

IO Press Guidance

Friday, June 4, 2004

UN REPORT ON HUMAN RIGHTS IN IRAQ**Key Points:**

- Today (6/4), the UN Office of the High Commissioner for Human Rights (OHCHR) released a report on the human rights situation in Iraq, covering the period of the Coalition Provisional Authority occupation (April 03 to May 04). This report is the result of an inquiry announced by Acting High Commissioner Bertrand Ramcharan in April 2004.
- At Mr. Ramcharan's request, the CPA submitted information relevant to the report, and which is appended to it. Also at his request, we provided comments to earlier drafts of the report itself, some of which were incorporated in the final version. Other Coalition countries and international and non-governmental organizations also provided input.
- The final report notes progress overall: "As a result of the action of Coalition governments, Iraq could well be launched on the road to democracy, the rule of law, and governance that is respectful of human rights." It fairly acknowledges too that the "liberation of Iraq removed a government that...committed shocking, systemic and criminal violations of human rights."
- From the point of view of human rights, it also cites specific "gains" during the period of CPA control. These include, according to the report, "the establishment of the Iraqi Ministry of Human Rights; greater freedoms for ordinary Iraqis; more participation of women in the public life of Iraq; and greater freedom of opinion and expression."
- Despite these positive notes, we are disappointed with some of the report's findings related to alleged human rights violations, many of which are based on generalized allegations which fail to indicate where or when such alleged abuses occurred. We have asked the Acting High Commissioner's Office to provide us information sufficient to allow us to investigate and respond to such allegations.
- In addition, in our view, the report overall fails to reflect adequately the full scope of accomplishment in human rights over the past year.

- For example, Iraq has mandated creation of a National Human Rights Commission with an Ombudsman's Office; the Iraq Property Claims Commission is now working to return land or compensate hundreds of thousands of Iraqis displaced under Saddam's regime; the Iraqi Special Tribunal has been created to ensure that Saddam's regime can be tried in Iraq for crimes against humanity, genocide and/or war crimes; and new independent human rights associations have blossomed in towns and schools across Iraq. These are not sufficiently addressed in the report.
- Under the Transitional Administrative Law (TAL), people in Iraq will enjoy the kind of rights that were unimaginable under Saddam Hussein. We supported Iraqi efforts to draft the TAL, which, as Ambassador Bremer noted (5/6), "clearly establishes the rule of law in Iraq." (See Background section for examples).
- The Coalition has also been very clear that the Geneva Conventions apply in Iraq, and the President had underscored that he expects our military to treat prisoners humanely and consistent with international law. Although we acknowledge that abuses have occurred in Abu Ghraib, consistent with our international obligations, we are pursuing criminal and administrative accountability for those who committed illegal acts.

If Asked about OHCHR's mandate to conduct this inquiry:

- The Acting High Commissioner determined on his own motion to do this report. We cooperated with him—out of respect for the office and for the principle of respect for human rights that it stands for and we share.
- Regarding the conduct of the Coalition forces, the United States takes seriously its obligations under applicable international law, including the Third and Fourth Geneva Conventions and relevant Security Council resolutions, and for which there are a number of international mechanisms already in place for Iraq.

If Asked about the report's focus on detainee treatment, Abu Ghraib:

- Allegations of prisoner abuse contained in this report are not new.
- As U.S. leadership from the President down has made clear, the prisoner abuse recorded at Abu Ghraib is deplorable and inexcusable. As the President said (5/8), "Such practices do not reflect our values [or] the

character of the more than 200,000 military personnel who have served in Iraq... They are a stain on our country's honor and reputation."

- We are determined to vigorously investigate and prosecute Iraqi prisoner abuses by U.S. personnel found to have committed such acts. As the President said (5/8), "Shortly after reports of abuse became known to our military, an investigation was launched. Several formal investigations... are underway [and] those involved will answer for their actions."

If Asked: Are you going to implement the report's recommendations?

- Many of the recommendations are addressed to the Iraqi interim government; it will be for that new Iraqi government to decide whether to follow up on those recommendations.
- As to recommendations to the Coalition, we have told the Acting High Commissioner that we will review them carefully and respond in due course.

If Asked: Have UN human rights mechanisms had access to Iraq?

- Resolution 1483 established the position of a Special Representative whose responsibilities specifically include coordinating humanitarian assistance and promoting the protection of human rights.
- Since the death of Sergio de Mello, we have invited Acting Special Representative Ross Mountain and the Commission's Special Rapporteur for Iraq to visit. However, due to UN security prohibitions on travel to Iraq, neither has done so.
- CPA officials did meet with Special Rapporteur Mavrommatis outside the country in October 2003 and February 2004. Iraqi Human Rights Ministry officials also met with him in October and December 2003.

If Asked: Will the report set back efforts to get a new resolution?

- A UN Security Council resolution to mark the end of occupation and to support Iraq's transition to democracy deserves the international community's full support and is unrelated to this report.
- The Iraqis themselves have urged the adoption of a new resolution.

If Asked about UN Committee Against Torture's request for U.S. to submit its overdue report by October 2004 and include events in Iraq?

- We are fully aware of our obligation under the UN Convention Against Torture to submit reports every four years to the UN. We submitted an initial report in 1999 and are now working on our second report. We recognize the report is overdue and intend to submit it as soon as possible and include all required information.

BACKGROUND

The Ramcharan report examines the period from April 2003 to May 2004, it is approximately 49 pages with five annexes. It addresses the military-security situation, including acts of terrorism; protection of civilians; treatment of detainees; displacement; situation of children and women; freedom of religion or belief, other civil and political rights; economic, social and cultural rights; oversight and accountability; and human rights institutions, including the Iraqi Ministry of Human Rights. The five annexes include the CPA's submission on all human rights issues except detention, and two separate submissions from the U.S. and UK governments respectively on detention issues.

Overall Assessment: The report contains positive information about the new human rights institutions and concludes there were gains overall in human rights. The report does however portray a negative image of our arrest and detention policies and the treatment of civilians by Coalition forces. Some allegations are not credible and others are taken out of context.

TAL Highlights (referenced above):

- Article 2 of the TAL guarantees freedom of religion, while Article 7 of the TAL recognizes the importance of Islam.
- Article 13 (b) protects the right of free expression. Exercise of this new freedom includes 200 new newspapers and magazines, several independent radio and TV stations and thousands of new home satellite dishes – all previously banned.
- Article 13 (d) guarantees the right to freedom of movement inside Iraq and the right to travel abroad and return freely.
- Article 12 of the TAL prohibits gender discrimination. Towards this end eighteen women's centers have been established throughout the country. The Article 30 of the TAL sets a goal of having women constitute one-quarter of the National Assembly.
- Article 13 of the TAL guarantees the right to form and join political parties freely. Article 30 guarantees the right to vote, stand for election and the right to a secret ballot.

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