

THE HUMAN RIGHTS SITUATION IN IRAQ

ISSUE

The human rights situation in Iraq continues to be of serious concern to the international community. While this concern was manifest before Iraq's invasion of Kuwait, it became and continues to be the subject of specific consideration by the United Nations in the aftermath of the 1991 Gulf war.

BACKGROUND

The abuses of human rights in Iraq are primarily political and are designed to maintain and reinforce the monopoly of power of Saddam Hussein, the ruling Ba'ath party and its main controlling institution, the Revolutionary Command Council. It, in turn, is supported by an omnipresent security apparatus. Violence in Iraqi politics has existed for years, but was exacerbated by Saddam's wars against his neighbours. After the Gulf war, he took draconian measures to put down rebellions by elements of the population not associated with the ruling elite — the Kurds in the north and the Shiites in the south — and moved to consolidate his power in the face of international pressure against his regime.

UN reports paint a grave picture for human rights in Iraq. They include detailed descriptions of a wide variety of illegal abuses such as arbitrary detention, disappearances, torture of the cruellest kind and other inhuman practices, political killings, summary or arbitrary executions, extreme and indiscriminate measures in the control of civilians, including the recent enactment and implementation of decrees prescribing mutilation as a penalty for certain offenses. Constitutional, legislative and judicial protection exist on paper but are ineffective in combatting human rights abuses in Iraq.

Repression and loss of life associated with these abuses has been very high, particularly for thousands of Kurdish civilians forcibly taken from their homes or subjected to chemical weapons attacks (such as the town of Halabja in 1988). Repression against Shiites has also been intense. The interim report of the human rights situation in Southern Iraq submitted by Special Rapporteur Max van der Stoep in August 1992, detailed systematic abuses of the Shiite community. At least in part, this report prompted the imposition of the Southern "no fly" zone in late August. In 1994, the Iraqi Government has almost completed its plan to drain the southern marshes through wide-ranging military operations aimed at destroying the habitat and villages of the Marsh Arabs, thus forcing the local population to flee in large numbers and seek refuge in Iran.

Security Council resolution 688 (passed on April 5, 1991 at the height of the abortive efforts by Kurds and Shiites to rebel against Saddam Hussein's regime), demanded an end to the repression of the Iraqi civilian population, and insisted that Iraq cooperate with humanitarian organizations and take measures to ensure that the human and political rights of all Iraqi citizens are respected. By referring to the threat to international peace and security, this