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IRAQ BASELINE STUDY

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Introduction

This report, prepared by the International Gay and Lesbian Human Rights Commission (IGLHRC), is an overview of the situation of lesbian, gay, bisexual, and transgender (LGBT) individuals in Iraq. The primary purpose of this report is to inform IGLHRC's future work in Iraq, especially in connection with developing curriculum and workshops for members of LGBT community in that country. The report will also be used by IGLHRC's partner on the ground, to provide support to LGBT community and to prepare contingency plans for the future.

IGLHRC has used its archived documents, reports by human rights organizations, news reports, and first hand sources in Arabic and English to prepare this report. Since the report is primarily based on the analysis of available data, the scarcity of resources on transgender population in Iraq – both in Arabic and English – did not allow us to include human rights violations of transgender Iraqis in this report. We acknowledge this shortcoming and note the need for further studies on the situation of Iraqi transgender individuals. Studies are vital in order to properly document and analyze the threats trans people face and the human rights violations they suffer from in order to better understand and address their needs.

Given the sensitivity of discussing LGBT issues in Iraq and the security risks associated with being members lesbian, gay, bisexual or transgender, **this report is not meant for public distribution, and should not be shared with outside groups or individuals.**

The Law

I. Criminalization of Homosexuality

The Iraqi legal system draws from Islamic law, Constitutional law, legislation and statutory provisions, usage and custom, judicial precedent and jurist's opinions. The legal system in Iraq is deeply rooted in religious tradition. In fact, Article 1(2) of the Civil Code states that in the absence of applicable legislative text, the legal precedent should be based on Islamic Sharia principles.¹

Historically, the Sharia Law, which for centuries was practiced in Iraq and other Muslim countries, considered same-sex relations an anomaly, which deserved severe punishment.² The modern sodomy laws of Iraq are the result of English colonial legacy. In 1858, the Ottoman Empire, as the ruling government of what is now Iraq, abolished its existing sodomy laws. However, when the British assumed colonial rule, they established anti-sodomy laws, which still exist within the modern penal code.³ Iraq criminalizes consensual homosexual sex between men, stating:

¹ Civil Code of Iraq, Article 1(2), 1959.

² For an in-depth discussion of Sharia's view on homosexuality see "The homosexual crimes and its punishment according to sharia and the law" available at http://www.nauss.edu.sa/Ar/DigitalLibrary/ScientificTheses/Documents/Master_1424-1425_CJ_36.pdf.

³ Leslie Feinberg, "British colonialism outlawed 'sodomy' in Iraq," Workers.org (February 1, 2008) available at <http://www.workers.org/2008/world/lavender-red-120>.

*Anyone who gets together with a woman without her consent, or sodomizes a man or a woman with or without his/her consent, will be punished by life imprisonment or temporary jail time.*⁴

As seen in the text above, Provision 393 of the Penal Code criminalizes nonconsensual sex and consensual sodomy in the same provision. The coupling of these two distinct acts in the same criminal provision and issuance of the same criminal punishment blatantly implies that rape of woman and consensual anal sex are equally nefarious crimes. According to the law it is equally reprehensible to force sexual contact with a woman, as it is to engage in consensual sexual activity in the form of sodomy between two men or a man and a woman. In this way, the law contributes to the social stigma associated with sodomy and furthers cultural condemnation of sodomy and homosexuality.

An examination of the Iraqi law shows that those convicted of sodomy (either consensual or nonconsensual) are treated as dangerous criminals, who cannot be beneficiaries of any amnesty or public pardons by the Iraqi government. Both the Baath Party and the ruling party after the overthrow of the Baath Party in 2003 have followed this legal pattern. For example, an Amnesty Law passed by the Iraqi Revolutionary Command Council in 1983, expressly excluded sodomy convicts, along with convicts of rape, incest, kidnapping, and aggravated theft.⁵ In 1988, the Iraqi Revolutionary Command Council passed a law⁶ to grant amnesty to inmates but the law excluded “sodomy convicts, those convicted of incest, and drug dealers.” On July 31, 1995, the Iraqi Revolutionary Command Council passed another law stating that convicts of sodomy are not eligible for amnesty.⁷ In 2008 the Iraqi Parliament once again stated that those convicted of rape and sodomy are not eligible for amnesty.⁸ On September 17, 2012, the Iraqi Newspaper “Al Sabaah,” published a draft of the Amnesty law, which was modified and passed by one of the Parliamentary sub-committees and was ready to be sent for final vote the floor. The bill expressly listed incest and sodomy as crimes that would exclude those accused from eligibility for amnesty.⁹

Apart from criminalization of sodomy, Iraq also has a broad morality law under Article 409 of the Penal Code, which bans materials that “violate the public integrity or decency.” The law bans materials in violation of public integrity or decency and can be used to criminalize publication or possession of materials that contain content on homosexuality. It has the authority to criminalize behavior of a wide range of people sweeping in any person who “produces, imports, publishes, possess, obtains or translates a book, printed or other written material,

⁴ Iraq Penal Code ¶ 393 of 1969.

⁵ Iraq Revolutionary Command Council Law No. 1320 Art. 6(C) (December 12, 1983) *available at* <http://www.iraq-ild.org/LoadLawBook.aspx?SP=FREE&SC=280320062666125&Year=1983&PageNum=1>

⁶ Iraqi Revolutionary Command Council Law number 110, Article 1 *available at* <http://wiki.dorar-aliraq.net/iraqilaws/law/8258.html>.

⁷ “The Relief of the sentences for Inmates” Article 10(8), the <http://www.iraq-ild.org/LoadLawBook.aspx?SP=FREE&SC=191120058348897&Year=1995&PageNum=1>

⁸ Amnesty Law 19 Art. 2(h), March 3, 2008 *available at* <http://www.iraq-ild.org/ar/content/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A7%D9%84%D8%B9%D9%81%D9%88-%D8%B1%D9%82%D9%85-19-%D9%84%D8%B3%D9%86%D8%A9-2008-0>

⁹ “Al Sabaah publishes the modified version of the proposed Amnesty Law,” Al Sabaah (September 17, 2012) <http://alsabaah.com/ArticleShow.aspx?ID=35198> (last visited January 29, 2013).

drawing, picture, film, symbol or other thing.” Any person convicted under this law can be detention up to two years and/or charged up to 200 dinars.¹⁰ Given the public sentiment regarding homosexuality, there is a concern that the Iraqi morality law can be used against those discussing LGBT issues or advocating for LGBT rights.

II. Iraq’s International Obligations and National Constitution

The criminalization of same-sex relations in the Iraqi penal code contradicts the country’s obligations under the international law, and can be read as incompatible with the country’s constitution. As an early member of the United Nations, Iraq voted in favor of the Universal Declaration of Human Rights (UDHR) at the United Nations General Assembly in 1948.¹¹ Iraq is also party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) with some reservations to the latter. Iraq’s reservations include Article 2(f) and (g) to modify existing laws or penal codes that discriminate against women and Article 16 to eliminate discrimination against women in matters relating to marriage as this conflicts with Islamic *sharia* law.

The government’s criminalization of same-sex relations is in violation of Article 12 of the UDHR and Article 17 of the ICCPR protecting against arbitrary interference of privacy. Additionally, it violates Article 9 of the UDHR and the ICCPR protecting against unlawful arrest and detention. Article 2 of the UDHR as well as the ICCPR expressly states that everyone is entitled to the rights of the declaration and covenant, without distinction. Article 3 of the UDHR and Articles 6 and 9 of the ICCPR require the State Parties (including Iraq) to protect everyone’s right to life, liberty and security of person. These protections extend to LGBT individuals.¹²

In addition to codifying laws that protect against discrimination on an international level, the Iraqi Constitution also provides protection against discrimination on a number of grounds, including “sex, race, ethnicity, religion, belief, opinion and social and economic status.”¹³ The Constitution does not mention protection from discrimination on the basis of either sexual orientation or gender identity (SOGI). Article 17 of the Constitution provides individuals with “the right to personal privacy” but the same article states that this right is contingent upon not interfering with “rights of others and public morals.” Although the article seems to protect the status of those who are involved in a private, consensual same-sex relations, the broad exception related to “public morals” calls into question the power of this protection. It is not clear how the court and the legal system interpret the infringement of public morals through their private acts.

Through its ratification of the UDHR and the ICCPR, Iraq has made clear international commitments toward combating discrimination and protecting against interference with privacy

¹⁰ Iraq Penal Code ¶ 403 of 1969.

¹¹ “Iraq and International Human Rights Declarations and Treaties,” Global Justice Project: Iraq (August 7, 2009), <http://gipi.org/2009/08/07/iraq-and-international-human-rights-declarations-and-treaties/> (last visited January 29, 2013).

¹² For a detailed discussion of States’ obligations to protect LGBT rights under international treaties, including ICCPR, UDHR, and ICESCR, see the OHCHR Publication “Born Free and Equal,” available at <http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

¹³ Article 14, Doustour Joumhouriat al-Iraq [The Constitution of the Republic of Iraq] of 2005.

and arbitrary detention. Its domestic legislation follows the same trend codifying anti-discrimination protection on the basis of a number of statutes. Though these obligations do not explicitly reference sexual orientation and gender identity, however, still implicitly include protection of LGBT individuals by not expressly excluding them.

III. Honor Killing and Legal Impunity

Honor crimes, specifically killing are committed commonly against women and LGBT people by family members as a way to restore honor to the family. The social obligation to conform to gender norms and heteronormative standards is strongly enforced in the home and those who deviate become targets for honor killings. Kamil Amin, the Director-General of the Implementation and Protection of Rights Unit at the Iraqi Ministry of Human Rights, explains that culture, the absence of strict laws and the “absolute authority” of men and the tribe lead to the persistent killing of women to wash away the family shame.¹⁴ Those women and LGBT people perceived to stray from traditional gender roles pose a cultural threat and become targets for honor crimes.

Honor crimes remain severely under reported and police rarely investigate or punish them. Many fear reporting suspicion or even the commission of an honor crime because police do not adequately protect potential victims and judicial authorities do not effectively prosecute perpetrators.¹⁵ In fact, an annual report of 2012 published by the Implementation and Protection of Rights Unit at the Iraqi Ministry of Human Rights indicate that in the past 12 months, the Supreme Judicial Council has only made a final decision in ten cases of honor killings. This widespread impunity emphasizes not only how the law fails to safeguard victims but also how the law actually protects the perpetrators of honor killings.¹⁶ Amin also explains that authorities can be reluctant to enforce laws against honor killings, as they are sympathetic to the perpetrators and the traditions that call for them.¹⁷

Based on October 2010 official report of statistics by the Iraqi Ministry of Human Rights, there has been a consistent number of honor killings reported in Iraq. In 2008 there were 87 known cases of honor killings and in 2009 there were 84 known cases.¹⁸ These numbers only encompass the Arab section of Iraq and do not include crimes committed in the autonomous region of the Iraqi Kurdistan.

In 2009, a young woman who was imprisoned in the north of Baghdad sent a letter to her brother pleading for help as she was raped by prison guards and had become pregnant as a result. When her brother arrived, he asked the guards to go to his sister’s cell and when he did so, he “drew a gun and shot his visibly pregnant sister dead.”¹⁹ The brother says that he did so to “spare his

¹⁴ “Iraqi laws practically protect the perpetrators of honor crimes” Iraqhurr.org (January 19, 2013), <http://www.iraqhurr.org/content/article/2206337.html> (last visited January 19, 2013).

¹⁵ “2010 Report on Human Rights in Iraq,” UNAMI Human Rights Office/OHCHR, Baghdad (January 2011), available at <http://www.unhcr.org/refworld/pdfid/4e40fc3a2.pdf> (last visited January 19, 2013).

¹⁶ Ibid.

¹⁷ Iraqhurr.org, *supra* note 14.

¹⁸ Ibid.

¹⁹ Tina Susman and Caesar Ahmed, “In Iraq, a story of rape, shame and ‘honor killing,’” Los Angeles Times (April 23, 2009).

family the taint of pregnancy out of wedlock” which would be averted by the murder of his sister. The police lieutenant, discovered through forensic evidence to have raped the woman was arrested and released for lack of evidence. Evidence of what charges were brought against the woman’s brother for murdering her is unclear.

Sadly, the social and legal acceptance of honor killing has been used by some Iraqi families to commit acts of murder against the perceived gay of the family in order to protect the family honor. According to a 2006 report by the UN office for the Coordination of humanitarian Affairs, fifteen cases of honor killings against “homosexuals” within a two year period in the Iraqi capital were reported to have taken place between 2004 to 2006. The article quotes Abu Qussay, a father who killed his gay son, as saying that his friends now consider him a hero.²⁰ During the wave of targeting suspected gay men in the spring of 2009, many reports pointed to the possibility of honor killings by their family members. As an Iraqi police officer told New York Times, “Our investigation has found that these incidents are being committed by relatives of the gays — not just because of the militias,” he said. “They are killing them because it is a shame on the family.”²¹ This claim was repeated by Abu Muslim, a self-professed murderer of suspected gay men, who told a United Arab Emirates newspaper that they “had permission [to kill those perceived to be gay] from key community leaders in the *Shaab* area, in the north-east of the capital, where he has been operating.”²² Similar allegations were made by Sheik Salal Al-kaabi, one of the elders of Sadr City, who told Alarabiya TV, “we have heard that the tribes, to whom these perverts belonged, declared their lives worthless and allowed their deaths.”²³

Recent LGBT History

Lesbian, gay and bisexual people are blamed for social decay and homosexuality is equated with immoral behaviors such as stealing or lying. The social stigma that pervades perceptions of homosexuality in Iraq is used to justify and legitimate attacks on the lives of LGBT people. An observer who saw a young man being attacked responded by saying, “the dog [a derogatory reference in Iraqi Arabic to gays] got what he deserved.”²⁴ The climate of hate and condemnation that has been created around homosexuality prevents sympathy from larger society and fuels impunity among police and military personnel. There have been several waves of cruel attacks against LGBT people in Iraq over the past decade and investigation and prosecution by police remains limited, while violence and indifference remains prevalent.

²⁰ “Iraq: Male homosexuals still a taboo,” HUMANITARIAN NEWS AND ANALYSIS, <http://www.irinnews.org/printreport.aspx?reportid=26110> (last visited Jan. 28, 2013).

²¹ Timothy Williams, “Iraq’s Newly Open Gays Face Scorn and Murder,” NEW YORK TIMES (April 7, 2009), <http://www.nytimes.com/2009/04/08/world/middleeast/08gay.html>.

²² “Iraqi ‘executioner’ defends killing of gay men,” THE NATIONAL (May 3, 2009), <http://www.thenational.ae/news/world/middle-east/iraqi-executioner-defends-killing-of-gay-men> (last visited Jan. 28, 2013).

²³ “Iraq: Torture, Cruel, Inhuman and Degrading Treatment of LGBT People,” INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION (April 20, 2009), <http://iglhrc.wordpress.com/2009/04/20/iraq-torture-cruel-inhuman-and-degrading-treatment-of-lgbt-people/> (last visited Jan. 28, 2013).

²⁴ Ahmad al-Sa’dawi, *supra* note 30.

I. Law Enforcement and LGBT Human Rights Violations

Police brutality against LGBT people, particularly gay men, is common in Iraq. Gay men report mistreatment by police happens frequently including, “blackmail, torture, sexual abuse and theft.”²⁵ Rumors of police officers picking up men who behave like women from the street and shaming or torturing them are common. This repeated treatment has created a culture of distrust of police by LGBT people.

Iraqi police claim that Iraq’s current law permits police to arrest Iraqis who are seen engaging in sex but police actively prohibit individuals perceived as being gay from meeting or walking together on the street.²⁶ Police utilize Iraq’s culture of hatred for LGBT people to further exploit and intimidate them. A gay man interviewed in April of 2009 remarked, “police look at gay people and they see money.”²⁷ As a result of the dangers associated with being identified as gay, gay men are particularly vulnerable to blackmail. Thamir, a 35-year-old Iraqi gay man told an interviewer that a policeman raped him several times at gunpoint and told him that if he fought him, the officer would “hand [him] over to extremist groups.”²⁸ In a September 2009 interview, an Iraqi gay man told an American journalist about sexual assaults by the Iraqi security forces against suspected gay men, who perceive to be “more like sissies.”²⁹ According to this source, they “had been forced to perform oral sex in the body search trailers with the guards meant to protect their neighborhoods. He explained that other men were found dead after being harassed at these checkpoints.”³⁰

In April 2009, an Arab-speaking website published an investigation into anti-LGBT violence revealing police complacency in crimes against gay men. The author of the report cited eyewitnesses reporting that police did not try to stop an attack against a young gay man. Other witnesses gave testimonies to the reporter on how the security forces themselves were responsible for public humiliation of two perceived gay men in a neighborhood in northern Baghdad.³¹ The Iraqi police forces do not deny that they consider homosexuality as a crime. In an interview with USA Today in 2009, the Interior Ministry spokesman Maj. Gen. Abdul Karim Khalaf, maintained that homosexuality is “against the law” and that it “is rejected by the customs of our society.”³² Another police officer, Lt. Muthana Shaad, admitted in April 2009 to the New York Times that for the past four months, officers have been engaged in a “campaign to clean up the streets and get the beggars and homosexuals off them.”³³ In the highest level of the

²⁵ Basim al-Shara, “Baghdad Gays Fear for Their Lives,” INSTITUTE FOR WAR & PEACE REPORTING (November 3, 2006) <http://iwpr.net/report-news/baghdad-gays-fear-their-lives> (last visited Jan. 28, 2013).

²⁶ Timothy Williams, *supra* note 21.

²⁷ “They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq,” HUMAN RIGHTS WATCH, 29 (August 2009).

²⁸ Basim al-Shara, *supra* note 24.

²⁹ Michael Luongo, “Baghdad’s Gay Community: A Tale of Two Cities,” HUFFINGTON POST (Sept. 3, 2009, 2:34pm), http://www.huffingtonpost.com/michael-luongo/baghdads-gay-community-a_b_276677.html (last visited Jan. 28, 2013).

³⁰ *Ibid.*

³¹ Ahmad al-Sa’dawi, “Gay Iraqis Face Persecution,” NIQUASH (April 22, 2009), <http://www.niqash.org/articles/?id=2431> (last visited Jan. 28, 2013).

³² Paul Wiseman and Nadeem Majeed, “Militias target some Iraqis for being gay,” USA TODAY (July 28, 2009), http://usatoday30.usatoday.com/news/world/iraq/2009-07-28-gays-in-iraq_N.htm

³³ Timothy Williams, *supra* note 21.

government, the Iraqi officials show unwillingness to investigate crimes against LGBT people or to provide protection for this vulnerable group. In an Iraqi newspaper published a story in 2011, authorities acknowledged that the culture in the country stigmatizes homosexuality. In the same report government spokesman, Ali al-Dabbagh, asserted that authorities are unable to provide special protection to homosexuals.³⁴

II. Violent Attacks of 2006

Although homosexuality was never considered to be legal in Iraq, the worst episodes of anti-LGBT violence took place in the aftermath of the 2003 invasion of Iraq. This was mainly due to the rise of religious groups, especially Shiite militias, who considered homosexuality a sinful act that should be punished by death. In 2005, the country's most influential Shiite cleric, Grand Ayatollah Ali al-Sistani answered the question of what the judgment on sodomy and lesbianism by stating that it is forbidden and that all those involved in the act should be punished. He went on to state, "Sodomy was a sinful act, those who commit it should seek repent, and if the act is proven in front of a Sharia judge, its punishment is death."³⁵ Although the ruling exemplified the religious stand of Shiite establishment on homosexuality, such a strong statement by a high-ranking clergyman was interpreted by some as an invitation to kill gays.

In 2006, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) issued a report stating that gay Iraqis were increasingly targeted for violent threats, kidnappings, attacks and murder solely because of their sexual orientation.³⁶ The May 1 – June 30, 2006 report of the United Nations Assistance Mission for Iraq (UNAMI) Human Rights Organization (HRO) corroborated this report indicating that since 2005, gay men and women had been increasingly targeted and extra-judicially executed because of their sexual orientation by militias as well as "death squads."³⁷ The 2006 UNAMI report documented that from October 2005 to June 2006 at least twelve gay men were targeted as a result of their sexual orientation and killed.

Militias have been suspected to threatened families of individuals perceived to be gay. According to a 2006 UNAMI report, military authorities told families of men perceived to be gay that the military would begin killing family members unless the families turned over the men or killed the men themselves.³⁸ In March 2006, a 29-year-old man was kidnapped in Baghdad and his family was threatened for "allowing him to lead a homosexual lifestyle." Although the family paid the ransom demanded for the man's release, the kidnappers murdered the man anyway and let his mutilated body be found a few days later. In another case reported a homosexual man was allegedly the victim of an "honor crime." It was reported in the press that

³⁴ Al-Mada Newspaper, November 24, 2011, cited at official website of the Spokesperson for the Iraqi government, <http://www.nmc.gov.iq/ArticlePrint.aspx?ID=2784>.

³⁵ The religious inquiry was initially posted on Ayatollah Sistani's official website (<http://www.sistani.org/>), but was later taken down. IGLHRC has a copy of this ruling on file.

³⁶ "Iraq: IGLHRC Calls for Immediate Investigation into Reports of Gay Iraqis Targeted for Violence, Kidnappings and Murder," INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION (April 20, 2006), <http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/261.html> (last visited Jan. 28, 2013).

³⁷ United Nations Assistance Mission for Iraq (UNAMI) Human Rights Report May 1-June 30, 2006, ¶ 16 accessed January 18, 2013, *available at* <http://unami.unmissions.org/LinkClick.aspx?fileticket=A6XvzkE9enU%3D&tabid=3174&language=en-US> (last visited Jan. 28, 2013).

³⁸ *Ibid.*

the man's father was released without trial once he explained that he had hanged his son after discovering that he was homosexual.³⁹

Police frequently do not investigate these killings and perpetrators go unpunished. The targeted acts of violence remain particularly underreported because families are unwilling to admit their relative is lesbian, gay, bisexual or transgender (LGBT) for fear of further violence from the militia or community. The UN report also indicates the difficulty of documenting these violent attacks because those targeted often go into hiding for safety.

III. Campaign of Violence of 2009

The early months of 2009 marked another surge of violent crimes against Iraqis for their perceived sexual orientation. Several men were abducted by police in this era, interrogated, tortured and/or killed. Sadr City, a low-income area of Baghdad, was the location for dozens of men killed under suspicion of being gay.⁴⁰ There had been speculation among human rights organizations and the press that a *fatwa* or ruling on religious law by Moqtada al-Sadr or other cleric— whose followers were members of the armed militia Mahdi Army— had launched an organized campaign of violence as a way to exterminate homosexuality.⁴¹ Media reports cited a number of inflammatory speeches against homosexuals by pro-Sadr clergymen during Friday Prayer sermon, including a speech by Sheik Jassem al-Mutairi who told his congregation that the community “should be purified from such delinquent behavior like stealing, lying and the effeminacy phenomenon among men.”⁴² Another Shiite Clergyman, Sattar-al-Battat, used his Friday Prayer's sermon to condemn homosexuality.⁴³ Arab media reported Sheikh Dawud al-Enezi, a Sadr movement leader as saying, “we must correct the morals of the nation” and “homosexuality is a disaster that has come to the community.”⁴⁴

Some Sunni clerics also joined their Shiite Brethren in stirring anti-homosexual sentiment among their followers. An Iraqi TV channel, Alsumaria, reported that Sunni cleric al-Ghreri has called for the execution of gays. Al-Ghreri denies issuing such a statement, although he publically maintained that homosexuality is “abnormal” and that gay people should be jailed and lashed.⁴⁵ Local media in Iraq blamed the kidnapping and torture of gay men on the victims for behaving like effeminate men. A few months later, in late May 2009, influential Shiite Clergy man Moqtada Sadr made a speech in front of a group of clerics, police, and tribal leaders, in which he called for the “depravity” of homosexuality to be “eradicated.”⁴⁶

³⁹ Ibid.

⁴⁰ Timothy Williams, *supra* note 21.

⁴¹ Nizar Latif, “Iraqi ‘executioner’ defends killing of gay men,” THE NATIONAL, (May 2, 2009), <http://www.thenational.ae/news/world/middle-east/iraqi-executioner-defends-killing-of-gay-men> (last visited Jan. 28, 2013); Human Rights Watch, *supra* note 27.

⁴² Timothy Williams, *supra* note 21.

⁴³ “Iraq Cleric: Eradicate homosexuality,” <http://www.365gay.com/news/iraq-cleric-eradicate-homosexuality/>

⁴⁴ “Iraq's Sadr wants homosexuality eradicated,” AL ARABIYA (May 29, 2009), http://www.alarabiya.net/save_pdf.php?cont_id=74223 (last visited Jan. 28, 2013).

⁴⁵ Paul Wiseman and Nadeem Majeed, *supra* note 32.

⁴⁶ “Iraq Cleric: Eradiicate homosexuality,” <http://www.365gay.com/news/iraq-cleric-eradicate-homosexuality/>

On October 4, 2009 New York Magazine published an article exploring reasons for the obvious escalation of violence that had occurred in Iraq in 2009. Propaganda in the media spread fear of LGBT people and fueled anger toward them. Iraqi television stations aired programs spreading fear and hatred toward LGBT people. One station aired a video of a group of about 20 young men at a dancing at a private party, wiggling their hips and dancing effeminately. The program contained anti-LGBT commentary in conjunction with the footage of the party. In May of 2009, the Iraqi magazine *Al-Esbuyia* refers to the men who were kidnapped as “puppies” and identifies the “problem” in the situation of gay men being targeted by police and killed as the fact that “there are no laws prohibiting these deviant phenomena” and that “there is no legal text specifically prohibiting men from imitating women or vice versa.”⁴⁷

UNAMI issued a report in 2009 that stated as of June there were at least 25 boys and men killed in Baghdad because of their perceived or actual sexual orientation.⁴⁸ Some corpses were left on public display on the streets of al-Sadr City in Baghdad. One UNAMI report identified perpetrators as “members of the Mahdi Army, religious leaders, police officers as well as local criminal gangs.”⁴⁹ On March 25, 2009, Iraqi authorities unearthed the bodies of four men killed by gunshots in Sadr City. The motivation behind the killing was evident by the fact that the victims were found with the words “pervert” and “son of a bitch” (jaravah: a derogatory term to describe homosexuals) written on their chests.⁵⁰

Killings of gay men continued to escalate into April. On April 2, 2009 two men of Sadr City were targeted and murdered because of their perceived sexual orientation. An unidentified local official described these men as “sexual perverts who were killed by members of their tribe to restore their family honor.”⁵¹ Before the men were murdered, their families disowned them and their tribes renounced their affiliation to them. In addition to murders in the Sadr City, another tactic of intimidation was to target meeting places frequented by LGBT people. On April 17, 2009, a group called “Fazilat” (Virtue) posted flyers threatening homosexuals with death on walls in the Sadr City neighborhood of Baghdad. These flyers contained a list the names as a threat of the would-be targets and stated, “we will soon punish all you perverts.”⁵² The residents of Sadr City identified in these fliers were forced into hiding. In addition to the killings, several gay-friendly coffee shop owners received warnings from militias about their gay clients and Sadr City café, a coffee shop frequented by gay men, was burned down under “mysterious circumstances.”⁵³

Attacks on individuals because of their perceived sexual orientation are particularly egregious because of the culture of hatred of LGBT people. Yanar Mohammad, a prominent Iraqi activist reported that Iraqi militia engaged in a form of torture against LGBT Iraqis consisting of using

⁴⁷ Human Rights Watch, *supra* note 27 at 34-35.

⁴⁸ United Nations Assistance Mission for Iraq (UNAMI) Human Rights Report January 1- June 30, 2009, ¶ 47, accessed on January 9, 2013.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Timothy Williams, *supra* note 21.

⁵² “Iraq: IGLHRC Asks the Iraqi Government to Protect LGBT People,” IGLHRC (April 17, 2009), <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/partners/889.html> (last visited Jan. 28, 2013).

⁵³ Timothy Williams, *supra* note 21.

“very strong glue that will close their anus.”⁵⁴ Once this glue is applied to the skin, it may only be removed by surgery. Militia then forces victims to drink a substance to intentionally induce diarrhea, which with the anuses glued shut, causes death.

Police blamed targeted killings on family members as opposed to acknowledging the involvement of death squads or militia.⁵⁵ The shame associated with perceived homosexuality continued to prevent many family members from claiming the bodies therefore many of the men who were murdered remained unidentified the deaths go unpunished and unknown.⁵⁶

IV. Anti-Emo Attacks of 2012

In early 2012, several dozen men and boys were murdered in Iraq. The attacks were characterized as “barbaric” and using “inhuman methods such as hitting the head and body parts of gay victims with building concrete blocks repeatedly until death.”⁵⁷ Victims appeared to represent a cross-section of people seen locally as non-conformists. They included people suspected of homosexual conduct, but also people with distinctive hairstyles, clothes, or musical taste.⁵⁸

The wave of violence started in early February, when signs and fliers appeared in the Baghdad neighborhoods of Sadr City, al-Hababiya and Hay al-‘Amal that threatened people by name with “the wrath of god” unless they cropped their hair, gave up wearing “satanic clothing,” hid their tattoos, and “maintained complete manhood.” Other names appeared on similar posters in different neighborhoods.⁵⁹ The New York Times reported that immediately preceding the murders, Iraqi police were engaged in a street cleanup with the stated intent of getting “beggars and homosexuals off them.”⁶⁰

In an official statement from The Interior Ministry around the time of the killings, the Ministry dismissed reports by local activists and media of campaign against those seen as emo. The ministry said reports were “fabricated” and “groundless.” The media fueled the campaign of hatred toward “emo” Iraqis by characterizing what they call the “emerging emo phenomenon,” as “Satanists, vampires, immoral, and un-Islamic.”⁶¹ Other government agencies played a similar role in stigmatizing “emos.” The Education Ministry in August 2011 circulated a memo that recommended schools curb the spread of emo culture, which it called “a phenomenon infiltrating our society.”⁶²

⁵⁴ “Iraq: Torture, Cruel, Inhuman and Degrading Treatment of LGBT People” International Gay and Lesbian Human Rights Commission (April 20, 2009) *available at* <http://iglhrc.wordpress.com/2009/04/20/iraq-torture-cruel-inhuman-and-degrading-treatment-of-lgbt-people>.

⁵⁵ Timothy Williams, *supra* note 21.

⁵⁶ *Ibid.*

⁵⁷ Yanar Mohammed, “Homophobic murders in Iraq” Organization of Women’s Freedom in Iraq (March 5, 2012).

⁵⁸ “Iraq: Investigate ‘Emo’ Attacks,” INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION, (March 16, 2012), <http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/1499.html>

⁵⁹ *Ibid.*

⁶⁰ Timothy Williams, *supra* note 21.

⁶¹ Yanar Mohammed, *supra* note 57.

⁶² IGLHRC *supra* note 58.

However, after widespread media coverage of the violence and intimidation against emos, the same day the Ministry initially called the reports “groundless,” it issued another statement toning down its language. In this statement, the Ministry warned radical and extremist groups who had portrayed themselves as “protectors for morals and religious traditions” from engaging in “any conduct against people based on a fashion, dress or haircut.” Despite this statement, the ministry still denied that any emos had been killed and threatened “necessary legal actions against those who try to highlight this issue and build it out of proportion.”⁶³

Also on March 8th, several members of the Iraqi parliament demanded a police investigation into the killings and unequivocally condemned the violence. Parliament speaker, Usama Najaiifi, said in a March 13th statement that the “phenomena of assassinating some young people – those who are described as emo – by some groups in the name of reforming society, entrenches a culture of violence and terror ... and [is] a violation of law and a crime.”⁶⁴

At the time of the attacks, many local media blamed Islamic militias for these attacks. In response to these allegations, the Shiite cleric Muqtada al-Sadr made a public statement on his website where he referred to emos as “crazy fools” and a “lesion on the Muslim community,” while asking his followers “to end the scourge of emo within the law.”⁶⁵ Sadr’s spokesman, Salah Monahi, later denied any involvement of Sadr’s followers in those killings, explaining “we do not try to wipe them out, rather we are working.... to make them aware of what they are doing.”⁶⁶ On March 8th, the Arab media also reported that Shiite Spiritual Leader, Ayatollah Ali Sistani, considered the targeted killing of emo youth in Iraq to be a threat against peace and order in the national society. Ayatollah Sistani’s representative in Baghdad, Sheikh Abd al-Rahim al-Rikabi, told an Iraqi newspaper that targeting these youth is “detrimental to a peaceful coexistence [and as far as we are concerned], those targeted killings are terrorist acts.”⁶⁷ Similar condemnation of anti-emo violence came from some Sunni leaders. The Iraqi independent News Agency cited a member of the Political Bureau of the Iraqi Islamic Party, Bahauddin Naqshbandi, as saying, “the treatment of ‘anomalies,’ including the case of Emos, needs to be based on scientific and well-thought out methods....[they] cannot be solved through the use of force and of violence.”⁶⁸ Instead, violence only serves to “aggravate” social problems.⁶⁹

In its annual report on human rights in Iraq, the United Nations Assistance Mission for Iraq (UNAMI) also addressed the wave of violence against suspected emos in the spring of 2012.⁷⁰ In its joint report with the Human Rights Office of the High Commissioner for Human Rights

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Laura Jakes, “‘Emo’ killings raise alarms in Iraq,” ASSOCIATED PRESS (March 11, 2012), <http://news.yahoo.com/emo-killings-raise-alarms-iraq-070258712.html> (last visited Jan. 28, 2013).

⁶⁶ Sadr group denies its involvement in killings of emo youth. <http://www.aknews.com/ar/aknews/3/294379>

⁶⁷ “The killing of young emo is an ugly phenomenon and the perpetrators are terrorists who are far from religion”, <http://international.daralhayat.com/print/371640>, accessed on March 8, 2012.

⁶⁸ Iraqi Independent News Service - IBA, March 7, 2012: <http://ipairaq.com/index.php?name=inner&t=politics&id=52228>

⁶⁹ Ibid.

⁷⁰ “Report on Human Rights in Iraq: January to June 2012,” HUMAN RIGHTS OFFICE OF THE HIGH COMMISSION FOR HUMAN RIGHT (OHCHR) (October 2012) *available at* <http://unami.unmissions.org/LinkClick.aspx?fileticket=vzOhTQpHHF4%3d&tabid=3174&language=en-US> (last visited Jan. 29, 2013).

(OHCHR), the anti-emo attacks are listed under examples of “high level of intolerance, discrimination, and persecution directed against individuals for their perceived sexual orientation.”⁷¹ UNAMI’s report states that the media indicates conservative religious groups such as Al Mahdi (Mahdi Army) and Asa’ib Ahl Al-Haq were “responsible for up to 56 persons described as ‘emos’ ... reportedly killed in different parts of Iraq, especially in Baghdad and Babil.”⁷² UNAMI indicates some media reports put the number of victims at 90, but staff was able to verify only 12 cases of those murders.

Socioeconomic Perceptions and Understandings of Homosexuality

The 2003 United States invasion of Iraq as well as the internet and western media popularized use of the word “gay” which had previously not existed in Iraq. Though some men use the word “gay” to identify their sexual orientation, many Iraqis do not use or recognize the term.⁷³ Those who perpetrate violence against gay men frequently identify them as “puppies” or “kiki” and target them for their departure from traditional notions of masculinity.⁷⁴

There is a widespread misunderstanding of homosexuality in Iraq. Many Iraqis consider homosexuality as a form of sexual perversion and even equate homosexuality with child abuse, or male sexual rape. The following is an example of media coverage on LGBT issues in Iraqi press. On September 1, 2012, an Arab speaking website dedicated to legal developments in Iraq published an article about “sexual deviation” in Iraq. The Article attributed the spread of sodomy in Iraqi society to sexual abuse and stated that low-income boys experience it at a young age. The author of article, Javad Al-Iraqi, argues that poverty prevents families from supervising their children properly, and as a result, the young children are exposed to sexual abuse. In this economic analysis of the spread of homosexuality, the author also blames the spread sexual perversion (i.e. homosexuality) in Iraq on years of economic sanctions and hardship that the Iraqi people suffered during oil-for-food program.⁷⁵

In an analytical article by featured in Al-bayan Magazine, the author argues, “the non-compliance of Iraqi law with Islamic Sharia is a contributing factor to the freedom that perverts [i.e. homosexuals] enjoy in that country.”⁷⁶

In the aftermath of the mass targeting and killing of gay men in early 2009, an analytical article was published in the Arabic website (Alhiwar, which means dialogue) to examine various

⁷¹ Ibid at 15.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ For example, see “ American spreading sodomy in Iraq,” <http://www.akhbarna.net/more.asp?thisid=1410&thiscat=15>

⁷⁵ “Sexual deviation in Iraqi society,” (January 9, 2012), <http://www.qanon302.net/news/news.php?action=view&id=21508> (last visited Jan. 18, 2013).

⁷⁶ D. Noha Qatergi, “The phenomenon of faggotry in the Arab world,” Al-bayan Magazine, February 2001, <http://www.saaaid.net/daeyat/nohakatergi/103.htm> (last visited Jan. 18, 2013)

aspects of “Homosexual Phenomenon in Iraq”. The article published on March 11, 2009, included quotes from a number of Iraqi experts on this matter. For example:⁷⁷

- Political analyst, Mr. Abbas Yasiri: “homosexuality is a societal phenomenon that is alien to the nature and traditions of Iraqi society and hence we might ascribe it to cultural and social invasion that is imposed on Iraqi society as well as the impact of modern technologies of the Internet and satellite TV.”
- Sheikh Hussein Alkhazri, a senior seminary student, denied that Sharia law supports killing gays, and added, “Islamic law does not support the killing of gay people but instead Sharia encourages preaching and guidance only, even though there is no such thing as homosexuality in Islam and it is not permissible in Islam.”
- Mr. Firas Rikabi, an Iraqi writer and media expert states the following: “There are two types of homosexuality. The first type of homosexual is born that way and has no choice in the matter. Gays of this category are created so by Allaah and they have no control over it. The second type is born naturally, but has a defect in Hormones, which is a form of sickness and beyond human control, because no one chooses illnesses. We only have these two types in Iraq. There is another kind of homosexual, who goes to the doctor and transforms himself into a homosexual. This does not exist in Iraq because it is cost prohibitive and no doctor is skilled in this area. Therefore, the community must accept gays the same way that there is acceptance of paralyzed people and the blind. These people can not be killed by some groups and we must give them their rights.”

Other media inquiries about homosexuality in Iraq showed equally disapproving views on same-sex relations. An Iraqi website that did a story on anti-LGBT violence in 2009, quoted an Iraqi pharmacist as saying, “we do not have homosexuals, but they're a bunch of perverts and fagots who were growing in number recently and have become the focus of curiosity...” A college student told the website that gays “are morally deviants.....I hate them”. But perhaps the harshest statement came from a Shiite preacher, Sheikh “Mohammed Hussein Shuwaili”, the Imam of the Husseiniyeh Zahra, who said “they are a bunch of misguided and perverts and we must fight against them wherever they are. ...Their relatives who find out about them [and their homosexuality] are asked to kill them because they are a disgrace to society”.⁷⁸

I. Challenges unique to Lesbians and Bisexual Women in Iraq

Lesbians face organized opposition from the government in Iraq. For example, on May 3, 2012 the Iraqi news portal “Shafaaq News” announced that the Women and Children Committee in the Iraqi Parliament hosted a meeting with the Iraqi Ministers of Labor and Education to take necessary steps to address the issue of “Lesbianism.” This was in the aftermath of a media report published by Shafagh news, which claimed that “14% of the Iraqi women are lesbians. Of the

⁷⁷ “Homosexual Phenomenon in Iraq”, ALHIWAR (March 11, 2009) <http://www.ahewar.org/debat/show.art.asp?aid=190420> (last visited Jan. 18, 2013).

⁷⁸ “Sadr Coffee Houses, the Hangout place for Gays”, <http://www.iraqeyes.com/vb/showthread.php?t=182145>

14% that are lesbians, 60% are married to men and sleeping with other women at the same time.”⁷⁹

The Shafaagh article, published on April 9, 2012, was highly sensationalized, referring to lesbians as “victims of lesbian acts,” and blamed the spread of lesbianism on the “raising popularity of internet and social networking sites such as Facebook.” The article also claimed that lesbianism spreads in female college dorms and to a “lesser extent” in orphanages. The author of the article, Mr. Khaled Valeed, claimed that his internet search at online forums resulted in spotting 150 self-identified Iraqi lesbians. The author of the article cited experts as saying that in order to reduce lesbianism in Iraq, the government should institute internet censorship, stricter “social control mechanisms in educational institutions and orphanages,” and raise awareness about the “dangers of lesbianism.”⁸⁰

Following the publication of this article, on May 5, 2012, the Iraqi Ministry of Human Rights issued a statement which described lesbianism an anomaly and “a social disease.” The Ministry of Human Rights expressed “readiness to cooperate with all official and unofficial parties to detect any negative social phenomenon [such as lesbianism] in order to strengthen the protection of everyone’s human rights.”⁸¹ Though the government statement questioned the authenticity of the statistics published by Shafaagh news and maintained that the information in that article was “politically motivated” the Ministry did not denounce the statements made about lesbianism. It is clear from the response of the Ministry of Human Rights that it does not intend to offer meaningful protection to lesbians and bisexual women.

It should be noted that the situation of lesbians and bisexual women in Iraq is different from that of Iraqi gays men:

- Iraq is a male-dominated society, in which women are often expected to follow the orders of their male relatives, including husband, father, and even brothers. This social hierarchy has resulted in invisibility of women in the society, including the invisibility of lesbians and bisexual women.
- Honor crimes, as discussed earlier, are a wide-practice in the Iraqi society, which is partially empowered by the country’s sexist penal code, which considers honor crimes against female members of the family as justified. Unfortunately, there are no national statistics about the victims of these heinous crimes, or the motives of their perpetrators. However, it is safe to assume that some of the victims of these crimes are women who are disinterested in heterosexual marriage, and found in an intimate relationship with another woman.

⁷⁹ Shafaagh News website, <http://www.shafaagh.com/fa/2010-08-01-08-39-41.html>. Shafaagh news is a Pan-Kurdish news organization that publishes stories in Arabic, Kurdish, English, and Persian on its website, and runs an FM radio station in Arabic and Kurdish.

⁸⁰ Khaled Valeed, “Abnormalities” SHAFAGAAGH (April 9, 2012), <http://www.shafaagh.com/sh2/reports-investigations/110-reports-and-investigations/39381-2012-04-09-08-03-27.html> (last visited Jan. 18, 2013).

⁸¹ “A statement from the Ministry of Human Rights on the phenomenon of lesbians,” (May 2, 2012), <http://www.humanrights.gov.iq/ArticlePrint.aspx?ID=1570> (last visited Jan. 28, 2013).

- Married women, even those who were forced into an arranged marriage, are expected to be sexually available for their husband, at his discretion. Therefore the notion of spousal rape is foreign to the Iraqi legal system, and Article 41 of the Iraqi Penal Code allows the husband to resort to physical violence against his wife “within certain limits prescribed by law or by custom.”⁸² These legal loopholes do not allow many women, including lesbians, to step forward and report the abuse of their rights.

Security Notes for LGBT Community in Iraq

Given the legal, cultural, and religious prejudicial notions about homosexuality, and considering the recent history of anti-LGBT violence in Iraq, the country remains an unsafe place for actual or perceived members of the LGBT community. The sense of insecurity also stems from the ongoing terrorist activities by anti-government insurgents and the inability of the Iraqi government to protect the population against acts of violence inspired by sectarian, ethnic, or political hatred. Despite the parliamentary nature of the Iraqi government, many political groups maintain that Iraq is not a democratic society and accuse the current Iraqi government of protecting the special interests of certain ethnic and religious group – mainly Shiite Arabs- while ignoring the rights, security, and needs of other ethnic, religious, or political factions including those with liberal or secular views.

Apart from discriminatory laws and traditions, the polarized and ideological nature of the Iraqi government also affects the well-beings of the Iraqi LGBT community. Over the past few years, the two deadliest waves of violence that left fear and causality among LGBT community in Iraq was mainly conducted in the Shiite- populated area of the country, and the Shiite insurgents have been suspected of committing those acts of violence. Since some of the alleged perpetrators of these attacks – namely groups close to Shiite clergyman Muqtada Sadr- are close to the circles of power in Iraq- including the Iraqi Ministry of Interior, which controls the police forces- there is an overall skepticism over the Iraqi government’s willingness to hold anti-LGBT forces accountable.

Despite the desire of some politicians – including members of parliament who have spoken against indiscriminate killings of people based on their perceived or actual identity - and the official responsibility of the Iraqi Ministry of Human Rights to investigate, report and document cases of human rights violations, the current Iraqi government does not seem to be willing to challenge dominant social homophobia, and take any meaningful steps to protect members of the LGBT community.

In light of these security concerns, here are a series of security recommendations for colleagues and allies working with the Iraqi LGBT community:

- **Do not disclose your LGBT identity to strangers:** The number one precautionary measure for LGBT activists is to protect their identity and their anonymity. Since overall religious and cultural sentiment is against homosexuality, and the government is unlikely

⁸² The UN Secretary-General’s database on violence against women
<http://sgdatabase.unwomen.org/searchDetail.action?measureId=42003&baseHREF=country&baseHREFId=654>

to intervene or provide protection in a dangerous situation, it is of outmost importance not to discuss anything related to LGBT issues with strangers. The information about community and projects with LGBT people need only be shared on a need-to-know basis.

- **Always have a believable alibi:** Whether attending an LGBT-related event or traveling to work on LGBT-related issues, it is always important to have an alibi that can be shared with anyone who is curious or interested in your work. For example, instead of telling strangers about your plan to attend a gay party, you can simply talk about having a reunion with old friends. Your work on LGBT issues can be presented as working on marginalized and at-risk groups, such as homeless people and street children. This will allow you to reach out to target population without raising suspicion.
- **Always inform your trusted friends/colleagues of your location and emergency contact info:** This is especially important because if an unexpected dangerous situation arises, they will know where and how to find you.
- **Do not carry information about other LGBT members on your phone/computer:** One of the common ways for vigilantes to find out about other LGBT people is through using the contact information stored on the computer/cellphone of a suspected member of the community. Likewise, you should ask other people not to store your real name/email on their computers and/or cellphones.
- **Always use a secure internet connection:** Do not assume you are safe when using the internet and computer. Always require a password for your computer and cellphone, so no one can access it if it is stolen. Do not use random computers at public places to check your email. Do not use unsecure wifi available in public places to access your personal information. Always keep the Bluetooth feature on your devices off. Do not use Yahoo chat for online conversations. Gmail and Skype often provide enhanced security features and are more difficult to crack by potential hackers.
- **Limit online sharing of information:** The information posted on social networks, and online forums can easily be forwarded to other people, who may not have your best interest in mind. Do not share any information online that you do not want wish people outside LGBT community to know. If you email sensitive information to others, always ask them not to forward it to other people.
- **Plan for emergencies:** Always think about emergency plans. This includes an evaluation plan in case of an emergency, a list of lawyers and human rights defenders to contact in case of danger, arrest, or other unforeseen situations, and the method of safe communication with others whose life may be at risk.
- **Monitoring early signs of danger:** Targeted killings of LGBT individuals in Iran is often linked to (1) rumors or spread of information about gay parties, gay marriage, etc, that can offend the public and (2) a series of political or religious speeches by influential community leaders to condemn homosexuality and Western cultural influence. One way to be ahead of crises is through monitoring the media, and paying attention to any early warning signs that may indicate brewing trouble.
- **Take verbal threats seriously:** In most cases, printed warnings and threatening letters by vigilantes and religious leaders preceded the acts of violence against LGBT community. Always take these signs seriously and inform other colleagues/community members of such verbal threats.

IGLHRC's history of advocacy on behalf of the Iraqi LGBT

In April of 2006, after the publication of reports from the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) that gay Iraqis are increasingly targeted for violent threats, kidnappings, attacks, and murder solely as the result of their orientation, IGLHRC wrote a letter to the U.S. Secretary of State Condoleezza Rice, to ask the U.S. Administration, as the occupying force in Iraq, to take all appropriate measures to publicly condemn the escalation of violence against gay men and lesbians in Iraq and take all possible measures to ensure their protection.⁸³

In early April 2009, following media reports in Arabic press about a wave of targeted killing of perceived gay men in Iraq, IGLHRC was the first U.S. organization that translated the media account into English to raise awareness about the situation and demand action.⁸⁴ Subsequently, on April 8th of that year IGLHRC collaborated with Human Rights Watch to submit an urgent appeal to the Special Procedures of the United Nations to ask for an investigation.⁸⁵ Nine days later, on April 17, 2009, IGLHRC sent a letter to the Iraqi Minister of Human Rights, Wijdan Salim, requesting that she take specific measures to protect LGBT Iraqis and prevent hate crimes against those perceived to be gay.⁸⁶

In the aftermath of the horrific 2009 killings of gay Iraqis, IGLHRC launched a series of advocacy efforts to pressure the Iraqi and U.S. authorities, to publically condemn the killings and bring those responsible to justice. On April 29, 2009, IGLHRC attended a conference call with the British Foreign Office to discuss the recent killings of Iraqi gays. The call was attended by a number of local and international NGOs working on this crisis. On May 9, 2009, IGLHRC joint a group of human rights organizations to discuss the situation of LGBT in Iraq with the State Department Officials. On May 13, 2009, IGLHRC's Communications Coordinator and Middle East Specialist Hossein Alizadeh and IGLHRC Board Co-Chair Ally Bolour appeared before the Los Angeles City Council to give testimony about human rights abuses affecting LGBT Iraqis. The testimony followed by an emotional debate by the City Council, which by a 12-0 vote unanimously passed a resolution condemning the Persecution of LGBT People in Iraq.⁸⁷

In March 2012, IGLHRC learned of a new wave of "Emo" killing, which created fear and anxiety among LGBT community in Iraq. In response, IGLHRC joined Human Rights Watch, and Amnesty International to condemn the violence, and to ask Iraqi authorities to investigate those murders.⁸⁸ The letter was followed by a series of conference calls and email exchanges between IGLHRC and the State Department to discuss how the US government could play an active role in pressuring the Iraqi government to bring those responsible to justice and to provide assistance to the victims. On April 18, 2012, IGLHRC wrote a letter to the Dutch Minister of Foreign Affairs and Immigration and Asylum, explaining the dangerous situation faced by Iraqi

⁸³ IGLHRC *supra* note 36.

⁸⁴ IGLHRC *supra* note 23.

⁸⁵ "Iraq: Statement on Recent Murder and Violence," IGLHRC (Apr. 8, 2009) <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/884.html> (last visited Jan. 28, 2013).

⁸⁶ IGLHRC, *supra* note 52.

⁸⁷ "United States: LA City Council Condemns the Persecution of LGBT People in Iraq," IGLHRC (June 11, 2009) <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/resourcecenter/922.html> (last visited Jan. 28, 2013).

⁸⁸ IGLHRC, *supra* note 58.

LGBT people and requesting the Netherlands accept requests by Iraqis seeking asylum based on their sexual orientation and gender identity. On May 8, 2012, the Dutch Ministry of Foreign Affairs responded to IGLHRC's letter, indicating that based on the situation on the ground and our communications, "the Dutch asylum policy towards LGBT Iraqis has been expanded."⁸⁹

In late November 2012, IGLHRC was informed by the U.S. State Department of the formation of a new working group on LGBT issues in Iraq. The Committee has been headed by Dr. Ibtisam Ali, a medical doctor who is currently the Director General of the Department of Committee Affairs, which is part of the Iraqi Council of Ministers (The Iraqi cabinet). According to the information IGLHRC received, the committee was attended by various government representatives, including the Ministry of Health (the psychology unit), Ministry of Justice, the Ministry of Human Rights, and the representatives of the United Nations Assistance Mission for Iraq (UNAMI). The Committee was formed based on a request by the Iraqi government to discuss the emo killings in Iraq and to find ways to avoid future targeted killings of this sort. IGLHRC contacted the chair of the committee, and upon her request, submitted a number of Arabic documents about LGBT issues, LGBT rights, sexual orientation and gender identity, and prior history of killing LGBT in Iraq to her office on December 19, 2012.

⁸⁹ E-mail from Dutch Ministry of Foreign Affairs to IGLHRC (May 8, 2012) (on file with IGLHRC).