

Position Paper (I)

**ChaldoAssyrians of Iraq
&
the Iraqi Interim Constitution
[Transitional Administrative Law (TAL)]**

March 2004

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The Assyrian Academic Society was formed in 1983 in Chicago, Illinois, home to one of the oldest and largest Assyrian diaspora communities in the world. The Society promotes Assyrian culture, history, and knowledge throughout a variety of activities including publications, lectures, and seminars. Its goal is to serve as an educational arm within the Assyrian diaspora and to introduce Assyrian heritage and contemporary history to the outside world. The Society is a registered 501(C)(3) non-profit organization without any political orientation. It gratefully accepts donations.

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Executive Summary

Timely attention to the treatment of the ChaldoAssyrians over the next few months, the next year and under a permanent constitution will help avoid a possible humanitarian crisis of major proportions. The key points in view of TAL are:

1) Security for the ChaldoAssyrians, as the Christian minority of Iraq, and as an ethnic minority. Special attention is needed immediately to prevent leadership assassination.

2) Internally displaced ChaldoAssyrians are being denied recognition and return to their homes allocated by TAL to Kurdish governance.

3) Restoring of ChaldoAssyrian villages and churches depends on the equitable distribution of funds. Reform is needed in donor administration.

4) Identity Change, a feature of Baath tyranny, has penetrated into the Kurdish Autonomous Region. Forced to identify as Arab Christians or Kurdish Christian in order to eat and work, TAL should not legitimize such coercion.

5) Revenue Sharing by Kurdish parties controlling Iraq's trade with Turkey and Syria has been non-existent. ChaldoAssyrians deserve a share.

6) Human and Political Rights of ChaldoAssyrians are enshrined in TAL but must be carefully monitored in a state with Islam as the official religion

7) Reconstruction Aid Distribution has not been equitable in the past. Projects need to be funded through special arrangements that prevent discrimination, especially in regions allocated to Kurds by TAL.

8) The anticipated census must deal with the refugee issue.

9) Elections could result in tyranny of the majority. Under TAL elections remain vague and will skew ChaldoAssyrian representation without special arrangements.

10) An Administrative Unit on the Nineveh plain offers ChaldoAssyrians the sole chance for security and self-preservation in the land of their ancestors.

ChaldoAssyrians of Iraq & the Iraqi Interim Constitution (TAL)

March 2004

The TAL (Transitional Administrative Law – Appendix D) signed in Baghdad on March 8, 2004 breaks new ground and promises to begin a serious debate in a predominantly Muslim country regarding past discriminatory treatment of ethnic and religious minorities. For the ChaldoAssyrian community of Iraq, the TAL offers some hope but it is a slim hope lined with many clouds of concern. If the promises of TAL prove false to this indigenous Christian community that has maintained its presence in Mesopotamia for nearly two millennia, a humanitarian crisis of mass proportions could ensue: continued pressure, especially in northern Iraq on ChaldoAssyrians, would continue the trend toward flight from their native land to join relatives in diaspora.

To avoid such a humanitarian and cultural disaster, outlined below are the problems that continue to be faced in the community. These concerns are divided into three periods:

- to the period of the projected end of the Coalition Provisional Authority (CPA)
- during the projected six months following when elections for a National Assembly are to take place that will draft the constitution on the basis of TAL
- the period in which the constitution is being debated and written

Any of these periods may come to be lengthened or shortened by international agreement, by internal dissent and civil war, or by regional disruption. The concerns of the ChaldoAssyrian community fall into ten categories: 1) Security, 2) Internally Displaced People, 3) Restoring of ChaldoAssyrian villages and churches, 4) Identity Change 5) Revenue Sharing, 6) Human and Political Rights, 7) Reconstruction Aid Distribution, 8) the Census, 9) Elections, 10) the ChaldoAssyrian Administrative Unit under direct jurisdiction of Baghdad rather than Kurdistan.

PRIOR TO THE JUNE 30, 2004 PROJECTED END OF THE CPA

1. The Special Security Problem of the ChaldoAssyrians

ChaldoAssyrian community leaders, professionals and women and children are being targeted by death squads and kidnapping squads in Basra, Kirkuk, Mosul and Baghdad. This is an Iraq wide problem but the problem for ChaldoAssyrians includes 3 added dimensions:

- Many of these people are being targeted because they are Christian (i.e., laundresses working at military bases, hairdressers and alcohol shop owners in Basra). The life of Christians, for many Muslim extremists, is valueless and for this reason, ChaldoAssyrians are the most vulnerable part of Iraqi society.
- Due to the presence of many ChaldoAssyrians in diaspora (resulting from a century of intimidation and persecution, especially in northern Iraq), ChaldoAssyrian families are subjected to a high rate of kidnapping. The Iraqi ChaldoAssyrians can and must turn to the diaspora to raise the ransom demanded, a fact known to the kidnapers.
- The ChaldoAssyrian community hasn't the financial means to field a militia substantial enough to protect its members, especially its political leadership. As noted by Amnesty International, there is a history of political leaders being assassinated in northern Iraq, nuns and priests killed in Baghdad, and more recently (Dec. 2003) a leading political representative was killed in Basra while he traveled with a single driver/guard.

Recommendation:

- Allocate more funds for protective services for ChaldoAssyrians, especially for community leaders in either of two ways:
 - 1) By allowing for the creation of a larger security contingent from among ChaldoAssyrians themselves or
 - 2) By assigning outside personnel and equipment to guard the ChaldoAssyrian leadership group in particular.
- Allocate funds for or provide armored vehicles for use by community leaders.
- Monitor the adoption of new laws or the expansion of old ones so that such laws do not infringe on the legal rights of secularists and non-Muslims, especially since the TAL gave far more weight to Islam (as official religion and a source of law) than is safe for the development of a democratic society. The society is already plagued with Islamic extremists who need not be further encouraged to abuse Christians by means of laws.

2. Internally Displaced ChaldoAssyrians

The needs of the internally displaced ChaldoAssyrians have thus far not been considered in policy analysis (IDP Report - Brookings.pfd) and they remain shut out from funds which now go chiefly to Kurds. This problem also applies to Turkomens and Yezidis. ChaldoAssyrians have been forced to take shelter with relatives in cities like Baghdad and Basra and increasingly see their villages occupied by Kurds being resettled in their homes at international expense. This situation aggravates the centuries of persecution of ChaldoAssyrians that has reshaped the ethnic geography of northern Iraq. The indigenous ChaldoAssyrians need to be politically empowered and financially helped to return to their villages, churches and monasteries.

Recommendation:

Create mechanism for handling the problems of displaced ChaldoAssyrians, especially those who need to return to their villages in Kurdish controlled areas, now denied to them, before Kurdish refugees assume squatters rights that will make future return difficult. The Kurdish Regional Parliament resolution adopted in October 2002 to allow the settling of illegal Kurdish squatters on ChaldoAssyrian lands is an example of what is occurring in the north to discourage the resettlement of ChaldoAssyrian IDPs. See report *Kurdish Resolution Threatens Assyrian Lands in Iraq* (3/11/03) (<http://aina.org/releases/2003/landtransfer.htm>)

The TAL confirmed Iraqi Property Claims Commission (Article 49 A) must have fair oversight in the return of lands to ChaldoAssyrians who have been displaced in both the three Kurdish governed areas (where court cases have been languishing for a decade), and in other governorates. Fair settlement of this issue will necessarily require strong CPA participation in the north, something that has not happened to date. The token ChaldoAssyrian representation on the Kurdish Regional Parliament (5 out of 105) is not sufficient to defend their legal rights to lands and home. Therefore, IDPs cannot return without international oversight. The significance of this issue to the continued existence of ChaldoAssyrians in the land of their heritage cannot be overestimated.

3. Restoring of ChaldoAssyrian Villages and Churches

Directly as a result of the ANFAL Campaign launched by Baghdad in 1988 (at the end of the Iraq-Iran war that began in 1980), scores of ChaldoAssyrian villages were destroyed together with churches of great antiquity. As the indigenous residents of northern Iraq, some of these ChaldoAssyrian villages date back to the 4th century AD. They had survived Islamization in the 8th century and Tamerlane in the 14th century. With the threat of chemical gassing as at Zewa in 1987 (of ChaldoAssyrians, Kurds and others), followed by the controversial Halabja incident in 1988, fear had spread among the civilian population of all northern Iraq. ChaldoAssyrians fled, many disappeared, some took refuge in Turkish refugee camps and many moved on into diaspora.

This was not the first time ChaldoAssyrians have been uprooted from their villages and homes since the formation of modern Iraq. After the massacre of ChaldoAssyrians at Semele in 1933 (by a Kurdish led Iraqi army), some 60 villages were taken over by Kurds. Since the first Gulf War another 52 were taken over. The history of ChaldoAssyrian displacement goes back for centuries. We can only hope to redress the most recent uprootings for which court documents exist.

Recommendation:

The villages destroyed need to be reconstructed, orchards planted, and churches made useable if not brought up to their historic condition. Of Iraq's 11.89 % arable land, nearly half lies in the valleys and on the plains designated by TAL to be under Kurdish jurisdiction. Yet ChaldoAssyrians must be able to return to the villages they had to abandon during the ANFAL. A list of the most recent villages denied to ChaldoAssyrians is attached as Appendix B.

4. Identity Change

Over the past twenty years (ever since the Baath dropped ChaldoAssyrians from the official census in 1977 as punishment for opposing the regime), Kurdish groups have taken advantage of the situation to label this indigenous Iraqi community "Kurdish Christians." In publications and to uninformed media, they have publicized this false identity. In Baghdad run areas, ChaldoAssyrians have been coerced into identifying as "Arab Christians."

Just as the distribution of the "oil for food" necessities allowed Baghdad to use coercion to change identity, in Kurdish controlled areas the same process, probably to a greater degree after TAL, will function to undermine ChaldoAssyrian identity without safeguards and supervision by the central government or international bodies with adequate, motivated personnel.

In two other ways ChaldoAssyrian identity is being undermined and will continue under TAL if no preventive measures are instituted:

- 1) ChaldoAssyrian villages and towns have been and continue to be renamed, thereby effectively erasing them from maps.
- 2) New "histories" are being created, officially and unofficially, in which the Assyrian heritage of northern Mesopotamia is being expunged. This tendency will enter the educational network of the Kurdish governed areas to the detriment of ChaldoAssyrian identity. See for example the history of Arbil (ancient Arbella) which has already been distorted at the World Monuments Fund (<http://www.wmf.org/2000list.html?sid=2267&year=prev>)

Recommendation:

International bodies, such as UNESCO and the World Monuments Fund, geographical societies and other guardians of world heritage need to become cognizant of the distortions of history and identity underway in areas of ethnic conflict. Iraq's central government too needs to create mechanisms to guard against the manipulation of history and geography to affect ethnic identity. Distorting Mesopotamia's rich heritage to promote the expansionist agenda of one ethnic group does no service to a future Iraq.

As soon as feasible, the central government, through its educational structure, its regional museums, and its publication programs needs to monitor and correct distortions that will creep in as part of the ethnic complexity of the country. The Kurdish Regional Government in particular needs to self-monitor to avoid problems that will expose it to cultural sanctions by world bodies while at the same time denying ChaldoAssyrians their heritage.

5. Revenue Sharing

ChaldoAssyrians, like Kurds, were considered in the aftermath of WWI at the Treaty of Sevres for special consideration in the re-forming of the remains of the Ottoman Empire. But until TAL, the ChaldoAssyrians had been ignored in successive Iraqi constitutions. As a recognized ethnic group of Iraq, and indigenous, the ChaldoAssyrians deserve to benefit from the millions of dollars in revenue that Kurds have been collecting at the Turkish-Iraqi border since the end of the first Gulf war and now at the Syrian-Iraqi border at Faysh Khabur (KDP controlled). None has come to the ChaldoAssyrians. They are under-represented in the Kurdish Regional Parliament and not represented at all in town councils in the Kurdish region. They are being impoverished and pushed out of their villages, their schools under-funded and rural development, where it takes place, must be funded by the diaspora (see www.AssyrianAidSociety.org).

Recommendation:

To ameliorate this patently unfair situation, revenue sharing of border tariffs (at least the official ones trade along the Turkish-Iraqi border and the Iraq- Syria) must be instituted so that ChaldoAssyrians do not continue to be discriminated against as non-Muslims but also discriminated against economically. In the period prior to the end of the CPA, mechanisms must be established for Revenue Sharing in the north, and later processes instituted by the central government to continue to treat ChaldoAssyrians fairly even if the political structure of the Kurdistan Regional Parliament does not act fairly.

6. Human and Political Rights

TAL leaves ambiguous the governing of the ChaldoAssyrian administrative unit on the Nineveh plain, the location of one half the ChaldoAssyrian population of Iraq. Article 53 A appears to place these villages and the large ChaldoAssyrian populations of Mosul and Kirkuk under Kurdish administration. If so, historic and recent record of Kurds administering ChaldoAssyrians has been dismal and prospects for the future remain bleak. See for example the problem at the Kirkuk PUK-dominated radio station. (Appendix C) Discrimination against ChaldoAssyrians, violation of the human rights of ChaldoAssyrian women lead directly to the mass diaspora throughout the Middle East, the US, Europe and Australia.

Many ChaldoAssyrians in Baghdad and diaspora trace their ancestry directly to the Nineveh governorate, and specifically to villages like Araden, where, although they own land still, the village is being steadily occupied by Kurdish squatters. (We should note that in the Former Soviet Union census analysis of Kurds between 1959 and 1979 indicates one of the highest annual growth rates in the region.)

Recommendation:

The long term solution, if ChaldoAssyrians are to remain in Iraq is to make constitutional provisions for them to self administer in their own unit on the Nineveh plain. The short term solution is to be sure that the National Commission for Human Rights (Article 50) will include enough ChaldoAssyrians to give it legitimacy in the eyes of the community. Through this mechanism it can monitor the preservation of ChaldoAssyrian rights in the villages where abuses are hard to publicize.

A special human rights rapporteur for Iraq appointed by the UN CHR should be tasked especially with monitoring the ChaldoAssyrian situation in the urban areas, and especially in the villages.

7. Reconstruction Aid Distribution

In the distribution of aid for rural development, education, medical clinics, roads and general reconstruction, ChaldoAssyrians living in the north of Iraq have been systematically discriminated against. This is apparent to anyone who has traveled to renewed Kurdish villages and seen the slow pace of development in ChaldoAssyrian villages. ChaldoAssyrian applications for aid distribution to UNDP in particular have been rejected at the lowest administrative levels while Kurdish ones have moved up the allocation hierarchy. This discriminatory practice, among others, has caused the impoverishment of ChaldoAssyrian villagers, their poor state of health, and their tendency to seek help in diaspora.

Recommendation:

As reconstruction aid comes into Iraqi cities and rural areas, ChaldoAssyrians must not be discriminated against as they have been in the past. They should be favored in particular to make up for past discrimination and then treated equally. To do this requires not only vigilance on the part of donors, but also the insistence on the placing of ChaldoAssyrians in the local administration allocation of reconstruction funds as a means of diminishing abuse. Ethnic designation, unappealing as it may be in some circumstances, in this case is a necessity to avoid the systematic discrimination experienced by ChaldoAssyrians as Christians and as the ethnic group that most threatens ethnic homogeneity in northern Iraq.

AFTER THE END OF THE CPA ON JULY 1, 2004

Monitoring of above described situations must continue through the central government authority, international organizations and NGOs. Sole reliance on the Kurdistan Regional Government to handle the problems of the ChaldoAssyrians has not worked in the past and cannot in the future.

8. The Census

Mechanisms for census taking that is a precursor to elections could well bring about particular abuses targeting this weakened ethnic and religious minority in Iraq. Long coerced into declaring themselves Kurdish Christians or Arab Christians, the ChaldoAssyrians must be assured that their declaration of themselves according to their true identities will not bring about discrimination in employment, residence rights and other forms of abuse so prevalent and harmful in the past.

Since the 1960s, and especially since the 1980s many ChaldoAssyrians have fled Iraq and many are still living in destitute conditions in Greece, Jordan, Lebanon, as well as in France, Canada, Australia and the US. In many cases they must rely on international or national aid as internationally displaced refugees. TAL provides for dual, possibly even multiple citizenship for Iraqis. (Article 11 C) as a fundamental right. These potential returnees to their homeland constitute about one million ChaldoAssyrians, about one half of the ChaldoAssyrian population of Iraq. Provisions for their being counted in the census need to be implemented.

Recommendation:

International and human rights monitoring of the census is essential to safeguard not only the rights of ChaldoAssyrians, but also of Turkomens living in either Kurdish or Arab controlled areas, especially in Kirkuk and Mosul, but also in Arbil, Dohok, Aqrah and other towns where ChaldoAssyrians now are underrepresented in administrative bodies and unrepresented in city councils in the three Kurdish run governorates.

The taking into the national census refugees, as will probably be done for Shi'ites and Kurds, should also be done for ChaldoAssyrians through embassies. The community must be alerted to registration and such formalities in a proper fashion so as to ascertain their participation.

9. The Elections

TAL gives no guidance about how minorities such as the ChaldoAssyrians and Turkomens will be represented in urban areas, in governorates or in the National Assembly. American administered areas now have ChaldoAssyrian representation at the city council level (Mosul and Kirkuk among them) but Kurdish areas have none on the city councils and only token (5 out of 105) at the Kurdish Regional Parliament. The dominance of majorities could well result in no effective representation of minorities in either Arab or Kurdish areas.

TAL also gives the Kurds virtual *carte blanche* in the governance of the north. Given the past Kurdish record, ChaldoAssyrians will not be represented in their ancestral homeland any better than they are now. In fact conditions could worsen once the Kurds are safely confirmed in their power base by a constitution. With virtually no effective representation, the political rights of ChaldoAssyrians in the north would be meaningless.

Recommendation:

In the drafting of the election laws, special safeguards must be instituted for minorities. Kurdish rights in the north must be modified to accommodate the ChaldoAssyrians, the Turkomens and the Yezidis.

THE NEW PERMANENT CONSTITUTION

10. The ChaldoAssyrian Administrative Unit ***(Under Direct Jurisdiction of Baghdad Rather Than Kurdistan)***

Without a self-administered unit, ChaldoAssyrians cannot hope to achieve the cultural and administrative rights won for them through compromise and negotiations in the TAL. With a single representative for all Christians at the Interim Governing Council, Mr. Yonadam Kanna (*nom de guerre*, Rabi Yaqu), the ChaldoAssyrians have gained recognition in TAL as they never have had before since the formation of Iraq as a British mandate in 1920. The lack of recognition of Iraq's indigenous people has taken a heavy toll on this historic community. But the gains made will be lost if ChaldoAssyrians once again see themselves as objects of discrimination through a constitution that does not provide for the effective implementation of ChaldoAssyrian rights. The promotion of the language Syriac, the last form of Aramaic still spoken by any large group in the world, recognized in TAL can be done only where they can self-administer their cultural institutions, and their schools.

TAL provides (Article 9, 4) for schools to be in the two official languages (Kurdish and Arabic). ChaldoAssyrians have always preferred schools in Arabic since this is a language that brings them in closer contact with the outside world as well as with their co-ethnics in Syria, the Gulf States, in Lebanon and elsewhere in the Arab world. Confining them to Kurdish as a the chief language of instruction puts undue pressure on this community dispersed throughout the Middle East and the world mainly due to historic persecution by Kurds.

Under the promises of TAL, but vague guidelines for implementation of their rights, ChaldoAssyrians in Iraq are at risk of losing a language, Aramaic, they have preserved for two millennia, and possibly of being forced to flee Iraq.

In economic, political and cultural areas, ChaldoAssyrians cannot be placed under Kurdish rule.

Recommendation:

To implement TAL rights granted to them, ChaldoAssyrians must gain self-administration on the Nineveh plain where their villages exist and where they still have a critical mass of population. This provision must be in the constitution with guarantees provided by the central government. This area must be outside Kurdish control.

It may be necessary to alter Article 53 B (limiting the redrawing of governorate boundaries during the transitional period) in order to encompass as many villages as possible into the administrative unit.

The ChaldoAssyrian administrative unit must have direct access to the central government in Baghdad in all matters of political representation, revenue collection and disbursement , and such matters as pertain to their relationship to Iraqi. ChaldoAssyrians cannot be drawn into the Kurdish push for an independent state, pressure that will force them to re-identify themselves or be cleansed from their homeland. They must be part of the Iraqi state and not subjected directly or indirectly to Kurdish rule.

Appendix A

Chronology of Assyrians in Mesopotamia

Ancient Period

- 4750 BC..... Earliest habitation levels at Nineveh, later capital of Assyria
- 668-625 Ashurbanipal organizes first library at Nineveh, collects Gilgamesh epic, traditions of Sumerians and others in thousands of cuneiform tablets.
- 612..... Capture of Nineveh, capital of Assyria, by combined Mede and Babylonian force
- 605..... Harran-based remnants of Assyrian elites fail in attempt to restore Assyrian political power
- 7th c. BC –
- 7th c. AD Assyria becomes a province of other empires. Roman Assyria extends into northwest Iran under Heraclius
- 1st – 7th c. Small Assyrian kingdoms (Osrohene/Edessa, Adiabene/Arbil, Harran & Nisibis)

Christian Era: Assyrians gradually adopt Christianity which, together with the Aramaic language, serve as their chief ethnic markers

- 1st c..... King Abgar of Edessa, Osrohene accepts Christianity
- 431 Council of Ephesus declares Nestorius, the Syriac Patriarch of Byzantium, a heretic
- 451 Council of Chalcedon declares an understanding of the trinity according to monophysite doctrine for western Christianity thus leading to the dyophysite (Nestorian)/monophysite (Jacobite) doctrinal split in the Syriac speaking churches
- 635..... Missionaries from the Church of the East arrive in Chang-an (Xian), the Tang Empire capital. Syriac alphabet and language influence spreads into Central Asia. Mongolian alphabet is developed and is Syriac in origin.
- 656..... Arab Muslim conquest of Mesopotamia
- 785..... Xian-fu monument chronicles Christian arrival in China
- 8th – 10th c. Syriac scholars at Abbasid court in Baghdad. In Harran and northern mountains, old pagan religion and language continues secretly.
- 1187..... Maronite Church begins its long history of Union with Rome in break from Jacobite doctrine
- 1275..... Mongols in Iran(Il Khanids) convert to Islam and the Syriac churches decline under religious/political pressure from ascendant Islam
- 14th c Tamerlane's invasions cripple Assyrian Christianity in Iran, Caucasus and Mesopotamia & drive it to less accessible refuge in Zagros mountains.

Pre-modern Period

- 1552..... Roman Catholic influence spreads on plains of Nineveh, "Chaldean" name given to Uniate branch of Church of the East
- 1646..... Uniate branch of Jacobites forms as Syriac Catholic
- 1828..... Treaty of Turkmanchai concludes Perso-Russian War. Whole Assyrian villages move to Russian territory

- 1834.....American missionary Perkins arrives among Assyrians
- 1842.....British mission to the Church of the East arrives
- 1847.....Kurds massacre Assyrians in Hakkari and Tiyari
- 1849.....First newspaper in Iran appears: the Assyrian language Zahrira d-Bahra
- 1895–6Massacre of Assyrians in Ottoman towns and villages
- 1914.....British forces in Basra in Allied move to protect oil pipelines in Iran from Ottoman/German capture.
- 30 OctBashkala massacre of 50 Gawarnai Assyrians by Muslim mob
- 4 NovIstanbul Jihad Fatwa declared against Christians
- 1915 April..... Year of the Sword/Sypa/Sayfo. Order from the Committee on Union and Progress to rid eastern Turkey of Christians. Kurdish “Hamidiya” bands commit most atrocities against Assyrians. Ottoman Assyrians flee to Russia, Iran, Aleppo and Jerusalem in wake of genocide. Local Muslims attack and kill Bishop Mar Dinkha and 60 men in Golpashan, Urmia Brother of Patriarch, taken hostage, then killed in Istanbul.
- 1917.....Russian revolution dissolves military protection.
- 1918.....Turkish troops enter Iran, combine with local Muslim to begin Assyrian massacre. Patriarch of the Church of the East murdered by Kurds
Destruction of Assyrian villages. Flight. British use Assyrian refugees to enforce occupation of Mesopotamia. British deny Assyrians representation at Paris Peace Conference Assyrian Protectorate forms in Jazirah
- June 10.....Treaty of Sevres provides for Kurds, Arabs, Armenians but not Assyrians. British mandate of Mesopotamia. Assyrians accept draft into British Levies to guard Mosul from Turks on promise of homeland.
- 1921British use Assyrian Levies to guard Kirkuk oil fields

Modern Period

- 1923.....Mesopotamia officially becomes “Iraq”
- 1932.....Assyrian Levies resign en masse as homeland is denied Patriarch at Geneva to state Assyrian case before the Permanent Mandates Commission. Baghdad does not allow him to return. Iraq admitted into the League of Nations on condition of guarantees for the protection of minorities.
- 1933.....Baghdad declares Jihad against Assyrians
- August 7.....The massacre of Assyrian Christians at Semele ordered by General Bakr Sidqi, a Kurd, and lauded by Iraqi king.
- 1940.....At start of WWII Britain musters able bodied Assyrians into Levies
- 1941.....Habbaniya Assyrians give Allies first victory of WWII
- 1942.....Assyrian Protectorate of Jazira incorporated into Syria. Kurds begin to occupy
- 1946.....Patriarch protests to United Nations the lack of protection. 70 Assyrian villages pillaged.
- 1958.....Republic replaces Iraq monarchy. Renewed promise of minority rights for Assyrians
- 1970.....Depopulation, deportation, and arabization of Assyrians under Baathist pressure Patriarch invited to Baghdad in move to recruit Assyrians against Kurds

- 1972..... Baghdad offers "Syriac speaking" not "Assyrians" limited cultural rights
Assyrians petition for autonomous region Dohuk (Nohadra) Province when
Baghdad grants Kurds option of autonomy in Arbil and Sulaimaniya
- 1975..... Anti-Baathist rebellion collapses with Tehran/Baghdad accord on Shatt al-
Arab
- 1976–77 Baghdad razes over 200 Assyrian villages in northern Iraq
- 1977..... "Assyrian" omitted from the Iraqi census**
- 1978..... Special secret instructions issued to prevent departure of professional and
rich Assyrians
- 1979..... Churches destroyed to remove Assyrian Christian heritage**
- 1981 Deterioration of Assyrian schools, church and culture
- 1982..... Iran-Iraq war sees many Assyrian men drafted and dead in front lines
- 1985..... Members of Assyrian political parties are hunted, executed, or disappear
- 1988–89 Archeological excavations unearth tombs of royal Assyrian women and gold
objects
- 1991 Gulf War established no-fly zones where Kurds implement policies to
displace Assyrian villagers. 52 Assyrian villages seized by Kurds. Kurds
intensify campaign to identify Assyrians as "Christian Kurds"**
- 1992..... Elections held for Parliament of North Iraq but warlordism leads to civil war
- 1993..... Murder of Francis Shabo, ADM vice president in KDP Policy of
intimidation of Assyrians in North Iraq. **Islamic Movement of Kurdistan
assassination squad targets Assyrians. Abduction of Assyrian girls by
Kurds becomes part of intimidation policy**
- 1995–7 Growth of Islamic extremists and terrorizing of Assyrians
- 1996..... Attempt to Kurdify school curricula in northern Iraq harms Assyrians.
Assyrians denied school funds. Violence against Christian religious structures
increases
- 1997..... In Baghdad Assyrians targeted for rape, abduction and murder. Violence
against Assyrians in North & Baghdad goes unpunished
- 2000..... Assassination of Franzo Hariri, Arbil's Assyrian governor
- 2001..... Assyrian landowners in KDP targeted for imprisonment, torture, &
murders. Murder of Chaldean priest in Baghdad**
- 2002..... Beheading of Sister Cecelia, Chaldean nun, in Baghdad. "Accidental" auto
death of retired Bishop and nun in Mosul. Threatening leaflets into Christian
homes in Baghdad. Assyrian representative accepted into future of Iraq
planning after much pressure from Diaspora. Kurdish constitution enshrines
Islamic rule (Oct)
- 2003 March US-led Coalition to Iraq. Rise of Shi'ite extremists lead to murders of
Assyrian hairdressers and alcohol merchants. ADM takes over the Baghdad
center of Fedayeen-e Saddam. **First International Conference of
Chaldeans, Assyrians, Syrians issues Baghdad Declaration adopting
joint ChaldoAssyrian name**
- 2004 Feb. Kirkuk ChaldoAssyrian radio staff women humiliated and staff quit
- March..... **Iraq's interim constitution gives Kurds 1/2 of arable land of Iraq and
all trade routes with Turkey and Syria, and rights over ChaldoAssyrian
villages and towns**

Appendix B

List of ChaldoAssyrian Villages Destroyed & Their Residents Deported by the Baathist Iraqi Regime

Name of Village -----	Region -----	Province -----	Notes -----
1. Feshkhabur	Zakho	Dohuk	destroyed in 1976
2. Deraboon	=	=	=
3. Qarawola	=	=	=
4. Bedar	=	=	=
5. Shkaftmara	=	=	=
6. Bahnona	=	=	=
7. Dashtnakh	=	=	=
8. Yarda	=	=	=
9. Dershish	=	=	=
10. Sanat	=	=	=
11. Be nakhre	=	=	=
12. Alanish	=	=	=
13. Sheranih	=	=	=
14. Estavlane	=	=	=
15. Behire	=	=	=
16. *Bersve	=	=	demography altered in 1976
17. Avgani	=	=	destroyed in 1976
18. Levo	=	=	1987
19. Mullaarab	=	=	1986
20. Mergasur	=	=	1976
21. Piraka	=	=	1986
22. Nafkendala	=	=	=
23. Sooriya	Sliwane	Dohuk	all civilians massacred 1969 village destroyed
24. Bajedabaraf	I Sliwane	=	destroyed in 1976
25. Afzrook Hamo	=	=	=
26. Upper Afzrook	=	=	=
27. Eshkafdal	=	=	=
28. Bakhlooja	=	=	=
29. Sliwane	=	=	=
30. Hawresk	=	=	=
31. Badaliya	Semele	=	1983
32. Hejirke	=	=	1986
33. Shiyes	=	=	1986
34. ** Maryako	=	=	1976
35. Maltaye	=	=	1986

36. Karrana	=	=	1976
37. Mawana	=	=	=
38. Bakhetme	=	=	1987
39. Kherbasale	=	=	=
40. Khrabkulke	=	=	=
41. Nerwakhteta	Nerwa - Amadia	=	1976
42. Qaru	=	=	=
43. Bash	=	=	=
44. Weala	=	=	=
45. Maidane	=	=	=
46. Hish	=	=	=
47. Estep	=	=	=
48. Kanimase	Barwar - Amadia	Dohuk	regional center destroyed in 1987
49. ***Doore	=	=	destroyed in 1978
50. Challek	=	=	1976
51. Chakala	=	=	=
52. Tashish	=	=	1987
53. Bequlke	=	=	1976
54. Jidede	=	=	1987
55. Maye	=	=	=
56. Derishke	=	=	1987
57. Beshmeyaye	Barwar - Amadia	Dohuk	destroyed in 1978
58. Eyet	=	=	=
59. Bettanore	=	=	=
60. Butara	=	=	1977
61. Khwara	=	=	=
62. Malekhta	=	=	=
63. Makhrabiya	=	=	=
64. Iqra	=	=	=
65. Sardashte	=	=	=
66. Halwa	=	=	=
67. Chame Dosdina	=	=	=
68. Hossarek	=	=	=
69. Betbaluk	=	=	=
70. Kani Balawe	=	=	1988
71. Bas	=	=	=
72. Toothe Shemaye	=	=	=
73. Chammike	=	=	1976
74. Moosaka	=	=	1988
75. Hayes	=	=	=
76. Margajia	=	=	=
77. Dehe	Sarsank - Amadia	=	1987
78. Dawoodiya	=	=	=
79. Ten	=	=	=
80. Araden	=	=	1986
81. Sekrine	=	=	1987
82. Tajika	=	=	=

83. Boobawa	=	=	=
84. Bardarash	=	=	=
85. Duhoke	=	=	1986
86. Eineshke	=	=	=
87. Aqdesh	=	=	changed to refugee camps
88. Bet Anatha	=	=	destroyed in 1987
89. Hamziya	Amadia	=	destroyed in 1963
90. Blejane	=	=	=
91. Banasora	=	=	=
92. Hawendke	=	=	1988
93. Betbade	=	=	1987
94. Meristic	=	=	=
95. Dere	=	=	=
96. Komane	=	=	changed to refugee camps
97. Mahudle	=	=	destroyed in 1987
98. Derigne	=	=	1988
99. Chamsene	Nahla - Aqra	Nineveh	villages destroyed 1963 by Baghdad regime
100. Dawriye	=	=	=
101. Gearbish	=	=	=
102. Upper Gearbish	=	=	=
103. Kashkawa	=	=	destroyed in 1987
104. Cham Ashrat	=	=	=
105. Chamchale	=	=	1963
106. Essen	=	=	1987
107. Argen	=	=	=
108. Atoosh	=	=	=
109. Meaze	=	=	=
110. Derke	=	=	=
111. Alolen	=	=	=
112. Chamrabatke	=	=	1963
113. Merooke	=	=	1987
114. Belmend	=	=	=
115. Hizane	=	=	=
116. Takhed turkaye	=	=	=
117. Jolea	=	=	=
118. Khalilane	=	=	=
119. Khurpaniya	Atrosh	=	demography changed
120. Chavrike	=	=	=
121. Averik	=	=	=
122. Boboze	=	=	destroyed in 1987
123. Deralosh	=	=	=
124. Koradeare	=	=	1963
125. Bedole	=	=	=
126. Dizze	=	=	1987
127. Kalinu	=	=	=
128. Derakhidr	=	=	=
129. Azzakh	=	=	=

130. Armash	=	=	=
131. Bellan	=	=	=
132. Tellan	=	=	=
133. Beere	=	=	=
134. Besare	=	=	=
135. Baskadeare	=	=	=
136. Haroona	=	=	=
137. Babelo	Zawita	Dokuk	=
138. Gondkosa	Mangeashe	=	1988
139. Geareqawra	Semele	=	1976
140. Derke	Barwar - Amadia	=	=
141. Bazibe	=	=	=
142. Kaftewmardinea	=	=	=
143. Zuinke	=	=	=
144. Hurke	=	=	1963
145. Rekan	Rekan - Amadia	=	=
146. Lish	=	=	=
147. Spe	=	=	=
148. Belebbase	Nahla	Nineveh	=
149. Dawide	=	=	=
150. V. Saura	=	=	=
151. Lower Saura	=	=	=
152. Rasul Ain	Aqra	=	=
153. Kherpe	=	=	=
154. Gundek	=	=	=
155. Hazar jute	=	=	=
156. Merga	=	=	=
157. Maghara	=	=	=
158. Bedial	=	=	=
159. Ardel	=	=	=
160. Betas	Harir	Erbil	=
161. Henaruk	=	=	=
162. Darbanduk	=	=	=
163. Sedar	Nahla	Nineveh	=
164. Bendwaye	Alqosh	=	demography altered in 1976 Assyrians forced out
165. Badriya	=	=	=
166. Jarwana	=	=	1963
167. Almaman	=	=	=
168. Meristeg	=	=	1976
169. Ummairi	=	=	=
170. Beboze	=	=	=
171. Qasrune	Alqosh	Nineveh	demography altered 1976
172. Ainhelwa	=	=	=
173. Jamboor	=	=	=
174. Taftian	=	=	=
175. Nassiriya	=	=	=
176. Salehiya	=	=	=

177. Dostaka	=	=	=
178. Telkhish	=	=	=
179. Greapan	=	=	=
180. Khoshaba	=	=	=
181. Beristeq	=	=	destroyed in 1963
182. Khersheniya	=	=	1976
183. Reqawa	=	=	=

* **Bersve**: The village was changed to a big “Refugee Camp” for Kurds and Assyrians deported from the surrounding region. The lands of the village were changed into a military sector and villagers were forbidden entry. This pattern applies to other villages thus altered as shown on the list.

** **Maryako** : The village was destroyed together with the historic Mar Yako Monastery and its Chaldean Catholic Parochial School

*** **Doore** : The historic monastery of Mar Qauyoma and the church of Mar Givargis (St . George) also were destroyed .

Notes:

1. There are still at least ten (10) more villages to be added to the list in the Aqra Region of Nineveh Province for which dates and methods of alteration need to be ascertained.
2. List of more than 140 churches and historic monasteries which have been destroyed by Iraqi Regime is available in the report *Chaldo-Assyrians Of Iraq: An Indigenous Minority At Risk* (issued February 2004).
3. Every village mentioned above had at least one church (the larger ones had two denominations represented) which was destroyed when the village was bulldozed and razed to the ground.

Information Section
Assyrian Democratic Movement
www.adm.org

Appendix C

Iraq Broadcasting Station, Kirkuk Statement of the ChaldoAssyrian Group

We, the undersigned ChaldoAssyrians, members of the new Iraq Broadcast Radio Station in the city of Kirkuk, hereby withdraw our staff members as of 8/2/2004.

The decision to withdraw from the radio station came as a direct result of accumulated issues that do not support the current efforts to establish a Democratic Iraq, free from censorship and oppression. These issues have been selectively ignored by both the Administration and the Iraq Broadcast Radio Station which is composed entirely of Kurdish members.

The Station's Management is not composed of staff reflective of the diverse population of Kirkuk. The absence of this diverse makeup has resulted in biased and negative treatment of our staff. Our air time has been reduced from three to two hours per day with no explanation as to the circumstances leading to this decision. Our petition to reinstate our time has been ignored outright by the Management.

The behavior of the Kurdish inspection guards at the radio station also displayed the intolerance targeted at our group by continuously harassing the female broadcasting personnel of our staff and treating them with disrespect bordering on sexual harassment. This treatment is totally unacceptable. Our requests to the Management to address the questionable behavior have also been ignored. We can only deduce the reason behind the Management choosing to ignore the behavior of the guards as stemming from prejudice and racism. They simply do not correct the situation because they (the Management) are also of Kurdish background.

We hereby demand the following actions to be implemented:

- Diversify the Management to reflect the ethnic makeup of the city of Kirkuk.
- The Radio Station must reprimand the guards guilty of sexual harassment, prejudice, racism and chauvinism. Guards hailing from diverse backgrounds other than Kurdish must be hired – they must include Arabs, Chaldo-Assyrians, and others.
- The ChaldoAssyrian Group must be allotted equal airtime as all other broadcast entities at the station.

Johnny Dawood, Head of Staff
Youkhanna Gewargis Yousif, Announcer
Amer Poulis, Translator
Ramziya Aprim Goriel, Announcer
Shameram Asya Yalda, Announcer

Appendix D

LAW OF ADMINISTRATION FOR THE STATE OF IRAQ FOR THE TRANSITIONAL PERIOD

8 March 2004

PREAMBLE

The people of Iraq, striving to reclaim their freedom, which was usurped by the previous tyrannical regime, rejecting violence and coercion in all their forms, and particularly when used as instruments of governance, have determined that they shall hereafter remain a free people governed under the rule of law.

These people, affirming today their respect for international law, especially having been amongst the founders of the United Nations, working to reclaim their legitimate place among nations, have endeavoured at the same time to preserve the unity of their homeland in a spirit of fraternity and solidarity in order to draw the features of the future new Iraq, and to establish the mechanisms aiming, amongst other aims, to erase the effects of racist and sectarian policies and practices.

This Law is now established to govern the affairs of Iraq during the transitional period until a duly elected government, operating under a permanent and legitimate constitution achieving full democracy, shall come into being.

CHAPTER ONE – FUNDAMENTAL PRINCIPLES

Article 1.

- (A) This Law shall be called the “Law of Administration for the State of Iraq for the Transitional Period,” and the phrase “this Law” wherever it appears in this legislation shall mean the “Law of Administration for the State of Iraq for the Transitional Period.”
- (B) Gender-specific language shall apply equally to male and female.
- (C) The Preamble to this Law is an integral part of this Law.

Article 2.

- (A) The term “transitional period” shall refer to the period beginning on 30 June 2004 and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution as set forth in this Law, which in any case shall be no later than 31 December 2005, unless the provisions of Article 61 are applied.

- (B) The transitional period shall consist of two phases.
- (1) The first phase shall begin with the formation of a fully sovereign Iraqi Interim Government that takes power on 30 June 2004. This government shall be constituted in accordance with a process of extensive deliberations and consultations with cross-sections of the Iraqi people conducted by the Governing Council and the Coalition Provisional Authority and possibly in consultation with the United Nations. This government shall exercise authority in accordance with this Law, including the fundamental principles and rights specified herein, and with an annex that shall be agreed upon and issued before the beginning of the transitional period and that shall be an integral part of this Law.
 - (2) The second phase shall begin after the formation of the Iraqi Transitional Government, which will take place after elections for the National Assembly have been held as stipulated in this Law, provided that, if possible, these elections are not delayed beyond 31 December 2004, and, in any event, beyond 31 January 2005. This second phase shall end upon the formation of an Iraqi government pursuant to a permanent constitution.

Article 3.

- (A) This Law is the Supreme Law of the land and shall be binding in all parts of Iraq without exception. No amendment to this Law may be made except by a three-fourths majority of the members of the National Assembly and the unanimous approval of the Presidency Council. Likewise, no amendment may be made that could abridge in any way the rights of the Iraqi people cited in Chapter Two; extend the transitional period beyond the timeframe cited in this Law; delay the holding of elections to a new assembly; reduce the powers of the regions or governorates; or affect Islam, or any other religions or sects and their rites.
- (B) Any legal provision that conflicts with this Law is null and void.
- (C) This Law shall cease to have effect upon the formation of an elected government pursuant to a permanent constitution.

Article 4.

The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon geographic and historical realities and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession.

Article 5.

The Iraqi Armed Forces shall be subject to the civilian control of the Iraqi Transitional Government, in accordance with the contents of Chapters Three and Five of this Law.

Article 6.

The Iraqi Transitional Government shall take effective steps to end the vestiges of the oppressive acts of the previous regime arising from forced displacement, deprivation of citizenship, expropriation of financial assets and property, and dismissal from government employment for political, racial, or sectarian reasons.

Article 7.

- (A) Islam is the official religion of the State and is to be considered a source of legislation. No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period. This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice.
- (B) Iraq is a country of many nationalities, and the Arab people in Iraq are an inseparable part of the Arab nation.

Article 8.

The flag, anthem, and emblem of the State shall be fixed by law.

Article 9.

The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions, shall be guaranteed. The scope of the term “official language” and the means of applying the provisions of this Article shall be defined by law and shall include:

- (1) Publication of the official gazette, in the two languages;
- (2) Speech and expression in official settings, such as the National Assembly, the Council of Ministers, courts, and official conferences, in either of the two languages;
- (3) Recognition and publication of official documents and correspondence in the two languages;

- (4) Opening schools that teach in the two languages, in accordance with educational guidelines;
- (5) Use of both languages in any other settings enjoined by the principle of equality (such as bank notes, passports, and stamps);
- (6) Use of both languages in the federal institutions and agencies in the Kurdistan region.

CHAPTER TWO – FUNDAMENTAL RIGHTS

Article 10.

As an expression of the free will and sovereignty of the Iraqi people, their representatives shall form the governmental structures of the State of Iraq. The Iraqi Transitional Government and the governments of the regions, governorates, municipalities, and local administrations shall respect the rights of the Iraqi people, including those rights cited in this Chapter.

Article 11.

- (A) Anyone who carries Iraqi nationality shall be deemed an Iraqi citizen. His citizenship shall grant him all the rights and duties stipulated in this Law and shall be the basis of his relation to the homeland and the State.
- (B) No Iraqi may have his Iraqi citizenship withdrawn or be exiled unless he is a naturalized citizen who, in his application for citizenship, as established in a court of law, made material falsifications on the basis of which citizenship was granted.
- (C) Each Iraqi shall have the right to carry more than one citizenship. Any Iraqi whose citizenship was withdrawn because he acquired another citizenship shall be deemed an Iraqi.
- (D) Any Iraqi whose Iraqi citizenship was withdrawn for political, religious, racial, or sectarian reasons has the right to reclaim his Iraqi citizenship.
- (E) Decision Number 666 (1980) of the dissolved Revolutionary Command Council is annulled, and anyone whose citizenship was withdrawn on the basis of this decree shall be deemed an Iraqi.
- (F) The National Assembly must issue laws pertaining to citizenship and naturalization consistent with the provisions of this Law
- (G) The Courts shall examine all disputes arising from the application of the provisions relating to citizenship.

Article 12.

All Iraqis are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin, and they are equal before the law. Discrimination against an Iraqi citizen on the basis of his gender, nationality, religion, or origin is prohibited. Everyone has the right to life, liberty, and the security of his person. No one may be deprived of his life or liberty, except in accordance with legal procedures. All are equal before the courts.

Article 13.

- (A) Public and private freedoms shall be protected.
- (B) The right of free expression shall be protected.
- (C) The right of free peaceable assembly and the right to join associations freely, as well as the right to form and join unions and political parties freely, in accordance with the law, shall be guaranteed.
- (D) Each Iraqi has the right of free movement in all parts of Iraq and the right to travel abroad and return freely.
- (E) Each Iraqi has the right to demonstrate and strike peaceably in accordance with the law.
- (F) Each Iraqi has the right to freedom of thought, conscience, and religious belief and practice. Coercion in such matters shall be prohibited.
- (G) Slavery, the slave trade, forced labor, and involuntary servitude with or without pay, shall be forbidden.
- (H) Each Iraqi has the right to privacy.

Article 14.

The individual has the right to security, education, health care, and social security. The Iraqi State and its governmental units, including the federal government, the regions, governorates, municipalities, and local administrations, within the limits of their resources and with due regard to other vital needs, shall strive to provide prosperity and employment opportunities to the people.

Article 15.

- (A) No civil law shall have retroactive effect unless the law so stipulates. There shall be neither a crime, nor punishment, except by law in effect at the time the crime is committed.
- (B) Police, investigators, or other governmental authorities may not violate the sanctity of private residences, whether these authorities belong to the federal

or regional governments, governorates, municipalities, or local administrations, unless a judge or investigating magistrate has issued a search warrant in accordance with applicable law on the basis of information provided by a sworn individual who knew that bearing false witness would render him liable to punishment. Extreme exigent circumstances, as determined by a court of competent jurisdiction, may justify a warrantless search, but such exigencies shall be narrowly construed. In the event that a warrantless search is carried out in the absence of an extreme exigent circumstance, the evidence so seized, and any other evidence found derivatively from such search, shall be inadmissible in connection with a criminal charge, unless the court determines that the person who carried out the warrantless search believed reasonably and in good faith that the search was in accordance with the law.

- (C) No one may be unlawfully arrested or detained, and no one may be detained by reason of political or religious beliefs.
- (D) All persons shall be guaranteed the right to a fair and public hearing by an independent and impartial tribunal, regardless of whether the proceeding is civil or criminal. Notice of the proceeding and its legal basis must be provided to the accused without delay.
- (E) The accused is innocent until proven guilty pursuant to law, and he likewise has the right to engage independent and competent counsel, to remain silent in response to questions addressed to him with no compulsion to testify for any reason, to participate in preparing his defense, and to summon and examine witnesses or to ask the judge to do so. At the time a person is arrested, he must be notified of these rights.
- (F) The right to a fair, speedy, and open trial shall be guaranteed.
- (G) Every person deprived of his liberty by arrest or detention shall have the right of recourse to a court to determine the legality of his arrest or detention without delay and to order his release if this occurred in an illegal manner.
- (H) After being found innocent of a charge, an accused may not be tried once again on the same charge.
- (I) Civilians may not be tried before a military tribunal. Special or exceptional courts may not be established.
- (J) Torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment. No confession made under compulsion, torture, or threat thereof shall be relied upon or admitted into evidence for any reason in any proceeding, whether criminal or otherwise.

Article 16.

- (A) Public property is sacrosanct, and its protection is the duty of every citizen.
- (B) The right to private property shall be protected, and no one may be prevented from disposing of his property except within the limits of law. No one shall be deprived of his property except by eminent domain, in circumstances and in the manner set forth in law, and on condition that he is paid just and timely compensation.
- (C) Each Iraqi citizen shall have the full and unfettered right to own real property in all parts of Iraq without restriction.

Article 17.

It shall not be permitted to possess, bear, buy, or sell arms except on licensure issued in accordance with the law.

Article 18.

There shall be no taxation or fee except by law.

Article 19.

No political refugee who has been granted asylum pursuant to applicable law may be surrendered or returned forcibly to the country from which he fled.

Article 20.

- (A) Every Iraqi who fulfills the conditions stipulated in the electoral law has the right to stand for election and cast his ballot secretly in free, open, fair, competitive, and periodic elections.
- (B) No Iraqi may be discriminated against for purposes of voting in elections on the basis of gender, religion, sect, race, belief, ethnic origin, language, wealth, or literacy.

Article 21.

Neither the Iraqi Transitional Government nor the governments and administrations of the regions, governorates, and municipalities, nor local administrations may interfere with the right of the Iraqi people to develop the institutions of civil society, whether in cooperation with international civil society organizations or otherwise.

Article 22.

If, in the course of his work, an official of any government office, whether in the federal government, the regional governments, the governorate and municipal

administrations, or the local administrations, deprives an individual or a group of the rights guaranteed by this Law or any other Iraqi laws in force, this individual or group shall have the right to maintain a cause of action against that employee to seek compensation for the damages caused by such deprivation, to vindicate his rights, and to seek any other legal measure. If the court decides that the official had acted with a sufficient degree of good faith and in the belief that his actions were consistent with the law, then he is not required to pay compensation.

Article 23.

The enumeration of the foregoing rights must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed and to which it has acceded, and others that are deemed binding upon it, and in the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens.

CHAPTER THREE – THE IRAQI TRANSITIONAL GOVERNMENT

Article 24.

- (A) The Iraqi Transitional Government, which is also referred to in this Law as the federal government, shall consist of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and the judicial authority.
- (B) The three authorities, legislative, executive, and judicial, shall be separate and independent of one another.
- (C) No official or employee of the Iraqi Transitional Government shall enjoy immunity for criminal acts committed while in office.

Article 25.

The Iraqi Transitional Government shall have exclusive competence in the following matters:

- (A) Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; formulating foreign economic and trade policy and sovereign debt policies;
- (B) Formulating and executing national security policy, including creating and maintaining armed forces to secure, protect, and guarantee the security of the country's borders and to defend Iraq;

- (C) Formulating fiscal policy, issuing currency, regulating customs, regulating commercial policy across regional and governorate boundaries in Iraq, drawing up the national budget of the State, formulating monetary policy, and establishing and administering a central bank;
- (D) Regulating weights and measures and formulating a general policy on wages;
- (E) Managing the natural resources of Iraq, which belongs to all the people of all the regions and governorates of Iraq, in consultation with the governments of the regions and the administrations of the governorates, and distributing the revenues resulting from their sale through the national budget in an equitable manner proportional to the distribution of population throughout the country, and with due regard for areas that were unjustly deprived of these revenues by the previous regime, for dealing with their situations in a positive way, for their needs, and for the degree of development of the different areas of the country;
- (F) Regulating Iraqi citizenship, immigration, and asylum; and
- (G) Regulating telecommunications policy.

Article 26.

- (A) Except as otherwise provided in this Law, the laws in force in Iraq on 30 June 2004 shall remain in effect unless and until rescinded or amended by the Iraqi Transitional Government in accordance with this Law.
- (B) Legislation issued by the federal legislative authority shall supersede any other legislation issued by any other legislative authority in the event that they contradict each other, except as provided in Article 54(B).
- (C) The laws, regulations, orders, and directives issued by the Coalition Provisional Authority pursuant to its authority under international law shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.

Article 27.

- (A) The Iraqi Armed Forces shall consist of the active and reserve units, and elements thereof. The purpose of these forces is the defense of Iraq.
- (B) Armed forces and militias not under the command structure of the Iraqi Transitional Government are prohibited, except as provided by federal law.
- (C) The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any offices or organizations subordinate to it, may not stand for election to political office, campaign for candidates, or participate in other activities forbidden by Ministry of Defense

regulations. This ban encompasses the activities of the personnel mentioned above acting in their personal or official capacities. Nothing in this Article shall infringe upon the right of these personnel to vote in elections.

- (D) The Iraqi Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government. This Service shall be under civilian control, shall be subject to legislative oversight, and shall operate pursuant to law and in accordance with recognized principles of human rights.
- (E) The Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Article 28.

- (A) Members of the National Assembly; the Presidency Council; the Council of Ministers, including the Prime Minister; and judges and justices of the courts may not be appointed to any other position in or out of government. Any member of the National Assembly who becomes a member of the Presidency Council or Council of Ministers shall be deemed to have resigned his membership in the National Assembly.
- (B) In no event may a member of the armed forces be a member of the National Assembly, minister, Prime Minister, or member of the Presidency Council unless the individual has resigned his commission or rank, or retired from duty at least eighteen months prior to serving.

Article 29.

Upon the assumption of full authority by the Iraqi Interim Government in accordance with Article 2(B)(1), above, the Coalition Provisional Authority shall be dissolved and the work of the Governing Council shall come to an end.

CHAPTER FOUR – THE TRANSITIONAL LEGISLATIVE AUTHORITY

Article 30.

- (A) During the transitional period, the State of Iraq shall have a legislative authority known as the National Assembly. Its principal mission shall be to legislate and exercise oversight over the work of the executive authority.
- (B) Laws shall be issued in the name of the people of Iraq. Laws, regulations, and directives related to them shall be published in the official gazette and shall take effect as of the date of their publication, unless they stipulate otherwise.

- (C) The National Assembly shall be elected in accordance with an electoral law and a political parties law. The electoral law shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the National Assembly and of having fair representation for all communities in Iraq, including the Turcomans, ChaldoAssyrians, and others.
- (D) Elections for the National Assembly shall take place by 31 December 2004 if possible, and in any case no later than by 31 January 2005.

Article 31.

- (A) The National Assembly shall consist of 275 members. It shall enact a law dealing with the replacement of its members in the event of resignation, removal, or death.
- (B) A nominee to the National Assembly must fulfill the following conditions:
 - (1) He shall be an Iraqi no less than 30 years of age.
 - (2) He shall not have been a member of the dissolved Ba'ath Party with the rank of Division Member or higher, unless exempted pursuant to the applicable legal rules.
 - (3) If he was once a member of the dissolved Ba'ath Party with the rank of Full Member, he shall be required to sign a document renouncing the Ba'ath Party and disavowing all of his past links with it before becoming eligible to be a candidate, as well as to swear that he no longer has any dealings or connection with Ba'ath Party organizations. If it is established in court that he lied or fabricated on this score, he shall lose his seat in the National Assembly.
 - (4) He shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.
 - (5) He shall not have enriched himself in an illegitimate manner at the expense of the homeland and public finance.
 - (6) He shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.
 - (7) He shall have at least a secondary school diploma, or equivalent
 - (8) He shall not be a member of the armed forces at the time of his nomination.

Article 32.

- (A) The National Assembly shall draw up its own internal procedures, and it shall sit in public session unless circumstances require otherwise, consistent with its internal procedures. The first session of the Assembly shall be chaired by its oldest member.
- (B) The National Assembly shall elect, from its own members, a president and two deputy presidents of the National Assembly. The president of the National Assembly shall be the individual who receives the greatest number of votes for that office; the first deputy president the next highest; and the second deputy president the next. The president of the National Assembly may vote on an issue, but may not participate in the debates, unless he temporarily steps out of the chair immediately prior to addressing the issue.
- (C) A bill shall not be voted upon by the National Assembly unless it has been read twice at a regular session of the Assembly, on condition that at least two days intervene between the two readings, and after the bill has been placed on the agenda of the session at least four days prior to the vote.

Article 33.

- (A) Meetings of the National Assembly shall be public, and transcripts of its meetings shall be recorded and published. The vote of every member of the National Assembly shall be recorded and made public. Decisions in the National Assembly shall be taken by simple majority unless this Law stipulates otherwise.
- (B) The National Assembly must examine bills proposed by the Council of Ministers, including budget bills.
- (C) Only the Council of Ministers shall have the right to present a proposed national budget. The National Assembly has the right to reallocate proposed spending and to reduce the total amounts in the general budget. It also has the right to propose an increase in the overall amount of expenditures to the Council of Ministers if necessary.
- (D) Members of the National Assembly shall have the right to propose bills, consistent with the internal procedures that drawn up by the Assembly.
- (E) The Iraqi Armed Forces may not be dispatched outside Iraq even for the purpose of defending against foreign aggression except with the approval of the National Assembly and upon the request of the Presidency Council.
- (F) Only the National Assembly shall have the power to ratify international treaties and agreements.

- (G) The oversight function performed by the National Assembly and its committees shall include the right of interpellation of executive officials, including members of the Presidency Council, the Council of Ministers, including the Prime Minister, and any less senior official of the executive authority. This shall encompass the right to investigate, request information, and issue subpoenas for persons to appear before them.

Article 34.

Each member of the National Assembly shall enjoy immunity for statements made while the Assembly is in session, and the member may not be sued before the courts for such. A member may not be placed under arrest during a session of the National Assembly, unless the member is accused of a crime and the National Assembly agrees to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

CHAPTER FIVE – THE TRANSITIONAL EXECUTIVE AUTHORITY

Article 35.

The executive authority during the transitional period shall consist of the Presidency Council, the Council of Ministers, and its presiding Prime Minister.

Article 36.

- (A) The National Assembly shall elect a President of the State and two Deputies. They shall form the Presidency Council, the function of which will be to represent the sovereignty of Iraq and oversee the higher affairs of the country. The election of the Presidency Council shall take place on the basis of a single list and by a two-thirds majority of the members' votes. The National Assembly has the power to remove any member of the Presidency Council of the State for incompetence or lack of integrity by a three-fourths majority of its members' votes. In the event of a vacancy in the Presidency Council, the National Assembly shall, by a vote of two-thirds of its members, elect a replacement to fill the vacancy.
- (B) It is a prerequisite for a member of the Presidency Council to fulfill the same conditions as the members of the National Assembly, with the following observations:
- (1) He must be at least forty years of age.
 - (2) He must possess a good reputation, integrity, and rectitude.
 - (3) If he was a member of the dissolved Ba'ath Party, he must have left the dissolved Party at least ten years before its fall.

- (4) He must not have participated in repressing the *intifada* of 1991 or the Anfal campaign and must not have committed a crime against the Iraqi people.
- (C) The Presidency Council shall take its decisions unanimously, and its members may not deputize others as proxies.

Article 37.

The Presidency Council may veto any legislation passed by the National Assembly, on condition that this be done within fifteen days after the Presidency Council is notified by the president of the National Assembly of the passage of such legislation. In the event of a veto, the legislation shall be returned to the National Assembly, which has the right to pass the legislation again by a two-thirds majority not subject to veto within a period not to exceed thirty days.

Article 38.

- (A) The Presidency Council shall name a Prime Minister unanimously, as well as the members of the Council of Ministers upon the recommendation of the Prime Minister. The Prime Minister and Council of Ministers shall then seek to obtain a vote of confidence by simple majority from the National Assembly prior to commencing their work as a government. The Presidency Council must agree on a candidate for the post of Prime Minister within two weeks. In the event that it fails to do so, the responsibility of naming the Prime Minister reverts to the National Assembly. In that event, the National Assembly must confirm the nomination by a two-thirds majority. If the Prime Minister is unable to nominate his Council of Ministers within one month, the Presidency Council shall name another Prime Minister.
- (B) The qualifications for Prime Minister must be the same as for the members of the Presidency Council except that his age must not be less than 35 years upon his taking office.

Article 39.

- (A) The Council of Ministers shall, with the approval of the Presidency Council, appoint representatives to negotiate the conclusion of international treaties and agreements. The Presidency Council shall recommend passage of a law by the National Assembly to ratify such treaties and agreements.
- (B) The Presidency Council shall carry out the function of commander-in-chief of the Iraqi Armed Forces only for ceremonial and protocol purposes. It shall have no command authority. It shall have the right to be briefed, to inquire, and to advise. Operationally, national command authority on military matters shall flow from the Prime Minister to the Minister of Defense to the military chain of command of the Iraqi Armed Forces.

- (C) The Presidency Council shall, as more fully set forth in Chapter Six, below, appoint, upon recommendation of the Higher Juridical Council, the Presiding Judge and members of the Federal Supreme Court.
- (D) The Council of Ministers shall appoint the Director-General of the Iraqi National Intelligence Service, as well as officers of the Iraqi Armed Forces at the rank of general or above. Such appointments shall be subject to confirmation by the National Assembly by simple majority of those of its members present.

Article 40.

- (A) The Prime Minister and the ministers shall be responsible before the National Assembly, and this Assembly shall have the right to withdraw its confidence either in the Prime Minister or in the ministers collectively or individually. In the event that confidence in the Prime Minister is withdrawn, the entire Council of Ministers shall be dissolved, and Article 40(B), below, shall become operative.
- (B) In the event of a vote of no confidence with respect to the entire Council of Ministers, the Prime Minister and Council of Ministers shall remain in office to carry out their functions for a period not to exceed thirty days, until the formation of a new Council of Ministers, consistent with Article 38, above.

Article 41.

The Prime Minister shall have day-to-day responsibility for the management of the government, and he may dismiss ministers with the approval of a simple majority of the National Assembly. The Presidency Council may, upon the recommendation of the Commission on Public Integrity after the exercise of due process, dismiss the Prime Minister or the ministers.

Article 42.

The Council of Ministers shall draw up rules of procedure for its work and issue the regulations and directives necessary to enforce the laws. It also has the right to propose bills to the National Assembly. Each ministry has the right, within its competence, to nominate deputy ministers, ambassadors, and other employees of special grade. After the Council of Ministers approves these nominations, they shall be submitted to the Presidency Council for ratification. All decisions of the Council of Ministers shall be taken by simple majority of those of its members present.

CHAPTER SIX – THE FEDERAL JUDICIAL AUTHORITY

Article 43.

- (A) The judiciary is independent, and it shall in no way be administered by the executive authority, including the Ministry of Justice. The judiciary shall enjoy exclusive competence to determine the innocence or guilt of the accused pursuant to law, without interference from the legislative or executive authorities.
- (B) All judges sitting in their respective courts as of 1 July 2004 will continue in office thereafter, unless removed from office pursuant to this Law.
- (C) The National Assembly shall establish an independent and adequate budget for the judiciary.
- (D) Federal courts shall adjudicate matters that arise from the application of federal laws. The establishment of these courts shall be within the exclusive competence of the federal government. The establishment of these courts in the regions shall be in consultation with the presidents of the judicial councils in the regions, and priority in appointing or transferring judges to these courts shall be given to judges resident in the region.

Article 44.

- (A) A court called the Federal Supreme Court shall be constituted by law in Iraq.
- (B) The jurisdiction of the Federal Supreme Court shall be as follows:
 - (1) Original and exclusive jurisdiction in legal proceedings between the Iraqi Transitional Government and the regional governments, governorate and municipal administrations, and local administrations.
 - (2) Original and exclusive jurisdiction, on the basis of a complaint from a claimant or a referral from another court, to review claims that a law, regulation, or directive issued by the federal or regional governments, the governorate or municipal administrations, or local administrations is inconsistent with this Law.
 - (3) Ordinary appellate jurisdiction of the Federal Supreme Court shall be defined by federal law.
- (C) Should the Federal Supreme Court rule that a challenged law, regulation, directive, or measure is inconsistent with this Law, it shall be deemed null and void.
- (D) The Federal Supreme Court shall create and publish regulations regarding the procedures required to bring claims and to permit attorneys to practice

before it. It shall take its decisions by simple majority, except decisions with regard to the proceedings stipulated in Article 44(B)(1), which must be by a two-thirds majority. Decisions shall be binding. The Court shall have full powers to enforce its decisions, including the power to issue citations for contempt of court and the measures that flow from this.

- (E) The Federal Supreme Court shall consist of nine members. The Higher Juridical Council shall, in consultation with the regional judicial councils, initially nominate no less than eighteen and up to twenty-seven individuals to fill the initial vacancies in the aforementioned Court. It will follow the same procedure thereafter, nominating three members for each subsequent vacancy that occurs by reason of death, resignation, or removal. The Presidency Council shall appoint the members of this Court and name one of them as its Presiding Judge. In the event an appointment is rejected, the Higher Juridical Council shall nominate a new group of three candidates.

Article 45.

A Higher Juridical Council shall be established and assume the role of the Council of Judges. The Higher Juridical Council shall supervise the federal judiciary and shall administer its budget. This Council shall be composed of the Presiding Judge of the Federal Supreme Court, the presiding judge and deputy presiding judges of the federal Court of Cassation, the presiding judges of the federal Courts of Appeal, and the presiding judge and two deputy presiding judges of each regional court of cassation. The Presiding Judge of the Federal Supreme Court shall preside over the Higher Juridical Council. In his absence, the presiding judge of the federal Court of Cassation shall preside over the Council.

Article 46.

- (A) The federal judicial branch shall include existing courts outside the Kurdistan region, including courts of first instance; the Central Criminal Court of Iraq; Courts of Appeal; and the Court of Cassation, which shall be the court of last resort except as provided in Article 44 of this Law. Additional federal courts may be established by law. The appointment of judges for these courts shall be made by the Higher Juridical Council. This Law preserves the qualifications necessary for the appointment of judges, as defined by law.
- (B) The decisions of regional and local courts, including the courts of the Kurdistan region, shall be final, but shall be subject to review by the federal judiciary if they conflict with this Law or any federal law. Procedures for such review shall be defined by law.

Article 47.

No judge or member of the Higher Juridical Council may be removed unless he is convicted of a crime involving moral turpitude or corruption or suffers permanent incapacity. Removal shall be on the recommendation of the Higher Juridical Council, by a decision of the Council of Ministers, and with the approval of the Presidency Council.

Removal shall be executed immediately after issuance of this approval. A judge who has been accused of such a crime as cited above shall be suspended from his work in the judiciary until such time as the case arising from what is cited in this Article is adjudicated. No judge may have his salary reduced or suspended for any reason during his period of service.

CHAPTER SEVEN – THE SPECIAL TRIBUNAL AND NATIONAL COMMISSIONS

Article 48.

- (A) The statute establishing the Iraqi Special Tribunal issued on 10 December 2003 is confirmed. That statute exclusively defines its jurisdiction and procedures, notwithstanding the provisions of this Law.
- (B) No other court shall have jurisdiction to examine cases within the competence of the Iraqi Special Tribunal, except to the extent provided by its founding statute.
- (C) The judges of the Iraqi Special Tribunal shall be appointed in accordance with the provisions of its founding statute.

Article 49.

- (A) The establishment of national commissions such as the Commission on Public Integrity, the Iraqi Property Claims Commission, and the Higher National De-Ba'athification Commission is confirmed, as is the establishment of commissions formed after this Law has gone into effect. The members of these national commissions shall continue to serve after this Law has gone into effect, taking into account the contents of Article 51, below.
- (B) The method of appointment to the national commissions shall be in accordance with law.

Article 50.

The Iraqi Transitional Government shall establish a National Commission for Human Rights for the purpose of executing the commitments relative to the rights set forth in this Law and to examine complaints pertaining to violations of human rights. The Commission shall be established in accordance with the Paris Principles issued by the United Nations on the responsibilities of national institutions. This Commission shall include an Office of the Ombudsman to inquire into complaints. This office shall have the power to investigate, on its own initiative or on the basis of a complaint submitted to it, any allegation that the conduct of the governmental authorities is arbitrary or contrary to law.

Article 51.

No member of the Iraqi Special Tribunal or of any commission established by the federal government may be employed in any other capacity in or out of government. This prohibition is valid without limitation, whether it be within the executive, legislative, or judicial authority of the Iraqi Transitional Government. Members of the Special Tribunal may, however, suspend their employment in other agencies while they serve on the aforementioned Tribunal.

CHAPTER EIGHT – REGIONS, GOVERNORATES, AND MUNICIPALITIES

Article 52.

The design of the federal system in Iraq shall be established in such a way as to prevent the concentration of power in the federal government that allowed the continuation of decades of tyranny and oppression under the previous regime. This system shall encourage the exercise of local authority by local officials in every region and governorate, thereby creating a united Iraq in which every citizen actively participates in governmental affairs, secure in his rights and free of domination.

Article 53.

- (A) The Kurdistan Regional Government is recognized as the official government of the territories that were administered by the that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaimaniya, Kirkuk, Diyala and Neneveh. The term “Kurdistan Regional Government” shall refer to the Kurdistan National Assembly, the Kurdistan Council of Ministers, and the regional judicial authority in the Kurdistan region.**
- (B) The boundaries of the eighteen governorates shall remain without change during the transitional period.
- (C) Any group of no more than three governorates outside the Kurdistan region, with the exception of Baghdad and Kirkuk, shall have the right to form regions from amongst themselves. The mechanisms for forming such regions may be proposed by the Iraqi Interim Government, and shall be presented and considered by the elected National Assembly for enactment into law. In addition to being approved by the National Assembly, any legislation proposing the formation of a particular region must be approved in a referendum of the people of the relevant governorates.
- (D) This Law shall guarantee the administrative, cultural, and political rights of the Turcomans, ChaldoAssyrians, and all other citizens.

Article 54.

- (A) The Kurdistan Regional Government shall continue to perform its current functions throughout the transitional period, except with regard to those issues which fall within the exclusive competence of the federal government as specified in this Law. Financing for these functions shall come from the federal government, consistent with current practice and in accordance with Article 25(E) of this Law. The Kurdistan Regional Government shall retain regional control over police forces and internal security, and it will have the right to impose taxes and fees within the Kurdistan region.
- (B) With regard to the application of federal laws in the Kurdistan region, the Kurdistan National Assembly shall be permitted to amend the application of any such law within the Kurdistan region, but only to the extent that this relates to matters that are not within the provisions of Articles 25 and 43(D) of this Law and that fall within the exclusive competence of the federal government.

Article 55.

- (A) Each governorate shall have the right to form a Governorate Council, name a Governor, and form municipal and local councils. No member of any regional government, governor, or member of any governorate, municipal, or local council may be dismissed by the federal government or any official thereof, except upon conviction of a crime by a court of competent jurisdiction as provided by law. No regional government may dismiss a Governor or member or members of any governorate, municipal, or local council. No Governor or member of any Governorate, municipal, or local council shall be subject to the control of the federal government except to the extent that the matter relates to the competences set forth in Article 25 and 43(D), above.
- (B) Each Governor and member of each Governorate Council who holds office as of 1 July 2004, in accordance with the law on local government that shall be issued, shall remain in place until such time as free, direct, and full elections, conducted pursuant to law, are held, or, unless, prior to that time, he voluntarily gives up his position, is removed upon his conviction for a crime involving moral turpitude or related to corruption, or upon being stricken with permanent incapacity, or is dismissed in accordance with the law cited above. When a governor, mayor, or member of a council is dismissed, the relevant council may receive applications from any eligible resident of the governorate to fill the position. Eligibility requirements shall be the same as those set forth in Article 31 for membership in the National Assembly. The new candidate must receive a majority vote of the council to assume the vacant seat.

Article 56.

- (A) The Governorate Councils shall assist the federal government in the coordination of federal ministry operations within the governorate, including the review of annual ministry plans and budgets with regard to activities in the governorate. Governorate Councils shall be funded from the general budget of the State, and these Councils shall also have the authority to increase their revenues independently by imposing taxes and fees; to organize the operations of the Governorate administration; to initiate and implement province-level projects alone or in partnership with international, and non-governmental organizations; and to conduct other activities insofar as is consistent with federal laws.
- (B) The *Qada'* and *Nahiya* councils and other relevant councils shall assist in the performance of federal responsibilities and the delivery of public services by reviewing local ministry plans in the afore-mentioned places; ensuring that they respond properly to local needs and interests; identifying local budgetary requirements through the national budgeting procedures; and collecting and retaining local revenues, taxes, and fees; organizing the operations of the local administration; initiating and implementing local projects alone or in conjunction with international, and non-governmental organizations; and conducting other activities consistent with applicable law.
- (C) Where practicable, the federal government shall take measures to devolve additional functions to local, governorate, and regional administrations, in a methodical way. Regional units and governorate administrations, including the Kurdistan Regional Government, shall be organized on the basis of the principle of de-centralization and the devolution of authorities to municipal and local governments.

Article 57.

- (A) All authorities not exclusively reserved to the Iraqi Transitional Government may be exercised by the regional governments and governorates as soon as possible following the establishment of appropriate governmental institutions.
- (B) Elections for governorate councils throughout Iraq and for the Kurdistan National Assembly shall be held at the same time as the elections for the National Assembly, no later than 31 January 2005.

Article 58.

- (A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing

migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

- (1) With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.
 - (2) With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.
 - (3) With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.
 - (4) With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.
- (B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.
- (C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

CHAPTER NINE – THE TRANSITIONAL PERIOD

Article 59.

- (A) The permanent constitution shall contain guarantees to ensure that the Iraqi Armed Forces are never again used to terrorize or oppress the people of Iraq.
- (B) Consistent with Iraq's status as a sovereign state, and with its desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period, the Iraqi Armed Forces will be a principal partner in the multi-national force operating in Iraq under unified command pursuant to the provisions of United Nations Security Council Resolution 1511 (2003) and any subsequent relevant resolutions. This arrangement shall last until the ratification of a permanent constitution and the election of a new government pursuant to that new constitution.
 - a. Upon its assumption of authority, and consistent with Iraq's status as a sovereign state, the elected Iraqi Transitional Government shall have the authority to conclude binding international agreements regarding the activities of the multi-national force operating in Iraq under unified command pursuant to the terms of United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions. Nothing in this Law shall affect rights and obligations under these agreements, or under United Nations Security Council Resolution 1511 (2003), and any subsequent relevant United Nations Security Council resolutions, which will govern the multi-national force's activities pending the entry into force of these agreements.

Article 60.

The National Assembly shall write a draft of the permanent constitution of Iraq. This Assembly shall carry out this responsibility in part by encouraging debate on the constitution through regular general public meetings in all parts of Iraq and through the media, and receiving proposals from the citizens of Iraq as it writes the constitution.

Article 61.

- (A) The National Assembly shall write the draft of the permanent constitution by no later than 15 August 2005.
- (B) The draft permanent constitution shall be presented to the Iraqi people for approval in a general referendum to be held no later than 15 October 2005. In the period leading up to the referendum, the draft constitution shall be published and widely distributed to encourage a public debate about it among the people.

- (C) The general referendum will be successful and the draft constitution ratified if a majority of the voters in Iraq approve and if two-thirds of the voters in three or more governorates do not reject it.
- (D) If the permanent constitution is approved in the referendum, elections for a permanent government shall be held no later than 15 December 2005 and the new government shall assume office no later than 31 December 2005.
- (E) If the referendum rejects the draft permanent constitution, the National Assembly shall be dissolved. Elections for a new National Assembly shall be held no later than 15 December 2005. The new National Assembly and new Iraqi Transitional Government shall then assume office no later than 31 December 2005, and shall continue to operate under this Law, except that the final deadlines for preparing a new draft may be changed to make it possible to draft a permanent constitution within a period not to exceed one year. The new National Assembly shall be entrusted with writing another draft permanent constitution.
- (F) If necessary, the president of the National Assembly, with the agreement of a majority of the members' votes, may certify to the Presidency Council no later than 1 August 2005 that there is a need for additional time to complete the writing of the draft constitution. The Presidency Council shall then extend the deadline for writing the draft constitution for only six months. This deadline may not be extended again.
- (G) If the National Assembly does not complete writing the draft permanent constitution by 15 August 2005 and does not request extension of the deadline in Article 61(D) above, the provisions of Article 61(E), above, shall be applied.

Article 62.

This law shall remain in effect until the permanent constitution is issued and the new Iraqi government is formed in accordance with it.

Maps

The following set of four maps have been developed by the Assyrian International News Agency (www.aina.org). Many more historical and contemporary maps may be viewed at that site. The four maps selected for reproduction here illustrate the reduction of the ChaldoAssyrian presence in northern Iraq with the elimination of many villages on the Nineveh plain, the original homeland of the ChaldoAssyrians in Mesopotamia, when the villages were either razed or depopulated or their ChaldoAssyrians inhabitants were prevented from returning to their homes from internal displacement.

Kurds are stepping up entry into this area in anticipation of the implementation of article 53A of the interim constitution (TAL). Article 53A allows the Kurdistan region to expand from three to six governorates, or 1/3 of Iraq's eighteen governorates for less than 20% of its population. To accomplish this, Kurds must prove control of ChaldoAssyrian villages heretofore, and before 19 March 2003, not under their control.

Note that the area of ChaldoAssyrian villages spans two current governorates — Dohuk and Nineveh. These used to be one province until 1970 when Iraq consisted of fourteen rather than the present eighteen provinces.

MAP I: Names of ChaldoAssyrian Villages in North Iraq (1961)

<http://aina.org/maps/1961villages25p.htm>

MAP II: Distribution of Chaldoassyrian Villages, Ancient Capitals, and Monasteries (1961)
by Denominational Affiliation

<http://aina.org/maps/1961dvillages.htm>

MAP III: The Diminished ChaldoAssyrian Village Distribution in the Iraqi-Assyrian Heartland (1976)

<http://aina.org/maps/1976villages.htm/maps/1961villages50p.htm>

MAP IV: Assyrian Village Distribution after the ANFAL (1988)

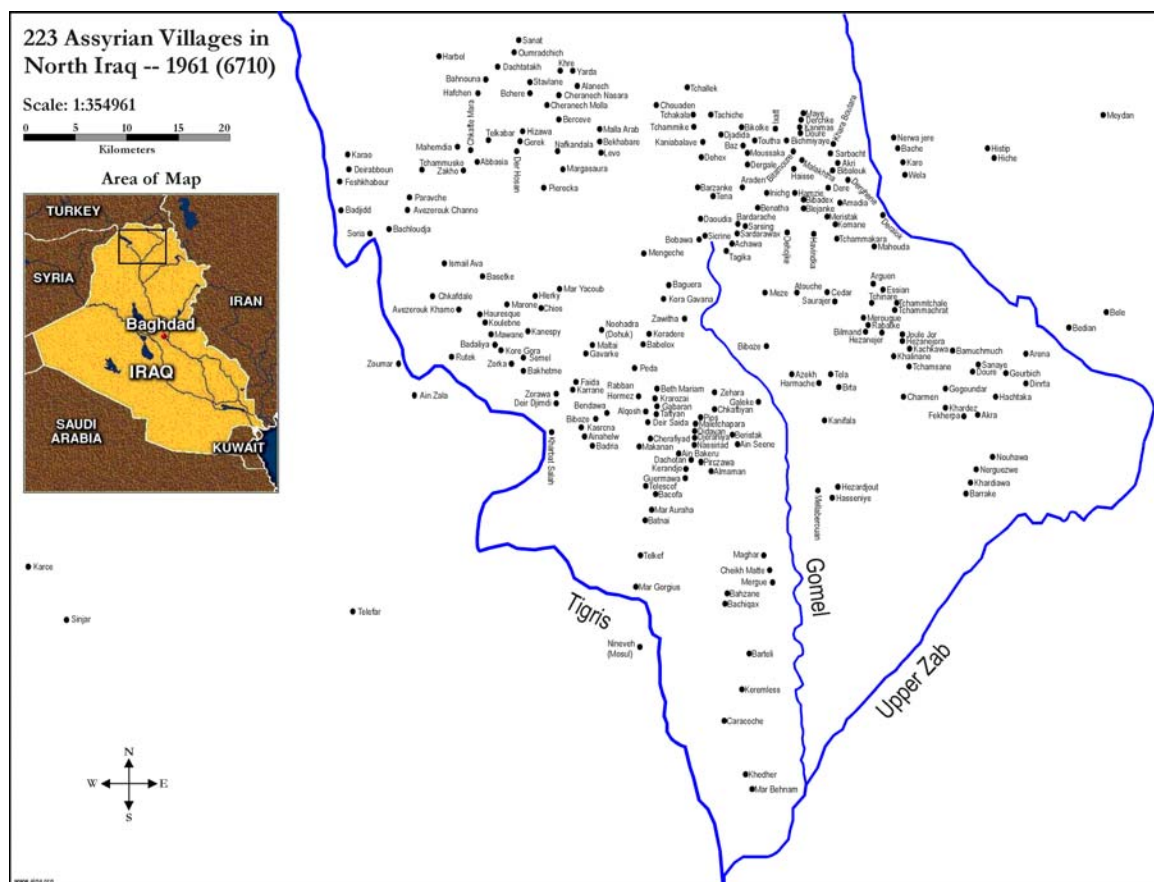
<http://aina.org/maps/1988villages.htm>

MAP V: Proposed ChaldoAssyrian Administrative Region in Northern Iraq (pdf)

http://www.aina.org/maps/assyrian_region_1.pdf

MAP I: Names of ChaldoAssyrian Villages in North Iraq (1961)

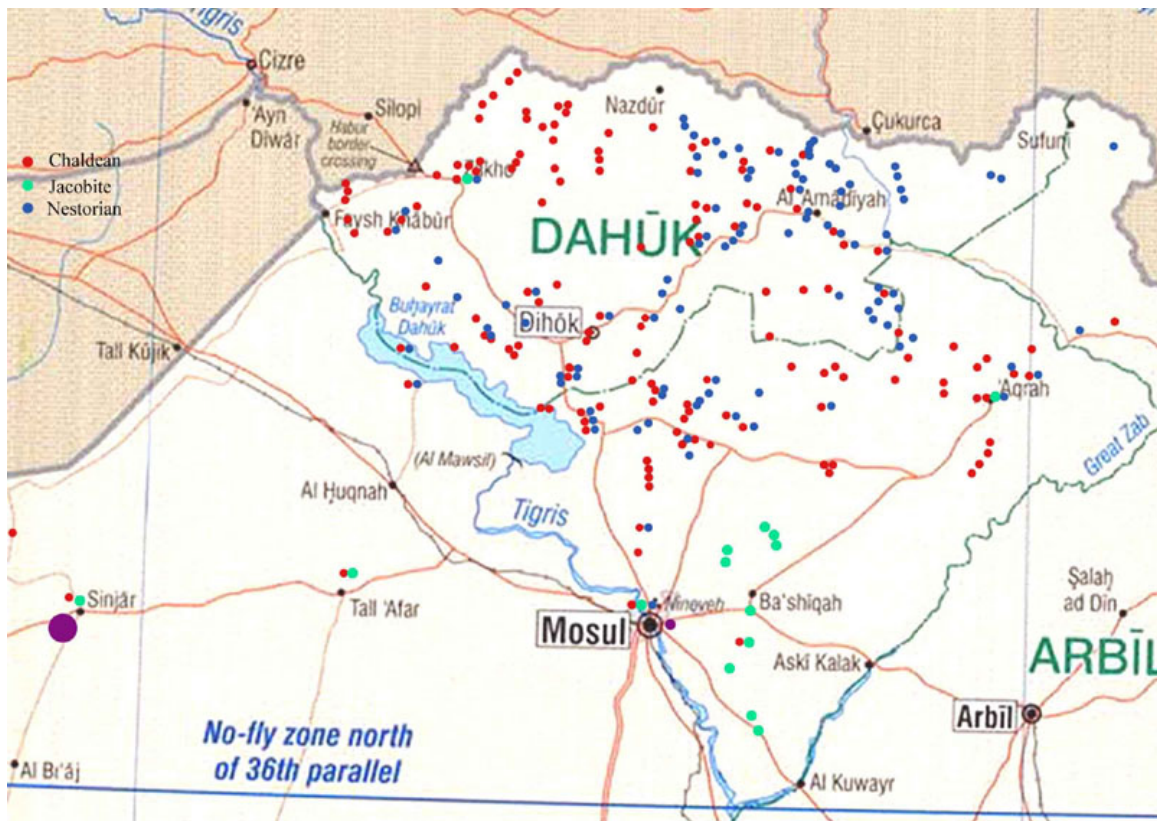
ChaldoAssyrian villages designated by name, located chiefly between the upper or great Zab tributary and the Tigris River. These are the villages that existed in 1961. Many others had already been taken over by Kurds following events traumatic to ChaldoAssyrians during the course of the 20th century, especially World War I and the massacre at Semele (1933).



<http://aina.org/maps/1961villages25p.htm>
 Assyrian International News Agency (AINA)
www.aina.org

MAP II: Distribution of ChaldoAssyrian Villages, Ancient Capitals, and Monasteries (1961) by Denominational Affiliation

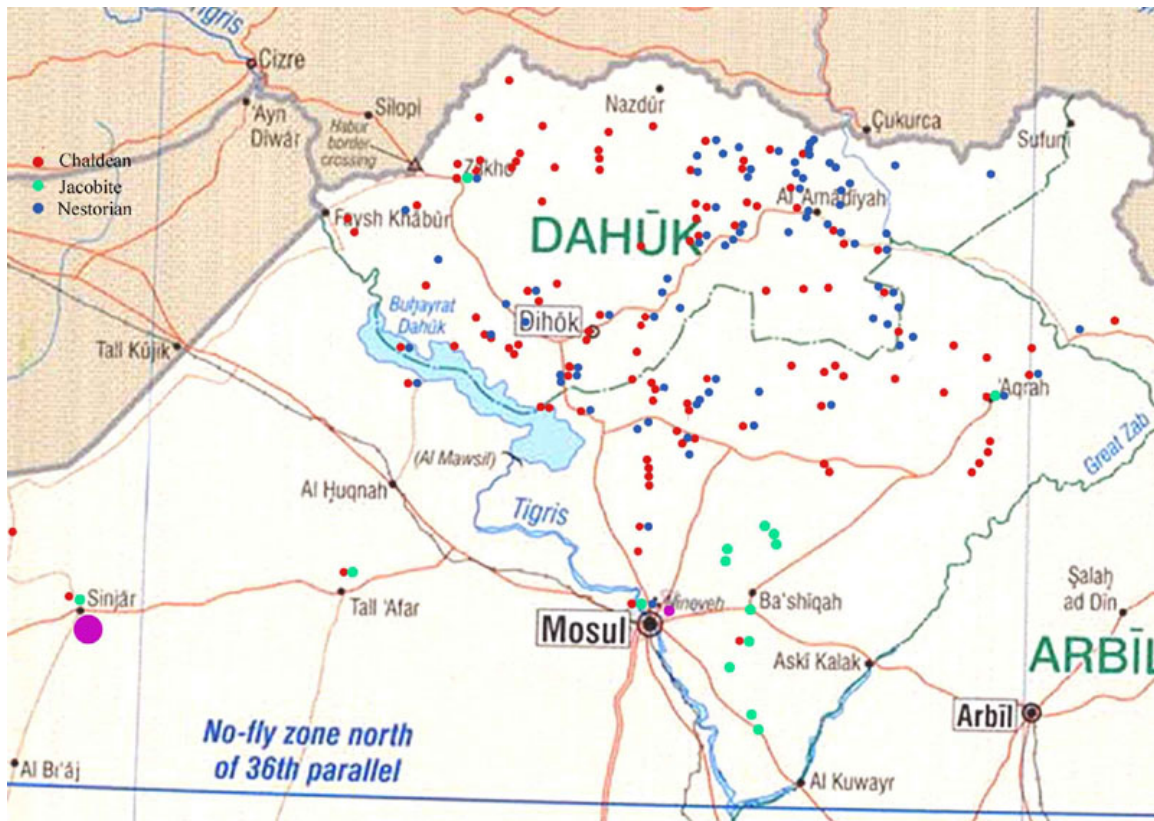
Aramaic/Syriac speaking Christians in Iraq, of whom some one million still remain in the country, belong to the traditional eastern churches as well as western denominations such as Roman Catholic and Protestant congregations. In the villages of northern Iraq especially, as well as in Baghdad, Mosul, Kirkuk and Basra however, the traditional eastern churches predominate. They are represented on this map: the Chaldean Catholic, Jacobite (Syrian or Assyrian Orthodox), and Nestorian (Ancient Church of the East or Assyrian Church of the East). Note that some villages have several churches represented. The number of churches and monasteries that belong to the Chaldean Catholic rite, a church formed in the 16th century, are in the majority today. The See of the Chaldean Catholic Patriarchate is the only one that has been able to remain in Iraq.



<http://aina.org/maps/1961dvillages.htm>
 Assyrian International News Agency (AINA)
www.aina.org

MAP III: The Diminished ChaldoAssyrian Village Distribution in the Iraqi-Assyrian Heartland (1976)

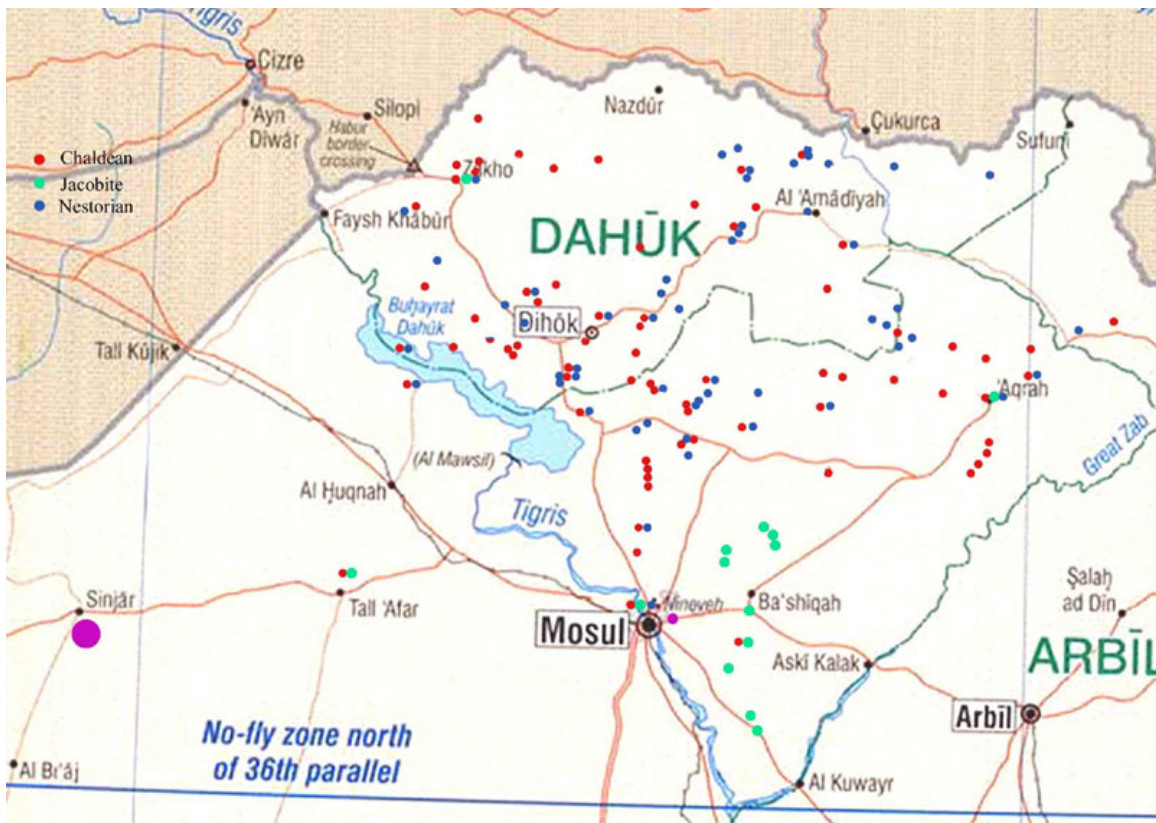
ChaldoAssyrian village distribution in 1976, following the 1975 Algiers Agreement that ended the hostilities between Iran and Iraq over the Shatt al-Arab waterway. After this, Iran and the West dropped support for the opposition to the Baathist regime. Note that many Church of the East villages were forced to be abandoned by the mid 1970s, especially in the areas around Aqrah, Mergasur, Soran, Zakho and Sumel. These are villages to which ChaldoAssyrians are being prevented from returning. The villages lie mainly in areas controlled by Masood Barzani's Kurdish Democratic Party but some of the areas are also controlled by Jalal Talabani's Kurdish forces.



<http://aina.org/maps/1976villages.htm>
Assyrian International News Agency (AINA)
www.aina.org

MAP IV: ChaldoAssyrian Village Distribution after the ANFAL (1988)

As the Iraq-Iran war (1980-1988) headed toward a cease fire (which continues to the present without a peace treaty) Saddam Hussein launched a mop-up action against the opposition consisting of Communists, Assyrians and Kurds. The number of ChaldoAssyrian villages razed and abandoned grew dramatically. A large sector of the community scattered into diaspora (Australia, Canada, Europe, or the USA) or went into internal displacement.



<http://aina.org/maps/1988villages.htm>
Assyrian International News Agency (AINA)
www.aina.org

Further Reading

Websites

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