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Subject	IRAQ: HUMAN RIGHTS:Id=1452835	
Summary	Iraqi Government talks a good game on human rights but its priorities lie elsewhere. Increasing concerns about the behaviour of elements in the IPS and Police Commandos. Continued failure to appoint a Minister of Human Rights and pressures on Ministry of Human Rights (MoHR) not to pursue issues. Stronger political commitment from ITG and more donor pressure and support needed. Crucial for fighting the insurgency and the success of the political process	

IRAQ: HUMAN RIGHTS

Summary

1. Iraqi Government talks a good game on human rights but its priorities lie elsewhere. Increasing concerns about the behaviour of elements in the IPS and Police Commandos. Continued failure to appoint a Minister of Human Rights and pressures on Ministry of Human Rights (MoHR) not to pursue issues. Stronger political commitment from ITG and more donor pressure and support needed. Crucial for fighting the insurgency and the success of the political process.

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Detail

2. Thirty years of dictatorship has left Iraq with a legacy of brutality. Since it was formed the ITG has pledged to respect human rights and many of its members were victims of abuse under the previous regime. But they have other priorities and creating a culture in which human rights abuses are minimised does not seem to be one of them. Instead, despite its good intentions, the ITG has presided over a deteriorating human rights situation.

3. There are increasing reports and evidence of abuse, torture and extrajudicial killings carried out by elements of the Iraqi Police Service (IPS) and the Special Police Commandos, or by militias in the North and South. The Ministry of Human Rights (MoHR) are investigating around 50 allegations, but believe this only represents a small percentage of cases. Illegal detentions and searches are widespread. This is despite an MOI order in early August that security forces should only carry out searches and arrests in accordance with the law, and refrain from using torture.

4. The continuing failure to appoint a Minister for Human Rights has led to an absence of strategic direction at the Ministry, and a lack of a real voice in the Council of Ministers to keep up home-grown pressure on human rights issues. The Acting Minister has failed to speak out on key concerns, and has reportedly tried to silence Ministry staff. Pressures on the MoHR staff are growing. For example, [redacted] has told us that the head of the Prisons Monitoring Team was under pressure from SCIRI. As a result he had instructed staff not to investigate cases of torture and murder where the victims were Sunnis. Deba'athification has stripped the Ministry of some key staff.

5. Iraq remains firmly wedded to the death penalty. Despite international lobbying the first judicial executions since the fall of Saddam Hussein were carried out on 1 September. A number of other prisoners (the latest UN figure is 41) are on death row.

6. There are increasing reports of attacks on women who are not dressed "modestly". This is difficult to quantify - but women's groups report that their members feel less free than two years ago. A number of women's activists are disappointed by the draft Constitution, believing that uncertainties over interpretation will lead to their disempowerment.

7. Human rights has been something of the poor relation and has not had the level of donor support enjoyed by other sectors. The recent broadening of the Rule of Law donor co-ordination group to include wider human rights issues is a welcome development and needs to be reinforced. Key partners, including the US, UN and EU share our concerns - though some, including the US, are ambivalent on some issues (the "Terror in the Hands of Justice" TV programme is an example). The UN has publicly expressed its concern over the deteriorating situation, and plans to become more active. International NGOs such as Human Rights Watch recognise the challenges Iraq faces, but are worried. (Comment: HRW's next report will be on targeted extrajudicial killings.)

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8. But the picture is not all bad. Basic rights are firmly enshrined in the new Constitution. The Minister of the Interior has issued further instructions to the ISF to respect the law. He has also asked the Minister of Justice to provide investigative judges to oversee the work of the commando brigades. He has responded to lobbying on specific cases by setting up enquiries. He has also had removed individuals from office when evidence of their criminality has been presented to him. Despite the challenges and lack of leadership, MoHR staff continue to show commitment. Their work continues, and we continue to support them, both in Baghdad and Basra. An increasingly vocal human and women's rights civil society sector is allowed to operate without government interference. Human rights mainstreaming through donor supported SSR and prisons reform is starting to make a difference.

Comment

9. Few believe that the current situation is caused by deliberate government policy, though many Sunnis believe they are being targeted by the ISF and some government figures take the view that corners need to be cut in the war on terror. Inertia, lack of understanding and inability to control some elements in its security forces plays a part. We will continue to deliver the message that failure to respect human rights will undermine the political process and lead to increasing mistrust of government and its agencies. This will make the insurgency more difficult to tackle.

Sign Off

PATEY

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Contact Telno.

Attachments

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