scope will be for ... everyone ... within Iraqi jurisdiction and [it should be] a non-exhaustive list.'¹⁸³ This would entail including the specific grounds mentioned above.

Article 16 is perhaps the most important provision for minority communities, and it stands alone in the Constitution for its far-reaching ramifications:

'Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure necessary measures to achieve this are taken.'

Because it does not mention a particular group, is non-restrictive and therefore applies to all spheres of public life, the article potentially has wide-ranging legal implications. While 'non-discrimination' should be essential, 'equal opportunities' provides a practical method of implementation to make this a reality.

As indicated earlier, the problem of lack of representation in Iraqi political life is a thorny issue for minority groups, and women from minority communities in particular. Unfortunately, this marginalisation appears to have been further exacerbated by certain Articles in the Constitution. For example, Article 49 allocates one seat in Parliament for every 100 000 members of the population, which produces a particular problem for small or geographically dispersed minorities.

Finally, Article 125 is a hugely important provision for minorities, as it states:

'This Constitution shall guarantee the administrative, political, cultural and educational rights of the various nationalities such as Turkomen, Chaldeans, Assyrians, and all other constituents, and this shall be regulated by law.'

But again, much depends on the elaboration of the law. As Faleh Jabar notes, 'In its present wording, this Article has little to offer, apart from an empty statement of good-will.'¹⁸⁴ The question of *how* these rights will be guaranteed in practice remains, and representatives of minority groups believe Article 125 could be strengthened.

While providing important protections, these Articles have also come under scrutiny for mentioning certain groups and not others. Representation as formal recognition in the Constitution after years of repression is important to minority communities. Many can quote how many times the names of their communities are actually mentioned in the Constitution.¹⁸⁵ Mentioning some by name and omitting others exacerbates a sense that certain communities are considered second-class in the new democracy.

Minority women's rights

Article 41, the Personal Status Law, which governs marriage, divorce, child custody disputes, inheritance and all things to do with the family, states:

'Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs or choices, and this shall be regulated by law.'

This is potentially positive for minority rights as it protects different groups' cultures and traditions. But many

believe it is a regressive step for women. In a 2005 statement to the UN Security Council, Hanaa Edwar, secretary of the Iraqi Women's Network, and Basma Fakri, president of the Women's Alliance for a Democratic Iraq, said that devolving power to 'religious, sectarian, tribal and regional establishments, the Constitution will consolidate stereotypical images of women and will subordinate universal human and women's rights. The new Constitution is deceptive in asserting that its human rights provisions are "guarantees" – since the actual status of basic rights is left to future decisions by Shari'a judges, who may decide that it conflicts with their version of Islam and so are null and void.'

Women's rights groups give the example that under some Islamic interpretations, a wife has to leave her husband's house following divorce even if she has no other home to go to, and that other interpretations allow for the marriage of girls as young as nine.¹⁸⁶ Both women of minority Muslim communities and those of non-Muslim communities may be judged under the often patriarchal and oppressive traditions of their own sects. The difficulty lies in allowing the customary law regimes of different communities to flourish, to practise their cultural and religious traditions without fear, and at the same time ensure they are bound by the universal standards such as UN Resolution 1325 on women, peace and security, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In the context of Iraq, this is particularly difficult. In 2006, at the request of the judges of the Iraqi High Tribunal (IHT), the NGOs Global Justice Centre (GJC) and Women's Alliance for a Democratic Iraq (WAFDI) led two training sessions for judges and civil society participants on women's rights in Iraq and international law. According to the organisation it became clear that the IHT judges had received no training in international treaties such as CEDAW, and 'had been largely isolated from the advances in international law over the last quarter of a century'.¹⁸⁷

Iraq has also made reservations to CEDAW that nullify any provisions that protect women's rights with regard to family, marriage, nationality and other personal status.¹⁸⁸ While this reservation remains in place, the legal position for Iraqi women will remain extremely difficult. Women's groups have called on the United Nations 'to extend its technical advice to ensure the compliance of the Constitution with these international norms. It should use its considerable leverage to require civil law education for all the judges who serve on the Supreme Court and for the promotion of women judges throughout the country.'¹⁸⁹

Safia Al Souhail said: 'In terms of women's rights the Constitution is very disappointing. we need a personal status law for all members of the family and one that does no harm to women.' Hanan Rabbani, Human Rights Officer and Acting Head of the UNAMI human rights office in Amman, added: 'Women's personal status law is a mirror of a society.'¹⁹⁰ From this point of view, more definition with regards to the women's rights, the Constitution and the law would be welcome. The language of Article 41 has also provoked criticism: 'Iraqis' in this Article is written in the Arabic masculine plural, leading to the assumption that in the case of mixed marriages, it is the religion or sect of the man that will predominate. Furthermore, the openness of the Article generates problems in matters of inheritance. Under some interpretations of the Koran, women only receive half a share compared to men and in cases where children of Muslim parents have converted to Christianity they would not be able to inherit at all.

Finally, the Article has been unfavourably compared with personal status law 188, which has been repealed to make way for provisions in the new Constitution. Under the previous law, men were no longer permitted to divorce their wives merely by saying 'I divorce thee' three times. The law also prohibited marriage for those under 18, as well as banning polygamy. It granted women extensive legal protections, and applied to women from non-Muslim communities. It granted an equal share of inheritance to women (a rare provision in the Middle East) and overall, was considered one of the most progressive family laws in the Arab and Muslim world.

Though in many ways the Constitution stands up to scrutiny as being one of the most positive steps for minority groups and for Iraqis in general since 2003, when dissected under the lens of minority interests it is clear more can be done. Minority groups have been left with a sense of discrimination and disappointment: despite having suffered alongside their fellow Iraqis under Saddam and since 2003, the future may not offer them as much protection and security as they have a right to. Amer Thamer Ali said: 'There is no actual discrimination in the Constitution but articles relating to rights and freedoms need to be expanded and reviewed. People feel it is deliberate because they have suffered so much.'¹⁹¹

Deliberate or not, the feeling is very real. For Iraq to maintain its rich and ancient diversity and become an inclusive democracy for all its peoples with members of society equally benefiting from its great oil wealth, these issues will have to be addressed.

Worse than under Saddam?

Iraq's different communities were once subjected to life under an administration that perpetrated genocide, terror through unpredictable 'disappearances' and consistently denied human rights, including the basic right to self-identification, to certain groups. A psychological dictatorship was also in force; interviewees have spoken of feeling under constant surveillance and living in a permanent state of underlying tension and fear.¹⁹²

Amer Thamer Ali said: 'If you didn't join the regime, they would cut your electricity and we were constantly watched and under surveillance. It was a very complicated psychology and that has stayed with us today.'¹⁹²

Conversely, under the guise of the 'secular dictatorship' of the Ba'ath manifesto, some groups felt able and were protected and encouraged to live as they chose, even if it offended others, such as Christians and Yazidis being exclusively allowed to trade in alcohol.

Simon Jeans, a lawyer acting on behalf of Mandaeans seeking asylum in Australia, said: 'Saddam used to protect all the minority groups. This is how he operated – to buy off communities. He gave the Mandaeans a key piece of land on the river in the central part of Baghdad. In return, they gave him gifts such as the translation of their Holy Book in an Arabic language, and you had to co-operate with the regime in order to survive.'¹⁹³

According to Amin Farhan Jejo, leader of a Yazidi demonstration for self-identification from the Kurds that took place in April 2004, 'Saddam said "Yazidis are a flow-

er in my garden" and they were faithful. They had an honourable role in defending Iraq during the Iranian war, and many of Saddam's guards were Yazidi. However,' he said, 'after the war documents were discovered in the Mosul intelligence headquarters calling for Yazidi villages to be destroyed, and for their residents to be forcibly inter-married with Arabs in an attempt to assimilate them.'¹⁹⁴

Chaos has ensued since the end of this repressive order. As one MRG interviewee said, 'It was lawless and stable before, now it is lawless and anarchic.' Communities, once subjected to coherent forms of extreme control, now grapple with the idea of freedom, and must now attempt to protect and promote their 'own'.

As Pascale Warda said: 'Human rights are not in the Iraqi consciousness. People don't know how to demand their rights, and even if they do, they don't say.'¹⁹⁵ Dr Hunain al Qaddo added: 'We need to change our mentality. Dictatorship and the idea that rights are granted as favours are embedded in us.'

Iraq's minority communities face a mammoth task for recognition in their war-torn country on its road to stability. This task is fuelled by a strong desire expressed by minority representatives to remain in their homeland and not to give in to intimidation. Yonadam Kanna, himself sentenced to death *in absentia* by Saddam Hussein, said: 'I am scared for my son, he may be kidnapped or killed, but we will not run. We have to resist and we have to stay in our homes.'¹⁹⁶

Future prospects

It is clear from the evidence presented in this report that Iraq's minority communities are living in desperate conditions that are going ignored and unaddressed inside Iraq and in the international arena. These conditions are steadily deteriorating.

These communities now face few choices: to lobby at home and abroad for better representation and recognition of their specific needs and rights in Iraq, to campaign for an autonomous region of their own, to flee, seeking asylum in Egypt, Iran, Syria, Jordan and beyond, or to seek the relative safety of the Kurdish Regional Governorates.

Meanwhile, between the demands of the three majority groups, Iraq's minorities remain marginalised. While some argue that the current security situation must be resolved first, this may happen too late for the smaller communities, most of whom pose no threat to Iraqi security. They have a strong desire to be heard and to have past tragedies accounted for, but express a deep sense of distrust in the majority communities, and a continuing feeling of deliberate exclusion from political processes, as covered above.

While 'solutions' to Iraq continue to be debated in governments and by international bodies across the world any implications for minority groups are consistently ignored. In the future scenarios that focus on the withdrawal of the MNF-I or on the needs of the three majority communities outlined below, minorities are in danger of being further marginalised, contained, assimilated by conversion or becoming extinct through targeted violence and forced expulsion. The blueprint for Iraq as given in the new Constitution allows for the creation of federal regions such as already exist in Iraqi Kurdistan – independent administrative areas possibly divided along ethnic/religious lines. The regions are required by the Constitution to share oil revenues across Iraq. But the idea that the country could be divided into three autonomous regions between the three majority communities holds little comfort for minorities. Speaking to Arab and Kurdish Iraqis who have taken refuge in Egypt, Abu Ali, a Faili Kurd, said: 'You can move to your portion of the remnants of Iraq, but I doubt that we can find a safe place there anymore.'¹⁹⁷ Only if minority rights were fully guaranteed in each sub-unit would any religious, ethnic or linguistically 'other' communities be protected under law. Even if this happened, discrimination and the enduring effects of trauma and

suspicion among individuals and communities would continue.

The radical idea of an eventual partition into three countries belonging to Sunni Arabs, Shia Arabs and Kurds has been ruled out by George W. Bush and is not advocated by President Jalal Talabani. Partition would certainly be among the worst outcomes for the minorities, perhaps dispersing them further and leading to faster assimilation, or provoking another wave of ethnic cleansing that some of these groups would not withstand. They would be caught even deeper in sectarian violence and forced or compelled to leave the country. None of these solutions intrinsically considers minority rights, and none offers a solution to Kirkuk that would be acceptable to all.

The Iraqi Minorities Council (IMC) has called for an area 'for minorities across the Nineveh plain',¹⁹⁸ while the Assyrian community both in and beyond Iraq is lobbying for the creation of an Assyrian Administrative Area to include the smaller minorities. Both ideas are possible under the Iraqi Constitution, and some believe the creation of such areas is the only way to stem the exodus of minorities from Iraq. If this were to happen, the rights of all minorities in such an area would need to be protected.

While security remains an issue, and before any of these solutions might come into effect, there is a role to be played by NGOs and international organisations, by the Iraqi government and the KRG and by representatives of minorities themselves.

When the situation stabilises, past and current human rights violations must be publicly acknowledged and measures put in place to end them and compensation put in process. In the meantime, protection and participation mechanisms for minorities at the local, national and international level must be set up and implemented by bodies that are accountable. Minorities must receive financial support, security and education in accessing these mechanisms as their right, especially when travelling from northern Iraq to Baghdad, if this is a requirement of participation.

Whatever short- and long-term solutions are proposed, a commitment to minority rights and women's rights must be made sooner rather than later, and demonstrated at all levels of society. It is a matter of high priority that Iraq's minority communities are protected and promoted to retain their place in Iraqi social,

cultural and political life. In the current conditions Iraqis are facing, this is simultaneously very difficult and extremely urgent.

Interviews with representatives of minority groups bear witness to people with a strong sense of their ancient history and its age-old cultural traditions. With

the assimilation, exodus and extinction of its minority communities, this rich and varied history is also in danger. Immediate protection for these minorities and adequate consideration and consultation with them on their future role in the new Iraq is essential if their voices are not to be lost.

Recommendations

To the MNF-I and Iraqi government

- The MNF-I and the Iraqi government must recognize that Iraq's minority communities are being targeted for persecution and are particularly vulnerable. As a matter of urgency, they should consult with minority representatives to put in place policies for protection and reassurance.
- The MNF-I and Iraqi government must make a commitment to address abuses of minorities either by security forces or by any other group, and to publicly condemn attacks on minority communities.
- The MNF-I and the Iraqi government should re-focus their security efforts on civilian protection and in particular the prevention of sectarian attacks, including those undertaken by militias associated with the ministry of the interior.

To the Iraqi government

- The Iraqi government must fulfil its obligation under international law to protect religious, ethnic and linguistic minorities, at all levels of government, including the regional and local administrations.
- The Iraqi government must promote the participation of minorities in public life, and in particular in the executive and judicial branches of government, as well as law enforcement agencies.
- Electoral law should be revised to introduce measures to promote the electoral participation of minorities, to ensure that their representation in the Council of Representatives and other key elected bodies is at a minimum proportionate to their size of population.
- An independent public body should be created, as provided for in the Iraqi Constitution, which will monitor and investigate human rights violations and other abuses against minorities. This agency should publish regular reports and recommendations.
- The Iraqi government should review legislation of the Saddam Hussein era that discriminates against minorities, including Law 105 and Order 358, as these violate the civil rights of Bahá'ís in Iraq.
- Revisions to the Constitution should be agreed to enhance the protection of minorities, including:
 - (1) Provisions protecting minorities should apply to all

sections of communities, and all minority communities, rather than just some.

(2) Article 14 which deals with non-discrimination should contain a non-restrictive definition of discrimination.

(3) The Constitution should stipulate that international treaties to which Iraq is a party – especially those concerning human rights law – are binding in Iraq and national legislation and policies should comply with these obligations.

(4) The Constitution must stipulate that when systems of customary or religious law are used in Iraq, including laws regulating personal status under Article 41, these laws must conform to international standards on women's rights and human rights.

• The Iraqi government should remove its reservations to CEDAW immediately and ensure its protections are extended to women from minority communities.

To Iraq's neighbours and the international community

- States neighbouring Iraq should take immediate steps to prevent the supply of financial and other aid to militia groups operating within Iraq responsible for sectarian attacks.
- All states – both those within the region and beyond it – should honour their obligations under the 1951 Refugee Convention and provide a safe haven for refugees fleeing persecution.
- The international legal principle of *non-refoulement* – not returning individuals to countries where their life or freedom is threatened – must be upheld by all states in which Iraqis seek asylum.
- UNAMI and UNHCR should continue to monitor the situation in the Kurdistan Regional Governorate, and inform governments which are seeking to return asylum-seekers of security issues and any potential threats to returnees.
- States outside the region – including in Europe and North America – should become involved in voluntary resettlement programmes of vulnerable Iraqi communities. At the moment, the burden falls disproportionately on the neighbouring states or states within the region. The international community, and in particular the US and the UK, should contribute generously to the UNHCR appeal for funds for Iraqi refugee programmes.

Appendix 1: Letter to US Secretary of State

Congress of the United States
House of Representatives
Washington D.C. 20515

Anna G. Eshoo Fourteenth District California

October 19, 2006

The Honourable Condoleezza Rice, Secretary of State
US Department of State
2201 C Street
NW Washington, D.C. 20520

Dear Secretary Rice,

I'm writing to express my deepest concern about the escalating crises facing the indigenous Christian population of Iraq.

I continue to receive many troubling reports indicating that the basic development needs of Iraqi indigenous Christian communities have been hampered by misallocations of funding on the ground in Iraq and a general lack of security. Recent reports in the media have confirmed that in the three years since the fall of Saddam Hussein's regime Iraqi Christians have been a prime target of extremist violence, prompting the exodus of hundreds of thousands of native Iraqi Christian from their homes. This is a highly alarming trend, and unless action is taken now to address the pressing needs of these groups, we will likely witness the complete loss of the Iraqi indigenous Christian community, a community that has survived in the region for 2000 years.

In July 2005, the House of Representatives sought to address these concerns by unanimously passing an amendment I offered to the Foreign Relations Authorization Act for Fiscal Years 2006-2007. My amendment calls on the State Department and all relevant U.S. agencies to devote special attention to the needs of indigenous Christian groups in Iraq. Since its passage I've seen little evidence to indicate progress has been made empowering this community, while I continue to hear reports of Iraqi Christians being targets of kidnappings, bombings, assassinations and other unspeakable acts of violence due to their religious practices and beliefs.

This issue is of the highest personal importance to me. If a fully functioning and sustainable democracy is to emerge in Iraq, the basic rights, needs, and security of all minority groups must be defended. I ask that you provide an update on the State Department's efforts to address the needs of the imperilled Iraqi Christian population, and urge you to devote your fullest resources toward ensuring that all individuals in Iraq, regardless of religious affiliation or ethnic background, are given the tools they need to succeed in establishing a fully functioning and sustainable democracy.

Thank you for your attention to this critical issue and I look forward to your timely response.

Sincerely,
Anna G. Eshoo, Member of Congress

Appendix 2: Iraq's Reservation to the Convention on the Elimination of All Forms of Discrimination Against Women

1. Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of Article 2, paragraphs (f) and (g), of Article 9, paragraphs 1 and 2, nor of Article 16 of the Convention. The reservation to this last-mentioned article shall be without prejudice to the provisions of the Islamic Shariah according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to Article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.

2. This approval in no way implies recognition of or entry into any relations with Israel.

Relevant CEDAW Articles

Article 2

- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 9

States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 16

States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be

paramount;

- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Article 29

Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Notes

- 1 CPA: the transitional government formed by the US, UK and the other members of the multinational coalition. Under UN Security Council Resolution 1483 (2003), the CPA held executive, legislative and judicial authority over the Iraqi government from 21 April 2003 to 28 June 2004.
- 2 UNAMI Human Rights report, July–August 2006. Note that UNAMI statistics on fatalities and wounded are based on information provided by the Iraqi Ministry of Health and the Medico-Legal Institute in Baghdad.
- 3 UNAMI Human Rights report, November–December 2006.
- 4 UNAMI Human Rights report, July–August 2006.
- 5 UNHCR, *Background Information on the Situation of non-Muslim Religious Minorities in Iraq*, October 2005. <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.pdf?tbl=RSDLEGAL&id=4371cf5b4>
- 6 MRG interview, Amman, Jordan, July 2006.
- 7 MRG interview with Pascale Warda, Amman, Jordan, July 2006.
- 8 MRG interview with Louis Climis, Amman, Jordan, July 2006.
- 9 See also US Department of State, *International Religious Freedom Report*, 2006.
- 10 UNHCR press briefing, 27 December 2006, <http://www.unhcr.org/news/NEWS/4592449e4.html>
- 11 *Iraq displacement* UNHCR Briefing Notes, November 2006.
- 12 An official from the UN refugee agency (UNHCR), speaking on condition of anonymity, told UN News Agency IRIN that minorities in Iraq make up ... about 30 percent of Iraqi refugees, whose total number is thought to be 1.8 million.' *IRAQ: Minorities living tormented days under sectarian violence*, IRIN, 4 January 2007 http://www.irinnews.org/report.asp?ReportID=56911&SelectRegion=Middle_East&SelectCountry=IRAQ
- 13 *In 20 years there will be no more Christians in Iraq*, by Mark Lattimer, *The Guardian*, 26 October 2006: 'according to an unpublished report by the UN High Commissioner for Refugees (UNHCR)
- 14 *Iraq: minorities living tormented days under sectarian violence*, 4 January 2007, IRIN, www.irinnews.org
- 15 Bishop Abouna spoke 1 August 2006 from Iraq with Aid to the Church in Need UK, a Catholic charity that supports the Chaldean Catholic community in Iraq. Reported by Times correspondent Simon Caldwell in the *Catholic News Service*, 3 August 2006, http://www.catholic.org/international/international_story.php?id=20775
- 16 MRG interview with UNHCR, January 2007.
- 17 Also head of Save the Assyrians campaign in the UK.
- 18 Stephen Pound, MP for North Ealing, recorded in *Hansard*, July 2004, online at <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040706/halltext/40706h02.htm>
- 19 <http://www.homeoffice.gov.uk/rds/pdfs06/hosb1406.pdf>
- 20 GfbV, *Court Judgement against Asylum for Chaldo-Assyrians from Iraq is Disturbingly Mistaken Decision*, August 2006. <http://www.gfbv.de/pressemit.php?id=615>
- 21 *As refugees flee Iraq, few gain sanctuary in US* by Sabrina Tavernise and Robert F. Worth, *International Herald and Tribune*, 1 January 2007. <http://www.iht.com/articles/2007/01/02/africa/web.0102refugees.php>
- 22 For the full text of the letter, see Appendix 1.
- 23 *Chaledonians, Syriac and Assyrians, History and Rights*, by Louis Climis, Head of External Relations, Iraqi Minorities Council, July 2006, supplied to author.
- 24 US Department of State, *International Religious Freedom Report*, 2006.
- 25 *Ibid.*
- 26 An Iraqi government ministry entrusted with supervision of religious estates. US Department of State, *International Religious Freedom Report*, 2005.
- 27 Al-Sadr movement is based on the followers of Imam Mohammed al-Sadr, a senior Shia cleric who was executed by Saddam Hussein in 1999. Its influence is evident in the decision to change the name of the Shia suburb of eastern Baghdad from Saddam City to Sadr City.
- 28 Human Rights Without Frontiers (HRWF), *Shiite Leader in Baghdad Warns Women, Alcohol Sellers, Cinemas*, 21 May 2003. Reported by Associated Press 16 May 2003.
- 29 'Iron Hand' cleric issues fatwa amid Baghdad chaos, by Rory McCarthy, *The Guardian*, 21 May 2003.
- 30 *Iraq's Christians run gauntlet of hostility*, by Damien McElroy, *Daily Telegraph*, 2 November 2003.
- 31 US Department of State, *International Religious Freedom Report*, 2005.
- 32 *Ibid.*
- 33 *Iraq's Christians flee as extremist threat worsens*, by Michael Luo, *New York Times*, 17 October 2006.
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Assimilation, Exodus, Eradication: Iraq's minority communities since 2003

Since the US-led coalition forces ended Saddam Hussein's Ba'ath party rule in 2003, the civilian population in Iraq has been subject to escalating violence. For Iraq's minorities, the consequences of the war have been particularly grave. Their assimilation, exodus and eradication from Iraq means some communities – many of whom have been present in Iraq for millennia – may be permanently lost from the region.

Caught between the warring factions, Iraq's minorities have become the targets of violence including murder,

abduction, torture, rape, and intimidation. Religious buildings, businesses and homes have been destroyed. Discrimination and exclusion from political participation – a feature of Saddam Hussein's regime – persist today in Iraq's fledgling democratic processes.

This report sets out in stark terms, the plight of Iraq's minority communities post-2003, and makes an urgent plea to the Iraqi government and international community to take action to protect these vulnerable groups, or to risk their disappearance from their ancient homeland forever.