

The Ground Truth

Watching Human Rights: An Interview with Samer Muscati

Samer Muscati researches and reports on the human rights situation in Iraq for Human Rights Watch. Samer recently returned from a trip to Iraq during which he and his colleagues interviewed over 40 men who had been tortured while detained in an Iraqi prison. EPIC talked with Samer about the Iraqi government's role in preventing torture, the violence facing religious and ethnic minorities in Iraq, and the future of civil society there.

epic: In a November 2009 report, Human Rights Watch noted that while security throughout Iraq had improved, there was increasingly violence targeted at minority communities. What has been the effect on the communities?

Samer: Even yesterday, there was an attack on a village just west of Mosul, an attack on a Turkmen government official – it's horrible.

In the lead-up to the election, over a span of ten days, there were ten Christians killed, which resulted in an exodus of quite a few Christians to the disputed territories and to Nineveh Plains. It's not just internal displacement, in places like Lebanon, we're seeing that the proportion of refugees is changing. Whereas before it was mainly Arabs, now there's a much higher proportion of Christians, of Assyrian and Chaldean Christians, as well as Mandeans and Yazidis. It's because even though the security situation is improving, minority communities are still very vulnerable, are still under threat, and are still under attack. Even though it's not to the same extent that they were previously, they're still very vulnerable. We're seeing that minorities are the new refugee populations leaving Iraq, and it's quite unfortunate.

This trip, we met with Sabian Mandaean communities in Baghdad, Amara, and Basra. As a community, they've been completely decimated, there's only 5,000 left according to community leaders. And the population is just unsustain-

able as a group. In Mosul, the attacks are still continuing. When we were meeting with one of the Shabak leaders in Baghdad, he got a telephone call about a Shabak who was just killed. It's ongoing, and minority communities are vulnerable for a variety of reasons, and I think there are going to be more people leaving the country, unfortunately.

epic: Could you elaborate on some specific reasons why minority communities are vulnerable?

Samer: They're attacked for different reasons by different groups, so when it's extremists it's because they're perceived as traitors linked to the occupation forces. This is not just in Nineveh or Mosul, but also in Baghdad and in the south and west, which is where the Sabian Mandeans, and particularly the Assyrians and Chaldeans, live. A lot of Christians were translators. The Sabian Mandeans are really a different religion, but they're still kind of linked with the Christians. They're seen as outsiders even though the Assyrians and the Sabian Mandeans were in Iraq before Iraq was even a country and are the indigenous populations of Iraq.

Partly because the Christians and Sabian Mandeans don't have the same tribal system, they don't have the same protection that the tribes have which makes them more vul-



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nerable to attack. They're also seen as richer. For instance, Sabian Mandeans are engaged in the gold trade, and Christians are generally seen as having money, so criminal networks attack them under the guise of religion or the patronage system. Yazidis and Christians also operate alcohol stores, since it's not prohibited in their religion, and therefore they're attacked by extremists because they're seen as promoting un-Islamic behaviors or vices.

Minorities are also attacked as an easy way to undermine faith in the government. By attacking a vulnerable group, extremists hope to show the government's unable to address their needs. One of their goals is to create havoc in Iraq and make Iraq ungovernable, and attacking these groups is a way to do that.

In the North, aside from the extremist groups, you have minorities living in the Nineveh plains, one of the most diverse regions not only in Iraq but in the Middle East, with a high percentage of minority groups. What we documented in our report was the Kurdistan Regional Government pressuring minority groups to identify as Kurdish in order to co-opt this area into Kurdistan.

The KRG used incentives, as well as pressure, to get the Christian community to side with the government's policies. We documented arbitrary arrests, intimidation, detention, all of these things to persuade and coerce the minority communities to go along with the Kurdistan government's plan to annex this area. And that's not to say that the Kurdistan Regional Government is persecuting minorities, it's just dissidents within those communities who the government is trying to silence. Kurdistan itself is actually a haven for minority groups. It's just this area of land that is hotly contested, where community leaders are targeted if they don't go along with Kurdish policies. It's a difficult situation for minorities to be in, caught between these different groups, and they're targeted for different reasons.

Unfortunately I think once the Americans start to withdraw, the potential for conflict in the disputed territories is going to increase, with no solution in sight. So I'm concerned that the parties will stop negotiating over control of the territories, both the central government and the Kurdistan Regional Government. Unfortunately we might see the

conflict escalate in that area, so it won't just be a humanitarian crisis for minorities, but for all people who live in that area. I think that conflict right now would be completely devastating to Iraq.

epic: How is the Iraqi government responding to the violence against minorities? Are the Iraqi security forces protecting vulnerable communities?

Samer: In the North right now, they have joint patrols, with the Americans bringing in Kurdish forces and central government forces to do joint patrols of the disputed territories in Nineveh and other places, to close those security loopholes. But it's not just important to have a security apparatus—you need a security apparatus that doesn't itself abuse minorities and also investigates abuses and protects vulnerable areas.

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When we're visiting churches and temples, there does seem to be a bit of a security presence. I think the government has the right to take these sorts of steps. There's more that can be done. It's difficult for the government obviously – there's a long list of human rights issues it needs to grapple with, and it's a new government that's been around for only seven years, and they still need to develop their capacity and their ability to tackle all these issues at once.

One of the positive things that happened through the [United Nation's] Universal Periodic Review that was done – the Iraq government was engaged. They responded to many of the recommendations that the international community posed about human rights. It does seem that they are sincere in trying to address many of these issues. But part of it's a capacity issue, part of it is a resource issue, and part of it is that it takes time. I definitely think there is a potential to have a good partnership with Iraq and try to deal with these issues, as long as we keep the international community engaged.

Unfortunately, a lot of the attention is now drifting off to Afghanistan and to other areas as Iraq is kind of viewed as stronger and more stable. We have to make sure that the gains we made in Iraq continue and we don't slip back to the horrible atrocities that happened in 2006 and 2007 or

even before that, pre-2003. So it's a vital time for Iraq. It's a vital time that we can't ignore.

epic: When you interview minority community leaders, what are their sentiments about the current state – and the future – of their communities in Iraq?

Samer: It's very depressing. I think the future looks bleak, especially for smaller communities like the Sabian Mandeans. Because the group doesn't intermarry, it makes it difficult for the community to continue when its members become dispersed. They perform their baptisms in the Tigris and the Euphrates and have to be close to the water. Once the communities are spread out in different parts of the world, it's hard for them to keep the traditions alive, through marriage and through the rituals. It's not a happy place right now for minorities in Iraq.

They're embattled and it's been a very difficult seven years, and the assistance has been coming too little too late. It's not a happy situation. They speak to us – they're desperate. They're desperate for help, they're desperate for attention. At least with the Assyrians and Chaldeans, as Christian organizations they do get more assistance, but the lesser-known groups – nobody knows about the Yazidis, nobody knows about the Shabaks..

epic: One of the recommendations in the report asks that the KRG allow civil society organizations to operate more freely in Nineveh. How are they currently restricted?

Samer: Part of the problem is that the Kurdistan Regional Government has supported a parallel civil society, supporting political NGOs that encourage acceptance of KRG policies in the region. They favor those over other independent NGOs. Independent NGOs face harassment and members have to report to Asayish [Kurdish intelligence] to discuss their activities.

Yazidis for instance, if they want to go from Sinjar to Shekhan, at checkpoints they're given a difficult time. Not just civil society, but elected officials. In the last provincial election, the Kurdish seat for the Yazidis and the Kurdish seat for the Shabak went to politicians that disagreed with the KRG policies for the region. The Shabak councilmember has been threatened with assassination – there was an attempt on his life at a checkpoint a few months ago. The Yazidi member as well has a very difficult time operating. These are elected officials, and they can't visit certain parts

of their communities and they can't operate. What chance does civil society have when these restrictions are imposed on elected officials? It's difficult.

We're asking that people be allowed to perform services regardless of their political affiliation, and that organizations aren't given preferential treatment because they represent a viewpoint that's in favor of KRG policies. It's to loosen up restrictions and have NGOs operate there that aren't necessarily in line with KRG policies for the region. Different viewpoints are fine. That's part of having a democracy, it's having groups with different ideologies and different views that aren't necessarily in agreement with KRG policies.

epic: So it's more a case of the KRG trying to consolidate political power than necessarily overtly discriminating against certain groups.

Samer: Yes, exactly.

epic: How is independent Iraqi civil society addressing these kinds of human rights issues?

Samer: Let's talk about the positive side of things, I don't want to end on a sad note. One of the really refreshing things you see in Iraq is a vibrant civil society. You see organizations – not just in Baghdad, but across Iraq actually – working to promote human rights. It's exciting to see such activism on a grassroots level. The training provided by international organizations is being put to use and we have fantastic partners on the ground now. As an international organization, we can only do so much but the real change will come from local civil society.

I think after 2003, a lot of NGOs sprung up as a business venture when there was all this money floating around. But now, the funding has dried up. Many of the NGOs that have stuck around are the excellent ones that are doing good work. I can't say that enough. In Iraq we actually have a very vibrant civil society and we don't want to lose that, you want to maintain that.

For example, in Kurdistan, when I was there in November, I went and visited various villages where WADI, one of the NGOs we worked with, was conducting seminars to eliminate female genital mutilation (FGM). They would go into communities and show this video that has an Islamic scholar talking about how FGM is not in Islam and medical professionals talking about the consequences of FGM.

In the communities they had been operating in for a while, you could see the change. I interviewed women and they talked about how FGM had happened to them but they will no longer continue this practice.

Everywhere we went in Iraq we met with activists, whether it was in Tikrit, Basra, Najaf, Karbala, Sulaimaniyah, we met with NGOs. They're doing what they can. Some of them obviously need more capacity, they need more training, they need assistance, but they're on their way. They're really trying to do what they can and to advocate on these issues. It's very heartening to see that. It's not all bad news. And even journalists as well, you see journalists who are trying to report on corruption and human rights violations and better the lives of Iraqis. To be honest, that was the most surprising thing for me to see--the level of civil society in Iraq, and the partners we have there who are leading the charge on all these issues. It's not all bad news.

epic: Do you think the Iraqi government is going to be more responsive to Iraqi civil society because they're voters, than to Human Rights Watch or other international organizations?

Samer: I hope so, but I think it's difficult because some of the civil society in Iraq is not necessarily independent. Because of that, it's easier for the government to dismiss independent civil society, and sort of challenge them because of that issue. As international organizations, we have more clout, and it's easier for us to operate because we don't have the same security dilemmas. When we write a report that's negative, we're not actually based in Iraq so we're not the ones who face retribution, whereas for civil society it's much more difficult when they do the type of reporting that we do. It's not easy for them. They face many challenges beyond the security situation.

The government can only do so much, and civil society has to carry a load as well. We're encouraging the government and the international community to provide more resources to help this end, to make sure civil society is able to do what it needs to do.

epic: In May, Sardasht Osman, an independent journalist in Kurdistan, was murdered. Is that something Human Rights Watch looks into?

Samer: Yes. And that's a horrible situation. Unfortunately, that is one of the issues we're focusing on as the rights of journalists are deteriorating. Previously, the biggest threat was from insurgents and extremists—more than twenty Iraqi journalists have been killed in the last two and a half years. As the security situation improves, we see the bigger threat now coming from the government, not just the central government but also the Kurdistan government. The government in Iraq has launched a bunch of lawsuits against journalists who are exposing corruption or challenging the religious parties or extremists.

We've documented cases where journalists have been attacked for trying to do their job. The Communications and Media Commission issued new regulations, but the restrictions are vague and also they have excessive penalties for

minor first infractions. In Kurdistan they passed a new law so that journalists can't go to jail for doing their job, but it's not being implemented in parts of the region. They're still ruling using the old penal code under which journalists can be subjected to jail time for doing their work. That's what happened recently, with the murder of the journalist, and I hope that this trend doesn't continue.

It's something we're definitely monitoring. It's not just journalists, it's also civil society which faces the same risks when they report on something that the government or others are unhappy with,

they're definitely at risk. We've spoken to many journalists. After they've written controversial news stories, they get death threats via text, at checkpoints they're harassed. It's a serious situation.

epic: Does civil society face similar death threats, or threats of being shut down or arrested?

Samer: I think they would probably face similar threats. We were speaking to one group who was working on a confidential kind of difficult issue and they didn't know how to release their report--they knew if they released a report they could be subjected to violence, because it was very controversial in terms of what they were investigating. I think shutting down, in some ways, is the least of their concerns. It's more their own personal security is at risk. So it's tricky.

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There are some lines that NGOs and civil society can't cross, and hopefully that'll change. But it's similar threats to what journalists face, if they document certain types of abuses or corruption. I think it's unfortunate that they can be subjected to violence and death. It's not an easy place to operate, even though comparatively it's quite advanced in its laws regarding NGOs compared to its neighbors and people are making a difference. People are putting themselves at risk by doing what they do.

epic: Human Rights Watch produced a report on Iraqis targeted because of their sexual identity earlier this year. How do you approach advocacy on that issue?

Samer: We started with the press and our report on attacks against men who are accused of being gay. It got a lot of press outside of Iraq. In Iraq too, it was good because it was framed as – we were worried that the issue of sexual orientation would be exploited or would be used in ways to dismiss our report, but it's a larger issue of militia violence that I think everyone in Iraq can relate to. So I think it's a large issue. As a vulnerable group, it's difficult for activists on certain issues. I think it takes time and a lot of resources and education and training, not just of civil society but also of government in terms of how to deal with civil society and not see them as a threat but see them as partners. And I think you do see that in certain parts of government.

The EPIC Ground Truth Interview is a unique series of interviews with Iraqis, aid workers, returning soldiers, and others who have lived, worked or served in Iraq. By offering perspectives about Iraq that can only be gained from being there, EPIC hopes these interviews will inspire meaningful policy change and citizen action in support of a better future for all Iraqis. To support the Ground Truth, please visit <http://www.epic-usa.org/donate>

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