



20th February 2012

A Commentary on the December 2011 Iraq Operational Guidance Note

This commentary identifies what the 'Still Human Still Here' coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Iraq and the conclusions reached in the December 2011 Iraq Operational Guidance Note (OGN), issued by the UK Border Agency. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Iraq issued in December 2011. To access the complete OGN on Iraq go to:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/>

The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Border Agency, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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3.6 General security situation

Excerpt from the December 2011 Iraq OGN

3.6.14 In addition, each case must also be considered under Article 15 (c) of the EU Qualification Directive/Immigration Rule 339C to ascertain whether the individual claimant would be at real risk of indiscriminate violence. The current evidence is that the level of indiscriminate violence in Iraq is not at such a high level that substantial grounds exist for believing that an applicant, solely by being present there, faces a real risk which threatens his life or person. However, this conclusion must be considered in the light of the up to date country of origin information. For a claim to succeed under Article 15(c) of the Qualification Directive, an individual would need to show that their personal circumstances are such that they would be at real risk and that there was no internal relocation option open to them. A claim under Article 15(c) of the Qualification Directive should succeed if a claimant establishes that particular factors place him or her at additional risk above that which applies to the civilian population generally, such that he or she is at real risk of serious harm from the levels of indiscriminate violence that do exist and that internal relocation to a place where there is not a real risk of serious harm is not reasonable. It has not yet been established in caselaw what if any characteristics may place an individual in such an enhanced risk category in Iraq, so each case must be considered on its individual merits.

The highlighted sentence above contradicts the guidance provided by UNHCR in its April 2009 Eligibility Guidelines, whose continued applicability were reconfirmed in July 2010 and in a statement issued in December 2010, stating that in particular those Iraqis originating from Iraq's governorates of Baghdad, Diyala, Ninewa and Sala-al-Din, as well as from Kirkuk province should not be returned due to the security situation prevailing there:

➤ [UNHCR, UNHCR reports increase in flight of Iraqi Christians; reiterates advice on protection needs, 17/12/2010](#)

[...] UNHCR strongly reiterates its call on countries to refrain from deporting Iraqis who originate from the most perilous parts of the country.

[...] UNHCR reiterates its position that asylum seekers who originate from Iraq's governorates of Baghdad, Diyala, Ninewa and Salah-al-Din, as well as from Kirkuk province, should not be returned and should benefit from international protection, whether in the form of refugee status under the 1951 Refugee Convention or a complementary form of protection. In addition, of course, the merits of the claims of all other Iraqi applicants need to be considered carefully, including those who are religious minorities. Our position reflects the volatile security situation and the still high level of violence, security incidents, and human rights violations taking place in parts of Iraq. UNHCR considers that serious – including indiscriminate – threats to life, physical integrity or freedom resulting from violence or events seriously disturbing public order are valid reasons for international protection [...]

➤ [UNHCR, Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, July 2010](#)

[...] III. Conclusion

The situation in Iraq is still evolving. UNHCR will continue to monitor developments in the country and will update the April 2009 UNHCR Guidelines once it judges that the situation is sufficiently changed. In the interim, UNHCR advises those involved in the adjudication of international protection claims lodged by asylum-seekers from Iraq and those responsible for establishing government policy in relation to this population continue to rely on the April 2009 UNHCR Guidelines. Accordingly, the current UNHCR position on returns to Iraq also remains unchanged.⁵⁵

[Footnote 55] 55 UNHCR recommends that, unless volunteering for return, no Iraqi from the five Central Governorates and those belonging to the specific groups which have been identified to be at risk from the Southern Governorates and Al-Anbar, should be forcibly returned to Iraq until such time as there is

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substantial improvement in the security and human rights situation in the country. When considering return of persons originating from the Southern Governorates or Al-Anbar Governorate not found to be in need of international protection, UNHCR recommends that caution needs to be exercised with regard to the evolving security situation in given areas, as well as absorption capacity, availability of community support and services. UNHCR, in particular, advises against the return of persons to areas from which they do not originate [...]

The previous CG case [HM and Others \(Article 15\(c\)\) Iraq CG \[2010\] UKUT 331 \(IAC\) \(22 September 2010\)](#) was quashed by the Court of Appeal on 13th December 2012 in [HM \(Iraq\) & Anor v Secretary of State for the Home Department \[2011\] EWCA Civ 1536 \(13 December 2011\)](#) and is no longer relied upon as a CG case. The Court of Appeal remitted the case back to the Immigration and Asylum Chamber to be reheard as a CG case on 15(c). The hearing is currently listed for end of April/early May 2012 and it is advised that legal representatives seek an adjournment to have their case stayed behind HM. Should this be unsuccessful, the analysis and COI presented further below might assist in documenting the current security situation in Iraq.

Another case of importance to legal representatives is the judgement by the Administrative Court in [Omar v Secretary of State for the Home Department \[2010\] EWHC 2792 \(Admin\) \(05 November 2010\)](#), which noted that an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause, might, in order to avoid risks on return, need to live in relatively confined areas, where they might find others of similar backgrounds: and there was a possibility that they would face indiscriminate violence in that area. See the judgement as follows:

43. In the present case the claimant's individual characteristics are that he is an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause. That may (and the expert report says it will) mean that in order to achieve any measure of ordinary or secure life the Claimant would, on return to Iraq, need to live in relatively confined areas, where he might find others of similar backgrounds. The fact that he could do so, and thus greatly reduce the risk of any targeted attack, is no doubt sufficient to deprive him of the possibility of protection under either Convention. But if that is right it may well be necessary to see what is the risk of harm from indiscriminate violence not in Iraq, or even Fallujah, as a whole, but in the area where the claimant will be living.

44. It is, therefore, not sufficient on the facts of this case to treat Article 15(c) as raising questions only in relation to Iraq as a whole, or to civilians in Iraq, without distinction, as it seems to me the decision letter does. The material before the Secretary of State was sufficient to show that more was necessary. The specific material is again somewhat thin, but (in the absence of any substantial evidence to the contrary) it could properly be said that there would be a basis for saying that the claimant's background constitutes a 'serious indication of real risk' even though he has not suffered in the past, and that the presence of what the expert report calls 'insurgent groups', active in areas such as that where the claimant would be living, may raise the risk to the claimant of indiscriminate harm in such areas to an unacceptable level.

Excerpt from the December 2011 Iraq OGN

3.6.12 Conclusion A state of civil instability and/or where law and order has sometimes broken down does not of itself give rise to a well-founded fear of persecution for a Refugee Convention reason. The claimant must demonstrate a well-founded claim for asylum where he or she is at risk of persecution on Convention grounds.

3.6.13 Further, the European Court of Human Rights concluded in January 2009 that whilst the general situation in Iraq, and in Baghdad, is insecure and problematic, it is not so serious as to cause, by itself, a violation of Article 3 ECHR. However, **this conclusion must be considered in the light of the up to date country of origin information.** Moreover each case must be considered on its individual

merits and caseowners must consider whether the personal circumstances of the individual are such that his or her return to Iraq would contravene Article 3 ECHR, in the light of up to date country of origin information.

3.6.14 In addition, each case must also be considered under Article 15 (c) of the EU Qualification Directive/Immigration Rule 339C to ascertain whether the individual claimant would be at real risk of indiscriminate violence. The current evidence is that the level of indiscriminate violence in Iraq is not at such a high level that substantial grounds exist for believing that an applicant, solely by being present there, faces a real risk which threatens his life or person. **However, this conclusion must be considered in the light of the up to date country of origin information.** For a claim to succeed under Article 15(c) of the Qualification Directive, an individual would need to show that their personal circumstances are such that they would be at real risk and that there was no internal relocation option open to them. A claim under Article 15(c) of the Qualification Directive should succeed if a claimant establishes that particular factors place him or her at additional risk above that which applies to the civilian population generally, such that he or she is at real risk of serious harm from the levels of indiscriminate violence that do exist and that internal relocation to a place where there is not a real risk of serious harm is not reasonable. It has not yet been established in caselaw what if any characteristics may place an individual in such an enhanced risk category in Iraq, so each case must be considered on its individual merits.

As highlighted above the OGN also makes it clear that its guidance must be “considered in light of the up to date country of origin information”. However, COI included in the OGN with regards to the security situation in both Central and Southern Iraq and the Kurdistan Region of Iraq (KRI) mainly portrays the situation during 2010, with the most current source included being a UN Secretary-General report published in March 2011. These sources report general improvements in the overall security situation between 2009 and 2010 which is now outdated.

Given that the security situation in Iraq is volatile and unpredictable, it is imperative that individualised case-specific research is conducted on the current security situation in a particular location. Recent sources documenting the scale of indiscriminate attacks against civilians in [Baghdad](#) has been presented given that it is the most likely place of proposed place of return in South and Central Iraq. A [database of useful sources to consult on the security situation in a particular region of Iraq](#) has also been included in the Appendix. In addition, sources published shortly before and since the withdrawal of the U.S. forces on 18th December 2011, have raised doubts about Iraq’s ability to maintain internal security. See COI included further below in the ‘[2.3 Actors of Protection](#)’ section.

When addressing the question of ‘serious harm’ and internal armed conflict, it might be useful to include evidence that expressly addresses the legacy of the internal armed conflict in Iraq in terms of ‘serious mental traumas’, which might include the mental health/PTSD legacy. COI has been presented below in the *Internal Relocation* section which addresses the impact that the conflict is having on people’s well-being and the [availability of mental health care in Iraq](#).

Security situation in Baghdad

The most recent annual report from the UNAMI Human Rights Office/OHCHR provides an overview of the different casualty estimates from 2010 and reports that Baghdad was the region worst affected by violence:

- [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

2.1 Civilian casualties

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The ongoing, protracted violence in Iraq continues to take a terrible toll on civilians and civilian infrastructure, subjecting civilians to arbitrary loss of life and injury, and to limitations on access to other basic rights, including, but not limited to, the right to access basic humanitarian services, and the rights of assembly, freedom of expression, freedom of religion, and protection against non discrimination, etc. The violence is also having a negative impact on economic development that in turn is having a deleterious effect on other economic and social rights of Iraq's citizens. Arbitrary or deliberate targeting of civilians also constitute serious violations of IHL.

Ascertaining the precise number of civilians killed and wounded as a result of the violent conflict in Iraq is difficult. The Iraq Body Count (IBC) recorded 4,036 civilian deaths for 2010.¹⁶ According to other sources, figures range from 2,953 civilians killed and 14,398 wounded according to UNAMI to 3,254 dead and 13,788 wounded according to figures provided by the Government of Iraq via the Ministry of Human Rights (MoHR). Irrespective of the precise number of civilians killed, even the lowest figures represent a significant number of ordinary Iraqis who lost their lives or suffered impairment of their basic rights through tragic loss, injury, and destruction as a result of the ongoing violence in the country. Regardless of differences in casualty numbers, all sources are in agreement that the rate in decline in civilian casualties has considerably slowed between 2009 and 2010, compared with the significant reduction in civilian casualties seen from the height of the violence in 2007 when 17,956 people were reportedly killed and in 2008 when 6,798 people died. The incidence of violent incidents, particularly the use of IEDs by insurgent and terrorist groups and the resulting number of civilians killed and wounded, suggest that a pattern may be emerging of sustained, ad hoc violence which has the potential to continue for the foreseeable future. As IBC stated in its annual report: "After nearly eight years, the security crisis in Iraq remains notable for its sheer relentlessness: 2010 averaged nearly two explosions a day by non-state forces that caused civilian deaths."

According to figures compiled by UNAMI, some 2,953 civilians were killed during 2010.¹⁷ There were also some 10,434 civilians injured.¹⁸ The worst effected region was Baghdad governorate, with 1,284 civilian deaths and 5,011 injured. The North Central region was also badly affected with 587 deaths and 1,806 injured. South Central region had 382 deaths and 1,369 wounded, North region had 364 deaths and 1,279 wounded, West region had 172 deaths and 540 wounded, and South region had 142 civilian deaths and 362 wounded. There were 22 deaths and 67 wounded reported from the Kurdistan Region.

In comparison, according to figures compiled by UNAMI, a total of 3,056 civilians were killed and 10,770 were wounded in 2009. The most affected region was Baghdad with 1,459 civilians killed (1,843 persons in total), followed by the North Central Region with 574 civilians killed (1,232 persons in total), North Region with 546 civilians killed (1,309 persons in total), South Central Region with 255 civilians killed (390 persons in total), West Region with 151 civilians killed (380 persons in total), and South Region with 66 civilians killed (113 persons in total). In the Kurdistan Region, there were 5 civilians reportedly killed (11 persons in total) in 2009.¹⁹

According to figures provided to UNAMI from the MoHR of the Government of Iraq 3,254 civilians died from 1 January – 31 December 2010. Of these 2,772 were men, 308 were women, and 174 were children. Furthermore, some 13,788 were wounded, including 11,297 men, 1,718 women, and 773 children. According to these figures, the most affected region was Baghdad with 1,037 civilians killed (892 men, 96 women and 49 children) and 5,991 wounded (4,948 men, 823 women, and 220 children), and Ninawa with 706 deaths (619 men, 62 women and 25 children) and 2,183 wounded (1,721 men, 244 women, 218 children), followed by Diyala with 499 killed (441 men, 25 women, and 33 children) and 1,412 wounded (1,208 men, 113 women, 91 children). These figures for 2010 compare with those figures for 2009 provided to UNAMI by the Government of Iraq during which 4,068 civilians were killed. Of these 3267 were men, 439 were women, and 362 were children. Furthermore in 2009, some 15,935 civilians were injured: 12,553 men, 2,338 women and 1,044 children.

In overall trends, according to UNAMI figures, civilian deaths rose from 224 in January to 363 in April, dropping to 299 in August, and then down to 147 in October, before rising to 235 in November only to decline again in December to 157. [...]

Sources detail that since the 18th December 2011 U.S. withdrawal from Iraq, suicide attacks, assassinations and bombings in Iraq have claimed the lives of at least 265 people and injured

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hundreds of others.¹ The following non-exhaustive list of incidents which post-date the 18th December U.S. withdrawal illustrate the current security situation in Baghdad:

- [BBC News, Iraq gun and bomb attacks hit Baghdad and Baquba, 19/02/2012](#)
At least 18 people have been killed in a suicide attack in the Iraqi capital Baghdad. A bomber blew himself up in a car near the entrance of the Iraqi Police Academy in the east of the city. Twenty-six people were hurt. [...]
- [Reuters Alert Net, FACTBOX – Security developments in Iraq, February 7, 07/02/2012](#)
BAGHDAD - A roadside bomb exploded near a police patrol in Baghdad's southwestern Bayaa district, wounding two policemen, police and hospital sources said.
BAGHDAD - A roadside bomb exploded, killing one person and wounding three others, including a policeman, in Doura district, southern Baghdad, police and hospital sources said.
BAGHDAD - Gunmen in a speeding car opened fire with silenced weapons at the convoy of Sajidah al-Dulaimi, the director of a women's prison, killing her and her driver in Doura district, police and forensic sources said.
BAGHDAD - Gunmen using automatic weapons opened fire at an army officer's house and killed his wife in Abu Ghraib, on the western outskirts of Baghdad, police said. [...]
- [Reuters Alert Net, FACTBOX – Security developments in Iraq, February 5, 05/02/2012](#)
[...] BAGHDAD - Gunmen in a speeding car used silenced weapons to shoot dead an off-duty police major inside his car in central Baghdad, police said. [...]
- [Reuters Alert Net, FACTBOX – Security developments in Iraq, February 1, 01/02/2012](#)
BAGHDAD - A roadside bomb targeting a police patrol wounded three policemen and three civilians in the Harithiya district of western Baghdad, police and hospital sources said.
BAGHDAD - Qais al-Shathir, a member of parliament who left the Sunni-backed Iraqiya political bloc recently, escaped injury when a roadside bomb went off near his convoy, wounding two of his bodyguards and three passers-by in Baghdad's southeastern Ameen district, police said. [...]
- [Reuters Alert Net, FACTBOX – Security developments in Iraq, January 28, 28/01/2012](#)
[...] BAGHDAD - The death toll from a suicide bombing on a Shi'ite funeral procession in Baghdad on Friday rose to 32 killed and 71 wounded, according to health officials. The suicide bomber detonated his explosive-filled taxi in Baghdad's mainly Shi'ite Zaafaraniyah district near the funeral of a local real estate broker who was murdered a day earlier by gunmen. [...]
- [Agence France Presse, Suicide car bomb outside Baghdad hospital kills 31, 27/01/2012](#)
[...] A suicide bomber set off an explosives-packed car outside a Baghdad hospital on Friday, killing 31 people in the capital's deadliest day in a month, amid a political crisis that has stoked tensions.
The attack in a predominantly Shiite neighbourhood, which also left 60 people wounded, came days after Al-Qaeda warned it would continue targeting Shiite Muslims and barely a month after US troops completed their withdrawal, raising fresh concerns about the capabilities of domestic security forces.
The 11:00 am (0800 GMT) attack struck outside Zafraniyah hospital in east Baghdad as a funeral procession was transporting the bodies of a family who had been killed in the capital on Thursday.
Medical and security officials put the toll at at least 31 dead and 60 wounded. Eight security force officers and four women were among those killed.. [...]
- [Reuters Alert Net, FACTBOX-Security developments in Iraq, January 26, 27/01/2012](#)
[...] BAGHDAD - A bomb blast inside a coffee shop and a roadside bomb explosion seconds later outside the shop killed three people and wounded 17 others in the Saidiya district of southern Baghdad, police and hospital sources said. [...]

¹ See [IRIN, People consider fleeing as violence increases, 19/01/2012](#).

➤ [Agence France Presse, Bombs in and around Baghdad kill 12, 24/01/2012](#)

[...] A spate of bomb attacks in and around Baghdad, the deadliest of which targeted Shiite areas in the capital, killed at least 12 people on Tuesday, officials said.

The violence comes amid a political standoff in Iraq pitting the Shiite-led government against the main Sunni-backed political bloc, stoking sectarian tensions barely a month after US troops completed their withdrawal.

In the deadliest attack, two bombs exploded within half an hour of each other in the capital's Sadr City Shiite bastion, killing six people and wounding 32, an interior ministry official said.

The first bomb ripped through a group of workers at around 6:45 am (0345 GMT) while the second exploded outside a bakery. Among the wounded were two women and a child.

Two car bombs in north Baghdad targeted secondary schools, with one exploding in the northwestern Shula district, killing two people and wounding 16, and another killing one person and wounded 13 in the Al-Hurriya neighbourhood, the official added.

The bombings are the latest in a spate of attacks against Shiites, which have risen since US forces completed their withdrawal from Iraq on December 18.

Also on Tuesday, three roadside bombs struck in front of neighbouring houses of two policemen in Abu Ghraib, on Baghdad's western outskirts. Three civilians, including a woman, were killed, according to a security official and Dr Omar Dalli at nearby Fallujah hospital. [...]

➤ [IRIN, People consider fleeing as violence increases, 19/01/2012](#)

[...] Suicide attacks, assassinations and bombings in Iraq have claimed the lives of at least 265 people and injured hundreds of others since 18 December, the date the USA withdrew all but 200 of its troops from the country, according to the health and interior ministries.

The wave of attacks, carried out mainly by Sunni extremists from Al-Qaeda in Iraq against Shia communities, has alarmed many who fear the country could descend into chaos once more, with the government itself acknowledging it is not capable of ensuring security on its own.

The attacks also come as political factions are at loggerheads over how to reach a power-sharing deal. The Sunni community is complaining that it is being marginalized by the Shia-led government, which recently issued arrest warrants against Sunni Vice-President Tariq al-Hashemi and other politicians for allegedly operating death squads.

Many fear the current violence could send the country back to the days of 2006-07 when Shia-Sunni conflict left thousands of people dead and millions of others displaced. A few families have already packed their bags and others are contemplating leaving.

Here is how some Iraqis are feeling:

Sultan Abdul-Latif Ibrahim, a 55-year-old father of six from the Shia Shabak minority in the northern province of Ninevah: "I lost 10 of my relatives since [the US-led invasion in] 2003... We used to live in the provincial capital, Mosul, for years with Sunnis and Christians. But in 2007 we were forced out of our houses by Sunni extremists who blew up our homes. Since then, we have been living in a makeshift camp on the outskirts of Mosul. Last Monday [16 January] our camp was attacked by a parked car bomb, killing eight people, including six of my relatives. I wish to die now rather than later. We can't bear the hardships we are going through every day. We, the Shia, are facing constant threats by Sunni extremists who want to eliminate us and there is no place to go. I can't afford to move with my family to another place."

"I'm contemplating leaving Iraq as the situation seems to be getting worse."

Hassan Abdul-Mahdi, a 35-year-old Sunni businessman and father of three from Baghdad: "Iraq today is just like Iraq after the toppling of the previous regime. There is one group that wants to dominate and impose its control on the country. Today, the Shia-led government and politicians who control the security forces have started to hunt down Sunni leaders and political figures to bite them one by one using different means... I'm contemplating leaving Iraq as the situation seems to be getting worse."

Jandak Youssif, a 46-year-old Christian from Baghdad: "The situation is getting worse day by day, and the government doesn't care about our suffering and needs. Our economy is stagnant; illiteracy and unemployment are prevalent; decent public services are not available; and people are leaving the country due to the security situation and religious discrimination. Christians are being attacked and no-one is campaigning for their rights. We are not seeing any improvement in any aspect of our life... My family is scattered in many parts of the world; my parents and brother are stuck in Syria waiting to be relocated to

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a third country. I have three sisters in Denmark, one in the Netherlands and two in Ninevah Province. Iraq is one of the richest countries in the world but we are the worst in terms of corruption, unemployment and illiteracy.” [...]

➤ [Reuters Factbox, FACTBOX-Security developments in Iraq, January 12, 12/01/2012](#)

[...] * BAGHDAD - Gunmen in a car carrying silenced weapons opened fire and killed two off-duty policemen in eastern Baghdad late on Wednesday, police said. [...]

➤ [Reuters Factbox, FACTBOX-Security developments in Iraq, January 11, 11/01/2012](#)

[...] BAGHDAD - A roadside bomb targeting Shi'ite pilgrims wounded five people in Baghdad's southwestern Radhwaniya district, police said.

BAGHDAD - A roadside bomb targeting Shi'ite pilgrims killed one person and wounded nine others late on Tuesday in Baghdad's western Ghazaliya District, police and hospital sources said. [...]

➤ [Agence France-Presse, Attacks kill 17 in Iraq, wound 15 Afghan pilgrims, 10/01/2012](#)

[...] The violence included multiple bombings in and around Baghdad against Shiite worshippers walking to the shrine city of Karbala, 110 kilometres (70 miles) south of the capital, for Arbaeen rituals later this week.

In the deadliest attack, a car bomb in Shaab, a Shiite neighbourhood in east Baghdad, killed seven people and wounded 19, according to an interior ministry official and doctors at nearby hospitals in Sadr City and Palestine Street.

The blast struck a market in the area at around 7:00 pm (1600 GMT), the officials said, speaking on condition of anonymity.

A half-hour earlier, another car bomb killed four people and wounded at least 25 near the Husseiniyah Shiite mosque in Muasalat, southwest Baghdad, said officials from the ministries of interior and defence. [...]

➤ [Reuters AlertNet, FACTBOX-Security developments in Iraq, January 8, 08/01/2012](#)

[...] * BAGHDAD - A roadside bomb wounded three passers-by when it exploded in Baghdad's southern Saidiya district, police said. [...]

➤ [Agence France-Presse, Rockets hit Green Zone as Iraq marks Army Day, 06/01/2012](#)

[...] Rockets were fired against Baghdad's Green Zone as Iraq's military marked its anniversary with a parade Friday, a day after the country suffered its worst attacks since August and weeks after US troops left.

Further violence against Shiite pilgrims, who were the targets of Thursday's bombings, killed two people, the latest in a spike in attacks against the majority community amid a political crisis that has stoked sectarian tensions. [...]

In Baghdad, insurgents fired three rockets against the heavily-fortified Green Zone as Prime Minister Nuri al-Maliki presided over a huge military parade to mark the 91st anniversary of the founding of Iraq's armed forces.

The rockets hit the outer edge of the Green Zone, home to the US embassy and parliament, at 12:25 pm (0925 GMT) and did not cause any casualties, a senior intelligence official said on condition of anonymity. The noise caused by the rockets exploding could be heard from inside the grounds where the parade was taking place, an AFP journalist said.

Iraq's fledgling 280,000-strong security force, completely reformed after the US-led invasion of 2003, marked Friday's anniversary on stadium grounds under the gaze of Maliki, acting Defence Minister Saadun al-Dulaimi and Iraq's top military officer Lieutenant General Babaker Zebari. [...]

Also on Thursday, five bomb attacks against Shiite neighbourhoods in north Baghdad killed 23 people, making the nationwide toll the worst since mid-August.

The violence has dealt a blow to US and Iraqi claims that domestic forces are able to maintain internal security, let alone protect the country's borders. [...]

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➤ [Guardian, Iraq Suicide attack kills 30, 05/01/2012](#)

[...] The first of the Baghdad attacks came in Sadr City in the north-east of the Iraqi capital. One bomb was planted on a parked motorcycle and the other was a roadside device, a police source told Reuters. At least 12 people were killed.

"There was a group of day labourers gathered, waiting to be hired for work. Someone brought his small motorcycle and parked it nearby. A few minutes later it blew up, killed some people, wounded others and burned some cars," a police officer at the scene said.

A Reuters reporter said there were bloodstains around the scene of the motorcycle bomb attack, and tarmac on the road had been ripped up by the explosion. Building tools and shoes were scattered across the site.

Half an hour later, a roadside bomb exploded near a small tea shop in the same neighbourhood, killing one person. Police said they found and defused two other bombs. Less than two hours after that, two blasts hit the Shia district of Kazimiya, in the north of the city, killing at least 16 people.

Iraq is still plagued by a deadly Sunni Muslim insurgency and Shia militias nearly nine years after the US-led invasion.

"People have real fears that the cycle of violence might be revived in this country," Tariq Annad, a government employee who lives near the site of the Sadr City attacks, told Associated Press.

A political crisis that erupted shortly after US troops withdrew from Iraq on 18 December has revived concerns about sectarian violence in Iraq, which teetered on the brink of civil war in 2006-07.

The Iraqi prime minister, Nouri al-Maliki, a Shia, angered rivals when he asked parliament to have his Sunni deputy, Saleh al-Mutlaq, removed and sought an arrest warrant for the Sunni vice-president, Tareq al-Hashemi, on charges that he ran death squads.

On Tuesday, members of the Sunni-backed Iraqiya bloc boycotted Iraq's parliament and cabinet, accusing Maliki's bloc of governing alone in a power-sharing coalition that had been supposed to ease sectarian tensions. [...]

➤ [Reuters Alert Net, FACTBOX-Security developments in Iraq, January 4, 04/01/2012](#)

[...] * BAGHDAD - Gunmen in two cars opened fire on and killed a government-backed Sunni Sahwa militia leader and his wife in Abu Ghraib, on the western outskirts of Baghdad, police said. [...]

BAGHDAD - Gunmen using silenced weapons killed an off-duty police lieutenant in his car late on Tuesday in Baghdad's central Karrada district, police said. [...]

➤ [Reuters Alert Net, FACTBOX-Security developments in Iraq, January 3, 03/01/2012](#)

[...] BAGHDAD - A roadside bomb exploded near a police patrol, wounding three policemen and one civilian in Baghdad's southern Saidiya district, police said.

BAGHDAD - A roadside bomb went off near a police patrol and wounded three civilians in Baghdad's northern Shaab district, police said. (Compiled by Baghdad bureau) [...]

➤ [Reuters \(AlertNet\), FACTBOX-Security developments in Iraq, January 1, 01/01/2012](#)

[...] BAGHDAD - A rocket wounded five civilians when it landed in Baghdad's southern Abu Dsheer district, police said.

BAGHDAD - A roadside bomb targeting a police patrol wounded seven people, including three policemen, when it went off in Jisr Diyala on the southern outskirts of Baghdad, police said. [...]

➤ [Reuters AlertNet, FACTBOX-Security developments in Iraq, December 28, 28/12/2011](#)

[...] * BAGHDAD - A roadside bomb targeting an Iraqi police patrol exploded and wounded nine people, including four policemen, in Baghdad's southern Ilaam district, police said. [...]

➤ [Radio Free Europe/Radio Liberty, Al-Qaeda Claims Responsibility For Last Week's Baghdad Bombings, 27/12/2011](#)

[...] The Al-Qaeda in Iraq group has claimed responsibility for a wave of bombings in Baghdad last week that killed 69 people and wounded some 200 more. The self-proclaimed Islamic State of Iraq group posted a message on the Internet that said the group knows "where and when to strike." The statement called the attacks the "Thursday invasion" and said the bombings were meant to support the Sunni population --

"Sunnis in prison and in memory of those who were executed" -- who were victims of the "pernicious Iranian project," alluding to Iran's growing influence among the majority Shi'ite population. The statement referred to a suicide car bombing in Baghdad's Karrada district, part of a series of attacks on markets, grocery stores, cafes, and government buildings, mostly in Shi'ite neighborhoods. The statement warned the Islamic State of Iraq would "never stand with their hands tied." The attacks were the first major attacks since U.S. forces completed their withdrawal earlier this month. [...]

➤ [BBC News, Iraq interior ministry hit by suicide car bomber, 26/12/2011](#)

[...] At least seven people have been killed in a suicide car bomb attack outside Iraq's interior ministry. At least 27 others were also injured in the attack, which officials say happened at about 04:30 GMT. On Thursday, a series of bombings killed nearly 70 people in the capital. The attacks follow the withdrawal of the last US combat troops from the country after nearly nine years of military engagement. The attacker rammed his explosive-laden car through the main gate when interior ministry officials opened it to allow maintenance workers in, a ministry official was quoted as saying by the AFP news agency. Ambulances could be heard rushing to the scene of the attack, as helicopters flew overhead. "When I went outside I found my colleagues, some of them were killed, others were on the ground, many cars were burned," Zaid Raheem, a police guard, told the Reuters news agency.

Recent attacks in Iraq

22 December - 68 killed in multiple blasts in Baghdad

5 December - At least 30 killed in attacks targeting Shia pilgrims in central Iraq

27 October - 38 killed, 78 injured in twin bomb blasts in a Shia area of Baghdad

12 October - 28 killed by car bombs and roadside bombs around Baghdad

15 August - At least 60 killed in co-ordinated attacks in several Iraqi cities

The renewed violence comes as Iraq's year-old power-sharing government is in turmoil after an arrest warrant was issued for Sunni Vice-President Tariq al-Hashemi on terror charges - accusations he denies. [...]

➤ [Reuters Alert Net, FACTBOX-Security developments in Iraq, December 26, 26/12/2011](#)

[...] BAGHDAD - At least seven people were killed, including five policemen, and 34 others wounded, including seven policemen, when a suicide car bomber drove his vehicle into a security cordon outside the Interior Ministry in central Baghdad, police and hospital sources said. [...]

➤ [BBC, Dozens killed in co-ordinated Baghdad attacks, 22/12/2011](#)

[...] Dozens of people have been killed in a wave of apparently co-ordinated bomb attacks in the Iraqi capital, Baghdad. A fresh attack killed at least five people on Thursday evening, bringing the total number of blasts to 16 and the death toll to 68. The bombings are the worst in months and come after US troops completed their withdrawal. There are fears of rising sectarian tensions as the unity government faces internal divisions. It was not immediately clear who was behind the attacks, however analysts say the level of co-ordination suggests a planning capability only available to al-Qaeda in Iraq, which is a mainly Sunni insurgent group. The US said it strongly condemned the attacks. 'Children's schools' In the latest attack, a roadside bomb and then a car bomb exploded outside a cafe in south-west Baghdad, police said. With US forces barely out of the country there is a danger that Iraq's fragile political consensus could unravel along communal lines. [...]

➤ [Human Rights Watch, Iraq: Deadly bombings an assault on human rights, 22/12/2011](#)

[...] A series of bombings in Iraq on December 22, 2011, are an atrocious assault on basic human rights, Human Rights Watch said today. The attacks, among the deadliest in Iraq this year, killed more than 60 people and injured 185, mainly civilians.

No one has publicly claimed responsibility for the bombings, to Human Rights Watch's knowledge. But they resemble previous bombings claimed by al Qaeda in Iraq.

"There is no justification for these horrific attacks against Iraqi civilians," said Sarah Leah Whitson, Middle East director at Human Rights Watch.

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Nine car bombs and six roadside bombs targeted residential, commercial and government districts in Baghdad over a two-hour period during the morning rush hour. The deadliest attack was a bombing outside the offices of the Integrity Commission, which damaged the building and killed 23 people. [...]

➤ [Reuters Alert Net, FACTBOX-Security developments in Iraq, December 21, 21/12/2011](#)

[...] BAGHDAD - A sticky bomb attached to a car carrying a leader of the government-backed Sunni Sahwa militia killed him when it went off in Abu Ghraib on the western outskirts of Baghdad, police said. [...]

3.7 Perceived political opponents, including collaborators and those considered as “un-Islamic” journalists and those in fear of kidnapping

Excerpt from December 2011 Iraq OGN

3.7.13 Conclusion. Persons openly criticising or perceived to be opposing armed groups or political factions are at risk of persecution in Iraq. This includes persons accused of ‘un-Islamic behaviour’ and journalists in both central and southern Iraq and the Kurdistan Region of Iraq. Case owners will need to take into consideration the particular profile of the claimant in order to assess whether effective protection would be available and whether it would be possible for the claimant to relocate to escape the risk of persecution.

3.7.14 Persons perceived to collaborate with the current Iraqi Government and its institutions, the US/multi-national forces or foreign companies are at risk of persecution in Iraq. A claimant who has a localised threat on the basis that they are perceived to be a collaborator may be able to relocate to an area where that localised threat does not exist. The case owner will need to take into consideration the particular profile of the claimant, the nature of the threat and how far it would extend, and whether it would be unduly harsh to expect the claimant to relocate. A claim made on these grounds may be well founded and a grant of refugee status due to political opinion or imputed political opinion may be appropriate depending on the facts of the case.

Whilst the *Conclusion* for this category of claimant finds that persons perceived to be opposing armed groups or political factions, or those perceived to collaborate with the Iraqi Government are at risk, the most recent country information included in the *Treatment* section of the OGN dates from April 2011. More recent COI which continues to document that persons of this profile and persons who formerly collaborated with the Iraqi Government are at risk includes:

➤ [United Nations Security Council, First report of the Secretary-General pursuant to paragraph 6 of resolution 2001 \(2011\), 28/11/2011](#)

[...] E. Human rights activities

54. On 8 August 2011, UNAMI and OHCHR released a report on the human rights situation in Iraq for 2010. In the report, a range of human rights issues are examined, including the impact of the ongoing violence targeted at civilians, detention, the rule of law and the protection of the rights of specific groups. The state of political rights in the country, including freedom of assembly and expression, were also covered in the report. While there has been improvement in some areas, it was found that many challenges remain and that overall the human rights situation in the country remains fragile.

55. During the reporting period, targeted attacks against civilians, government officials and security personnel continued. By some estimates, more than 10 Iraqis were killed or injured, on average, each day. On 15 July, two car bombs reportedly killed at least 8 people and injured at least 35 more in Karbala. On 25 September, attacks against government buildings in Karbala governorate resulted in the death of dozens of civilians and the injury of many others. [...]

58. There was a marked increase in assassinations of government officials, professionals and security personnel. On 30 September, the Directors-General of the Ministries of Health, Finance and the Interior were targeted. The Director-General of the Ministry of Finance survived, while the other two were killed. [...]

F. Security, operational and logistical issues

69. During the reporting period there was an overall decline in security incidents in the country, in part because of a decrease in attacks on installations and convoys of the United States Forces in Iraq and in part because of the weak reporting capability of the host Government’s security forces. As the scheduled drawdown of the United States Forces continues, the Iraqi security forces are being deployed throughout the country in an attempt to control areas previously monitored by the United States Forces. However, given their limited air and ground assets, they face challenges in securing all areas of the country. Between

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500 and 700 security incidents occur each month and armed opposition groups are increasingly targeting Iraqi security forces and government employees. [...]

➤ [Brookings Institution, Iraq Index, last updated 30/11/2011](#)

TARGETED VIOLENCE AGAINST GOVERNMENT OF IRAQ OFFICIALS

| Year | Attacks per mo. | Attacks with deaths |
|------|-----------------|---------------------|
| 2011 | ~10 ~ | 2 out of 3 |

➤ [New York Times, Village in Iraq Falters With Exit of U.S. Troops, 15/11/2011](#)

[...] SOKUR, Iraq — The name of this dusty little village means falcon in Arabic, a reference to its history as a residential community for workers at a nearby airport. But most people in Iraq call it Traitor Town.

"It's not fair, but it's true," one market vendor here said about the nickname, pointing down the street to the walls of a now-empty American base just beyond.

Years ago, the residents of this town formed an alliance with the Americans who had moved into the airport and renamed it Speicher Base.

Nearly every young man in the town worked at the base, making this place an illustrative, if extreme, example of the unfortunate turn of fate for Iraqis who took jobs with the United States military during the nearly nine-year war, and who are now being left behind.

A United States visa program for them is stalled in red tape, while the Iraqi government has no formal program to help. Though these workers were laid off months ago, they are now, finally and irrevocably, deprived of their job opportunities, off the bases and being shunned, or worse.

"At least they could come by to say goodbye, and say thank you, or maybe sorry to leave you in this disturbing situation," the mayor, Adel Turki, said of the Americans in an interview. "But nobody said goodbye."

Nobody denies, either, that the village had a heyday with the American base next door. Workers bought cars, built homes and started families.

But back in February, "the American guys say 'no more work in Speicher,' " Mustafa Nasser, a laborer, said in English, which is widely if imperfectly spoken in this town. Mr. Nasser made a gesture of washing his hands, and then of waving them in the air, as if showing helicopters disappearing into the sky. [...]

At the peak of the United States deployment, 505 American bases operated in Iraq, meaning the problems of this town are far from unique. For Iraqis living in a country in the midst of a war that by United States military acknowledgment is still going on, with about a dozen insurgent groups active, even former employment with the Americans is a death sentence, if word slips out.

Sticky bombs slapped onto cars severely wounded two suspected informants for the United States military in Diyala Province last month, for example.

"People hate us because we were traitors," said Haidar Mahsan, who sold DVDs on the base for seven years. "Traitor Town. That is what they call us."

Mr. Turki, the mayor, said he could not even count the number of death threats he had received. Through an intermediary, he said, insurgents once conveyed the following, unambiguous message: "We will kill you, we will kill your sons, we will kill your family, we will burn down your house." [...]

➤ [New York Times, Leaving Iraq, U.S. Fears New Surge of Qaeda Terror, 05/11/2011](#)

[...] Although the organization is certainly weaker than it was at its peak five years ago and is unlikely to regain its prior strength, American and Iraqi analysts said the Qaeda franchise is shifting its tactics and strategies — like attacking Iraqi security forces in small squads — to exploit gaps left by the departing American troops and to try to reignite sectarian violence in the country.

The group, which has also been known as Al Qaeda in Mesopotamia, has shown surprising resilience even as its traditional supply lines of foreign fighters through Syria have been disrupted by the turmoil in that country, American intelligence officials say. It conducts a little more than 30 attacks a week, carries out a large-scale strike every four to six weeks, and has expanded its efforts to recruit Iraqis, leading to a significant increase in the number of Iraqi-born suicide bombers.

"I cringe whenever anybody makes a pronouncement that Al Qaeda is on its last legs," said Maj. Gen. Jeffrey Buchanan, the American military's top spokesman in Iraq. "I think one day we are going to look around and say it's been a long time since we have heard from Al Qaeda, and maybe then we can say it is on its last legs." [...]

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According to General Buchanan, there are 800 to 1,000 people in Al Qaeda's Iraq network, "from terrorists involved in operations to media to finance to fighters." A document released by the military in July 2010 said Al Qaeda had about 200 "hard core" fighters in Iraq. The weak Iraqi economy is providing a large pool of young and vulnerable recruits, analysts say.

A Defense Department official familiar with the Qaeda affiliate said that the group's leaders and foot soldiers are Sunni Arabs from central, western and northern Iraq. While some may have been affiliated with the Baath Party in Saddam Hussein's government, analysts say, they were not involved at high levels of the government or military. Foreigners make up only a small percentage of the organization's membership base. [...]

➤ [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 2.2 Assassinations, targeted killings and extrajudicial executions

Assassinations, targeted killings and extrajudicial executions continued to take place throughout most of Iraq in 2010 – constituting a serious violation of IHL and of basic human rights norms. Victims included members of governorate (provincial) and municipal councils, civil servants and other government employees, journalists, judges, religious figures, members of minorities (ethnic, religious and sexual), and persons engaged in religious events and activities. Those most frequently targeted were members of the security forces (police, military, border and prison guards) and Sahwa (Awakening Council) members of all ranks.

According to UNAMI figures, at least 71 civilians were killed in assassinations: 26 civilians, including three persons elected to parliament or who had run as candidates in the general election, lawyers, medical doctors, teachers, and four staff of an NGO. There were also some 45 civilian government employees and civil servants assassinated. At least 27 members of the ISF, and at least 8 traditional tribal and community leaders, including members of the Sahwa (Awakening Council) were targeted and killed. There were also a further 55 persons wounded in such attempts, including 2 civilians, 34 members of the ISF, 17 Iraqi Officials, and 2 members of the civil defence forces. Additionally, there were 209 attempted assassinations or targeted killings during 2010 – 92 against members of the Iraqi police and ISF, 88 against Iraqi Government Officials and 29 against civilians.²⁴

Many attacks took the form of roadside bombs, car bombs or shootings. UNAMI received reports that a number of these attacks were perpetrated by members of armed groups, sometimes wearing police or military uniforms. Throughout 2010, there continued to be a spate of targeted killings carried out by perpetrators using small firearms with silencers.

It appears that many of these attacks were aimed at undermining the functioning of State institutions and to "punish" anyone seen to be associated with them. However, the motivations varied, and often the distinction between indiscriminate and targeted attacks was blurred: family members of the targets or innocent bystanders were routinely harmed when these crimes were committed. For example, at least five women were among 24 persons killed on 2 April when gunmen stormed three houses in Sufiyah, south of Baghdad with the alleged aim of killing specific individuals. Furthermore, such targeted assassinations and killings risk sparking vendetta or blood feuds, fuelling the spiralling violence, and undermining the Government's attempts to maintain security. For instance, in Mosul on 14 June, gunmen assassinated an employee of the Ministry of Trade. Members of the victim's family then raided nearby homes of suspected al-Qa'eda members who they considered responsible for the attack, killing six persons including two women. [...]

2.2.1 Attacks on Government employees, officials and public figures

At least nine former or current members and employees of the Governorate Councils of Baghdad, al-Anbar (Fallujah) and Ninawa (Mosul) and of various municipal councils, were killed in separate incidents on 1 and 26 January, 22 March, 10, 12 and 18 July, 24 August, 21 September and 18 October. On 24 May in Mosul, parliament member Bashar Hamid al-U'qaidi was shot by gunmen and subsequently died of his injuries. On 5 June, two persons who had run as candidates in the general election were killed: Ihab Saleh, the Director of al-Obaidi Hospital in al-Ka'im District (al-Anbar Governorate) was killed along with two other civilians when an improvised explosive device planted in his clinic exploded. Faris Jassim, another candidate of the Iraqi List, was murdered in front of his family, allegedly by a group of 20 men dressed in police uniforms who raided his home north of Mosul. Furthermore, seven mayors of districts, villages or

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city neighbourhoods were assassinated in al-Anbar, Ninawa, Diyala and Kirkuk on 27 January, 6 February, 30 April, 7 July, 8 August, 4 November, and 20 December.

A large number of public servants attached to the Ministries of Education, Electricity, Finance, Higher Education, Human Rights, Industry and Minerals, Justice, Oil, Trade, and Water Resources were also targeted. [...]

2.2.5 Attacks on members of the Iraqi Security Forces

Attacks were also frequently carried out against members of the ISF and those associated with them. In 2010 at least 1,077 members of the Iraqi Security Forces were killed and 2,859 were wounded. [...]

The frequently published Factbox notifications from [Reuters AlertNet](#) which are also archived on the [Reliefweb](#) country database detail security developments in Iraq and are useful to consult for up to date information on the treatment of perceived collaborators. For example, indicative of the current targeting of persons perceived to support or collaborate with the Iraqi Government, the following security incidents were reported on one day, on 11th December 2011:

➤ [Reuters AlertNet, FACTBOX-Security developments in Iraq, December 11, 11/12/2011](#)

BAGHDAD - A sticky bomb attached to a car carrying an official working at the Ministry of Education killed him in Baghdad's northern Shaab district, police said.

MOSUL - Gunmen in a car killed doctor Samir al-Hamdani, head of Mosul's central morgue, near his house in eastern Mosul, 390 km (240 miles) north of Baghdad, police said.

MUQDADIYA - A sticky bomb attached to a car carrying a school teacher wounded him in the town of Muqdadiya, 80 km (50 miles) northeast of Baghdad, police said.

KIRKIK - Two bombs exploded in quick succession and wounded three policemen and four Kurdish Asaish security officers as they gathered after the first explosion in central Kirkuk, 250 km (155 miles) north of Baghdad, police said.

MOSUL - Police found the body of a civil servant at a state-run medicine factory shot in the head and chest two hours after he was kidnapped in Mosul, police said.

TUZ KHURMATO - Gunmen shot at a car of a private Iraqi security company, killing one security guard and wounding one on Saturday in the town of Tuz Khurmato, 170 km (105 miles) north of Baghdad, police said. (Compiled by Baghdad bureau)

Nature and extent of threats from armed groups

Excerpt from December 2011 Iraq OGN

3.7.14 Persons perceived to collaborate with the current Iraqi Government and its institutions, the US/multi-national forces or foreign companies are at risk of persecution in Iraq. A claimant who has a localised threat on the basis that they are perceived to be a collaborator may be able to relocate to an area where that localised threat does not exist. The case owner will need to take into consideration the particular profile of the claimant, **the nature of the threat and how far it would extend**, and whether it would be unduly harsh to expect the claimant to relocate. A claim made on these grounds may be well founded and a grant of refugee status due to political opinion or imputed political opinion may be appropriate depending on the facts of the case.

It is important to note that sources document that the majority of Iraqi deaths are caused by "unknown" perpetrators, which are defined as those who target civilians (i.e. no identifiable military target being present), while appearing indistinguishable from civilians. This means that it may not be possible for a claimant to identify their perpetrator of violence, and correspondingly how far a threat would extend:

- [Hicks MH-R, Dardagan H, Guerrero Serda'n G, Bagnall PM, Sloboda JA, et al. \(2011\) Violent Deaths of Iraqi Civilians, 2003–2008: Analysis by Perpetrator, Weapon, Time, and Location. PLoS Med 8\(2\): e1000415. doi:10.1371/journal.pmed.1000415, 15/02/2011](#)

Armed violence is a major public health and humanitarian problem in Iraq. In this descriptive statistical analysis we aimed to describe for the first time Iraqi civilian deaths caused by perpetrators of armed violence during the first 5 years of the Iraq war: over time; by weapon used; by region (governorate); and by victim demographics.

Methods and Findings: We analyzed the Iraq Body Count database of 92,614 Iraqi civilian direct deaths from armed violence occurring from March 20, 2003 through March 19, 2008, of which Unknown perpetrators caused 74% of deaths (n = 68,396), Coalition forces 12% (n = 11,516), and Anti-Coalition forces 11% (n = 9,954). We analyzed the subset of 60,481 civilian deaths from 14,196 short-duration events of lethal violence to link individual civilian deaths to events involving perpetrators and their methods. One-third of civilian violent death was from extrajudicial executions by Unknown perpetrators; quadratic regression shows these deaths progressively and disproportionately increased as deaths from other forms of violence increased across Iraq's governorates. [...]

Perpetrators

Iraq's conflict environment is one in which perpetrators are not equally identifiable when they harm Iraqi civilians. Coalition forces are identifiable by uniforms, and in some cases (e.g., where aircraft are involved), by weapons. In contrast, sectarian and Anti-Coalition insurgent forces routinely do not wear uniforms or identifying marks during military actions [21–23]. Moreover, claims of responsibility for attacks, if made at all, are unreliable, and responsibility may be distributed across multiple groups due to the practice of subcontracting stages of weapon production and deployment [19,21,24]. IBC accurately reflects the nature of Iraq's armed conflict and the extent to which perpetrators of violence can, and cannot, be identified, through its three main perpetrator categories: Coalition forces, Anti-Coalition forces, and Unknown perpetrators. Deaths are attributed to Coalition forces (which chiefly consist of US forces) when data from reports identify Coalition perpetrators. Anti-Coalition forces, although visually indistinguishable from civilians, are identified as Anti-Coalition by their attack on a Coalition target (which includes Coalition-associated targets, such as Iraqi police checkpoints, Iraqi security forces, and government targets).

Unknown perpetrators are those who target civilians (i.e., no identifiable military target is present), while appearing indistinguishable from civilians: for example, a suicide bomber disguised as a civilian in a market. Unknown (i.e., unidentified) perpetrators in Iraq include sectarian combatants and Anti-Coalition combatants who maintain a civilian appearance while targeting civilians, and criminals [19,21–23]. [...]

Civilian Deaths from Perpetrators

Three-quarters of Iraqi civilian victims of armed violence were killed in direct targeting, either by sectarian or Anti-Coalition combatants disguised as civilians, or by criminals (encompassed in our Unknown perpetrator category). When any military combatant intentionally targets civilians, this constitutes a war crime [15,16,19,30]. Although a military force incurs primary responsibility for its civilian victims, whether intended or unintended, a possible factor affecting our comparison of civilian deaths from Anti-Coalition forces and Coalition forces is that Coalition combatants present clear, uniformed military targets to Anti-Coalition forces and are easily distinguished from Iraqi civilians. This would decrease the Anti-Coalition likelihood of killing civilians accidentally. [...]

Extrajudicial Executions

Execution by Unknown perpetrators was the most prevalent form of violent death affecting Iraqi civilians in 2003–2008. Although Unknown perpetrators' motivations cannot be ascertained from our data, our findings are compatible with descriptive reports of Iraq's postinvasion environment in this period, during which civilians were extensively abducted, ransomed, exchanged, and executed for financial or political gain, to destabilize Iraqi society, or to punish or deter "collaborators," by perpetrators who strategically remained unidentifiable and who included a mixture of criminals, and sectarian and Anti-Coalition combatants, including within Iraqi security forces and police [17,19,21–24,35–37]. [...]

- [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 27/04/2009](#)

27. In the context of the Central Governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din where, even though the security situation has improved in parts, there is still a prevalence of instability, violence

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and human rights violations by various actors, and the overall situation is such that there is a likelihood of serious harm. Armed groups remain lethal, and suicide attacks and car bombs directed against the MNF-I/ISF, Awakening Movements and civilians, in addition to targeted assassinations and kidnappings, continue to occur on a regular basis, claiming the lives of civilians and causing new displacement. These methods of violence are usually targeted at chosen areas where civilians of specific religious or ethnic groups gather, including places of worship, market places, bus stations, and neighbourhoods. Violence appears often to be politically motivated and linked to ongoing struggles over territory and power among various actors. As clarified above, even where an individual may not have personally experienced threats or risks of harm, events surrounding his or her areas of residence or relating to others, may nonetheless give rise to a well-founded fear. There is also more specific targeting of individuals by extremist elements of one religious or political group against specific individuals of another, through kidnappings and execution-style killings. Rape is also being used as a means of persecution. Due to the complex situation of a high number of actors involved in providing security and actors involved in violence, where the lines are often blurred, an asylum-seeker's failure to identify the perpetrator of violence should not be considered as detrimental to his/her credibility.

However, whilst it is reported that the majority of targeted assassinations are committed by unknown perpetrators, it is also documented that targeting perceived collaborators is central to the aims of several armed groups in Iraq. As set out below in the [Internal Relocation](#) section, in order to assess whether internal relocation to escape the risk of persecution from a *particular armed group*, information is required on the following issues:

- Origins and ideology
- Affiliates
- Infiltration into the Iraqi Security Forces
- Strength and regions of operation
- Recent activities and targets of attacks

Sources recommended to consult on these issues include:

- [Centre for Strategic and International Studies, Putting US Withdrawal in Perspective, 15/12/2011](#)
- [Brookings Institution, Iraq Index, last updated 30/11/2011](#)
- [U.S. Department of State, Country Report on Terrorism 2010 - Chapter 2- Iraq, 18/08/2011](#)
- [Centre for Strategic and International Studies, Al Qaeda in Iraq, 15/06/2011](#)
- [Australian Government, National Security Website's Listing of Terrorism Organisations, last updated 08/11/2010](#)
- Also see the [Database of useful sources to consult on the security situation in Iraq](#) in the Annex of this report

Kidnappings

Excerpt from December 2011 Iraq OGN

3.7.2 Treatment. Although the overall magnitude of sectarian violence has declined, many individuals from various religious groups are targeted because of their religious identity or secular leanings. Acts committed against them included harassment, intimidation, kidnapping, and murder. The general lawlessness that permits criminal gangs, terrorists, and insurgents to victimise people with impunity affects persons of all ethnicities and religious groups.⁴⁹

3.7.8 As regards kidnapping and disappearances, the majority of reported cases appeared to be financially motivated. Religious minorities and children were often the target of such kidnappings. Kidnappers who did not receive a ransom often killed their victims. Police believe that the majority of these cases went unreported.⁵⁸ The ICRC noted in February 2010 that professionals remain at risk of being targeted in Iraq, with persons perceived to be wealthy, and their children, at risk of being kidnapped and held for ransom.⁵⁹ [...]

Conclusion 3.7.15 In general kidnapping motivated by economic reasons does not engage the UK's obligations under the 1951 UN Convention and therefore a grant of asylum would not be appropriate. However, in some circumstances it may be that grounds for fear of kidnapping due to economic reasons may be well founded and a grant of Humanitarian Protection appropriate depending on the facts of the case and the particular profile of the claimant. If an individual being targeted for kidnapping on account of being the relative of another individual, he or she may have a well-founded fear of persecution on account of their membership of a particular social group (family) regardless of why or whether the individual themselves is at risk. A grant of asylum would be appropriate in such cases.

It is considered that the sections of the OGN highlighted above are not fully consistent with the information currently available in the public domain. Sources detail that it is not always possible to ascertain the motivation behind a kidnapping, and that kidnappings may target individuals owing both to their perceived political opinion or religious affiliation as well as their perceived wealth:

➤ [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 2.1 Civilian casualties

The distinction between criminal activity and terrorism has become blurred, as ideology-driven groups have increasingly resorted to funding their activities through ordinary crime, such as extortion, kidnapping and armed robbery - targeting banks, jewellery shops, currency exchange or money transfer businesses. The heavy-handed tactics used by those perpetrating these robberies have resulted in significant civilian casualties. For instance, on 25 May gunmen robbed eleven goldsmiths' shops in Baghdad's al-Baya'a neighbourhood, killing 14 persons. In Kirkuk on 26 October, robbers attacked jewellery shops with heavy weapons including rocket-propelled grenades, killing five civilians and six policemen. [...]

6.1 Children in armed conflict

UNAMI received a number of reports of child kidnappings during 2010 involving a total of 31 children in ten different governorates, although not all reports could be confirmed due to the sensitivity of the subject.¹²¹ Between 25 and 27 November alone, three kidnappings of children were reported from Baghdad; at least one victim was killed because the family allegedly refused to pay ransom. In Kirkuk, UNAMI received an unverified report indicating that insurgents groups were recruiting children to abduct other children. Additionally, between November and December 2010 three incidents of abduction were reported to have taken place in Kirkuk, including a case where a boy whose father works for an Awakening Council was abducted and questioned regarding his father's activities. The boy was released by the men the following day.

There is reason to believe that some armed groups resort to abductions for ransom as a means to finance insurgent activities. Ordinary criminals likewise resort to kidnapping for financial gain, trafficking, etc. In one instance, three girls abducted in March in Baghdad were raped and held for two days before being released, presumably after ransom was paid. In October, UNAMI monitored the initial phase of a criminal trial of a gang in Basra that was accused of having kidnapped a child, who was released unharmed after a large ransom had been paid. [...]

➤ [Danish Immigration Service, Security and Human Rights in South/Central Iraq Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq 25 February to 9 March and 6 to 16 April 2010, 10/09/2010](#)

[...] 1.3. Armed groups, insurgent groups and criminal gangs

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Concerning different armed groups that operate in Iraq, United Nations High Commissioner for Refugees - Iraq (UNHCR - Iraq), Baghdad stated that the situation is fluid, and while there are some „official“ militias that are known, and each political party has its own militia, underneath this there are a number of “invisible” militias that one does not know about. Many would say that one worries about the militias one does not know about.

There are reports of armed groups dressing in government military uniforms. This has led to restrictions on the making and selling of uniforms.

A reliable source [in] Iraq explained that it is not possible to generalize with regards to the intent of attacks and motives that lay behind armed groups” activities. The result of attacks and incidents is indiscriminate loss of life however it is difficult to state that overall attacks are terrorists aiming at killing as many as possible. The use of the term terrorism has been used and misused to a great extent in Iraq and continuation of this often leads to overlooking the complexity of the situation, including the intent of perpetrators. Additionally, the law is deficient in its use and handling of terrorism in e.g. criminal proceedings. [...]

There are Sunni and Shia groups as well as Baathist groups, all claiming to be resistance groups carrying out their insurgent activities. These groups also target professionals who according to them are disruptive from an ideological point of view. These professionals could be judges, lawyers and in some cases journalists or even persons that do not go in line with these groups” policies. It was added that journalists are mostly targeted by the authorities with the aim of shutting them up. [...]

2 Security and human rights for ethnic and religious communities [...]

Reporting what happens on the ground with regards to human rights violations is difficult. It was stated that reporting on human rights violations on the ground in Iraq only shows “the tip of the iceberg”. Capacity for independent monitoring is limited and underreporting is to be expected. Official reporting may be rushed and inaccurate, referring to the Ministry of Health”s hesitation to release genuine numbers regarding casualties in very critical periods. [...]

David Helmeý and Rania Guindy, IOM - Baghdad stated that IOM has seen cases of individuals who work in the International Zone (IZ) of Baghdad that would not tell their families that they are employed in there as they fear being kidnapped or otherwise being targeted. Last year there was some targeting of professionals, however this year it seems to have lessened in Baghdad. However, there are lots of kidnappings made for financial gain and professionals are considered well-off or perceived as progressive by more ideologically-based perpetrators. [...]

➤ [Amnesty International, Iraq Human Rights Briefing, 01/03/2010](#)

[...] 5) KILLINGS AND OTHER ABUSES BY ARMED GROUPS

Armed groups, especially al-Qa’ida in Iraq and its allies, have been responsible for gross human rights abuses, including kidnapping, torture, threats and murder. They have carried out numerous suicide bombings in public places, such as markets and public buildings, and other large-scale indiscriminate attacks against civilians with a view to inflicting as many casualties as possible. These groups have been fighting against the Shi’a-majority government and against the presence of foreign troops since the US-led invasion of Iraq in 2003. Among their targets are anyone perceived to be supporting and cooperating with the Iraqi government and the US forces in Iraq, members of ethnic and religious minority groups, including Christians, Yazidis, Turkomans, Mandeans-Sabeans, Shabak and Kaka’is, members of professional associations such as journalists, doctors, lawyers and judges, gays and women who do not conform to strict Islamic dress and moral codes. Shi’s militia groups continue to commit human rights abuses, including kidnapping, torture and murder of civilians. Some of these groups, including the Mahdi Army and the Badr Organization, are associated to political parties represented in the Iraqi government and parliament. [...]

➤ [Austrian Centre for Country of Origin and Asylum Research and Documentation \(ACCORD\), Country Report: Iraq, 29/11/2007](#)

4.5. Actual or Perceived Sympathizers of the US-Led Invasion and/or the International Military Presence in Iraq / Government Officials and other Persons Associated with the Current Iraqi Government, Administration and Institutions

Gabriela Wengert

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Actual or perceived sympathizers of the US-led invasion and/or the military presence in Iraq are targeted. This group certainly includes employees of the former Coalition Provisional Authority (CPA), of the MNF or Iraqis employed by embassies, including embassies which have not been involved in the invasion and which do not have troops in Iraq. There have not only been incidents of attacks against persons who share the political opinion of their employers, but also against technical or administrative staff, including contractors, engineers, translators, drivers, construction workers, bodyguards, cooks, cleaning personnel, etc.

Attacks include verbal harassment, threats to individuals and their families to stop working for the "enemy", which is a reason why many persons would actually conceal that they work for an organization or an embassy. Actual or perceived supporters of the US-led invasion have also been targets of kidnappings, physical attacks, and murders.

Most of the same can be said for persons who are involved in the political process, who work for the government, the Iraqi administration or other institutions. Even persons, who work in very technical or administrative jobs are at risk of being targeted. There have been attacks on politicians, members and employees of the government and the administration, even at local level, on employees of state-owned companies and on members of political parties. Such attacks seem to be directed at disrupting the political process and the democratisation of the country.

Often, family members of the persons at risk mentioned above are considered as softer targets and might therefore be targeted instead. An example is the case of Tarik al-Hashimi who has lost three of his siblings in 2006. As he is well protected, it is almost impossible to target him personally, but his family members do not enjoy the same level of protection.

Persons involved in the political process are considered as "traitors", as being puppets of Western forces and as collaborating with foreign powers. That also includes Sunnis who are involved in the political process.

There is also a risk for employees of international organizations, including the UN, the International Red Cross and international and local NGOs, and human rights defenders. [...]

Gudrun Harrer [...]

The International Zone is more or less considered the zone of the occupants. The rule is that all countries which opposed the 2003 invasion are located outside the International Zone.

For a normal Iraqi, it is extremely difficult to get into the Green Zone. An extra badge is necessary for every facility, compound or building.

Being seen as supportive of the American presence in Iraq is a motive for political kidnappings. Sometimes people who work in the Green zone are also targeted because of their comparatively high salaries. They may be identified by being capable to afford a generator or the gasoline to run it. They will not only be political targets, but also criminal targets, because it will be assumed that they would have enough money to pay ransom. This does not only affect people working for the Americans, but also government employees.

It should also be noted with regards to the practice of kidnapping, that internally displaced persons may be especially vulnerable to kidnapping, as are persons returning from Europe who may be at heightened risk due to their perceived wealth:

- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16/02/2011](#)

[...] 30. While security has improved in the last two years, forced displacement related to security incidents – such as generalized criminal violence and terrorism by extremist groups – continues to be a problem. Crimes by militias, criminal gangs and security and military forces in certain parts of the country, such as in Baghdad, have included kidnappings, assassinations, extrajudicial executions, forced recruitment, destruction of property, intimidation, extortion and sexual and gender-based violence.³⁶ The Representative stresses that an escalation of generalized violence in certain areas may result in renewed forced displacement and that IDPs can be especially vulnerable to such criminal practices. He encourages the Government to address impunity for human rights violations, strengthen rule of law and governance institutions, provide adequate resources for national security measures in line with human rights and

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develop effective mechanisms to address abuses emanating from its law enforcement institutions and security forces. [...]

- [Danish Immigration Service, Security and Human Rights in South/Central Iraq Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq 25 February to 9 March and 6 to 16 April 2010, 10/09/2010](#)

[...] IOM had received "limited and anecdotal reports" of returnees being targeted, often this would be individuals or families. IOM did not have any information on why such targeting had occurred or who the perpetrators were.

Nicola Graviano and Liana Paris, IOM - Iraq, Amman said that they have no specific accounts of IDP returnees experiencing problems when travelling back to their home area and that movement for IDPs was no different than for ordinary civilians. However, it was added that security in Iraq remains unpredictable and fragile and varies from place to place.

When asked if returnees are particularly targeted, an international NGO in Amman stated that returnees are affected by the general situation in S/C Iraq. It is hard to verify if these persons are at risk of being especially targeted, however the international NGO has heard of returnees from Europe and Canada being considered well-off and therefore perhaps prone to attacks from criminal gangs. However, there are no confirmed reports of this being the case. It is hard to obtain qualified reports concerning this matter. Furthermore, every governorate, even district, has its own local dynamics that affect how persons fare upon returning to S/C Iraq.

Additionally, in the case of S/C Iraq, many returnees are coming back from Syria and Iran and they are often without many funds. Another factor of a more psychological nature is that these returnees initially fled during Saddam Hussein's regime for political reasons, and upon return, they are perceived as martyrs in some sense, and criminals may be more apprehensive with regard to targeting these persons. Finally, the number of returnees in the South is not that high, so it is hard to say whether not these persons are targeted by criminals or not. It is difficult to conclude [whether] returnees are targeted or not on the basis of such a small number. [...]

- [UNHCR, Research Paper No. 165 Circular repatriation: the unsuccessful return and reintegration of Iraqis with refugee status in Denmark, 01/10/2008](#)

Introduction

As a general rule, Denmark emphasizes return, repatriation and reintegration as the preferred durable solution for refugees. Danish authorities are particularly intent on promoting the return of refugees through financial and other incentives, an intention reflected in the Danish Act on Repatriation, which came into force on 1 January 2000. Designed to facilitate the voluntary repatriation of recognized refugees,¹ this Act provides refugees seeking to repatriate with counseling and financial support and gives those who have repatriated an opportunity to change their minds and return to Denmark within 12 months of their repatriation. Since the Act on Repatriation was passed, 1,278 refugees have decided to repatriate to their home countries. Of these

1,278 refugees, Iraqis constitute by far the largest group at 306. Of these 306, 73 have ultimately chosen not to remain in Iraq and to return to Denmark.

As no empirical research into the failed repatriation of these 73 Iraqi refugees had previously been undertaken, the Danish Refugee Council commissioned a project looking into the factors behind these Iraqis' decision not to remain in Iraq. The research question posed for the project was: What factors might explain why these Iraqi refugees chose to give up their repatriation and return to Denmark? The empirical material for this project was drawn from qualitative interviews conducted with 35 of the 73 Iraqi refugees who decided not to remain in Iraq. The aim of the current article is to outline the findings. [...]

The particular vulnerability of returnees

An eighth factor which can contribute to the failure of repatriation is that refugees returning to their country after a long period of time in exile may prove particularly vulnerable on account of being returnees. Upon returning to their countries returnees are often perceived by the rest of the population as privileged and wealthy, for they are presumed to have earned a great deal of money in their time in exile. As a result, these returnees may be even more vulnerable to crime and hostility than other groups in society. Feeling their safety is endangered, they may choose not to remain in their countries of origin. (Stepputat 2004: 13).

Several of our interviewees expressed that they have, in different ways, found themselves to be particularly vulnerable to violence and crime, due to their status as returnees. Sumaya explains that upon her return to Iraq she became aware that she and her family would be more at risk of violence and particularly kidnappings because they had lived abroad for a period of time:

When we came to Iraq, we heard that if you had lived in Europe or in the West for some time, and you then went back to Iraq, you may have collected a lot of money, and then [...] there was a risk that your child could be kidnapped, so they could demand a ransom for the child. So we were very scared when we heard that (Interview 11 & 12: 6).

Tarik explains that the threat of kidnapping, or blackmail was a problem which affected all returnees from the West. He indicates that the threat stemmed from a general belief in Iraq that returnees from the West brought a lot of money with them, making them obvious targets for crime. He states:

[...] it was all Iraqis who thought that when you came from abroad you had money. If you said you did not have money, they would not believe you (Interview 1 & 2: 8).

Hamza describes how he was blackmailed by a local gang, who threatened to kill him: They warned me and said that after two weeks they wanted 100.000 US Dollars (Interview 9: 3-4). In order to escape this threat, Hamza fled Iraq and returned to Denmark. Ali too was subjected to a similar, though more violent incident when he was kidnapped. He describes how one day, he and a friend were abducted by a gang disguised as police men, because he showed them his Danish passport: 15

We were walking around, looking at the town, and a military patrol, police patrol came up, they were wearing police uniforms, and they asked for ID. When I showed them my Danish passport, they said: we are from the police, come with us. Afterwards they blindfolded us, and then I realized that something was wrong, because I had heard of fake policemen, they come in police uniforms, but they are not the police, they are actually gangs (Interview 8: 5-6).

Ali was thus kidnapped and held hostage because he was assumed to be wealthy. When he was reunited with his family, he discovered that the kidnappers had demanded a US\$ 20.000 ransom from his family. Some of our interviewees further point out that they felt particularly vulnerable and at risk because they were from Denmark, which was part of the coalition of countries that had occupied Iraq. Abdulsalam explains that it was particularly dangerous to come from Denmark, because Denmark was part of the Iraq war. He states:

Believe me, as soon as they know you come from Denmark it is a problem. There is a special hatred towards Danish people, because there are Danish soldiers in Iraq, and they are not popular. So it is twice as dangerous down there for us who come from Denmark (Interview 3: 5).

On account of this potential risk, several of our interviewees said that they tried to conceal that they had lived in Denmark. Takleif did this by never showing anyone his Danish refugee passport. However, this meant that he could not leave his hometown, because it was necessary to show ID at the control posts set up at all the exit roads from Najaf, the city where he lived. He states:

[...] I could not leave my home town because there were road control posts. I could not give them my passport, because my passport is a foreign passport, it is a Danish passport. If they ask me for ID. If I didn't have ID, then they just assumed that I was from abroad. That's why I just stayed in my hometown (Interview 18 & 19: 9).

Yakdan also describes how the fear of being exposed as a returnee from Denmark, meant that he would not leave his home town of Erbil in Northern Iraq to visit his family in Baghdad:

I did not dare to go back to Baghdad because it was dangerous for me to travel with a Danish refugee passport, because if I was stopped with a Danish refugee passport I could be kidnapped or killed (Interview 15: 10).

Amed explains that he strongly emphasized to his children that they must keep their status as returnees from Denmark a secret:

[...] I told my children that we could not tell anyone that we had come from Denmark, because this could cause trouble for us. (Interview 25:3).¹⁶

The Muhammad cartoon controversy made life for returnees from Denmark in Iraq even more dangerous. Said notes that he was forced to hide from people who were aware that he was from Denmark:

I was scared, because the first days after I came back, my family told the neighbours that their child, he had come from Denmark. And after the Muhammad case, they became afraid of the neighbours. And they hid me, and sent me to another place (Interview 14: 11).

Shortly after the cartoon controversy, Mohamad, who had not kept his family's return from Denmark a secret, received a threatening letter. He states:

One day someone threw a note, and the note was, like, a warning to us (Interview 23 & 24: 15). In the note, it said: "Today will be your day, Danes" (Interview 23 & 24: 15).

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Later on, Mohamad was kidnapped. He describes that a group of armed and masked men surrounded his house and took him away:

They tied me up and blindfolded me, and put me in a car with two people, one on either side. They drove me away. I did not know where it was because I was blindfolded. They took me into a room, and I was not allowed to sit. I could not see, but I felt that four or five people entered the room, and one of them asked, in my language, what Denmark is like. I did not understand what this was about [...] so I said that Denmark is good, there are no problems. Then they jumped at me, and beat me, all of them, till I almost passed out (Interview 23 & 24: 15).

Mohamad was held captive and tortured for four days⁶ before his kidnappers released him. He had not paid a ransom, and is still unaware of their reason for suddenly releasing him, but he thinks they may have feared reprisals from the Danish forces. These quotes illustrate how the experience of being particularly vulnerable as a returnee played a role in causing individuals among the group of refugees we interviewed to abandon their repatriation. [...]

- [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 27/04/2009](#)

[...] 93. Persons seeking to relocate to other areas may be at risk of facing renewed violence. UNHCR Protection Monitoring¹¹¹ showed that IDPs suffered from general violence,¹¹² interethnic/ religious violence,¹¹³ general criminality, targeted attacks, detentions, kidnappings, and military operations. [...]

3.8 Former members of the Ba'ath Party

Excerpt from December 2011 Iraq OGN

3.8.11 Conclusion While members of the former Ba'ath Party and regime are no longer systematically targeted, some individuals may still be at risk, for example as a result of personal revenge of former victims or their families against perpetrators of detention, torture or other violations of human rights. Each case must be carefully considered with regard to the particular profile of the claimant

Whilst the Conclusion to this section is broadly consistent with the available country information and case law on this issue, the OGN fails to identify the risk to family members or associates of former Ba'ath Party members as is documented in the following sources:

- [Danish Immigration Service, Security and Human Rights in South/Central Iraq Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq 25 February to 9 March and 6 to 16 April 2010, 10/09/2010](#)

[...] 3.3. Former Baathists

Former Baathists who have been involved in human rights violations and where this is known could be at risk [of being targeted]. UNHCR - Iraq, Baghdad considered that relatives of pre-2003 prominent figures who have been involved in human rights violations would not consider it safe to return to Iraq.

Regarding former Baathists party members and affiliates, a reliable source [in] Iraq stated this issue is like opening a Pandora's Box and it is very complex when it comes to assessing whether a person is at risk of being targeted for this reason. According to a reliable source [in] Iraq, a former affiliation to the Baath party could add to a person's insecurity. However, being targeted solely with reference to former Baathist association is not likely as everyone employed by the previous regime had to be a member of the Baath party. However, a person with more zealous and well-known links to the Baath party may have more difficulty applying for a government position. However, tribal links and the particular situation and context play a determining role on whether this would be the case or not. Whether or not relatives to persons threatened or attacked due to their professional background or Baathist affiliation may be at risk from armed groups or criminal gangs as well, the source stated that everything is possible. It is impossible to state whether this would be the case or not as it depends on the specific circumstances and context.

In considering the risk to former Baath party members, Christine Fowler and Mohamed El Ghannam, UNDP - Iraq, Amman, considered such risks today to be minimal due to the extensive de-Baathification process Iraq had endured, which had already hit people hard and was now starting to ease. After the fall of the former regime, it had been discussed to which level de-Baathification was required in Iraq and particularly the Shia Sadrists supported a thorough process. Nearly everyone had been affiliated with the Baath party during the Saddam Hussein era. Senior members who were genuinely at risk have either fled abroad, for example to Syria, or had already been dealt with harshly by the government. However, as of today former membership of the Baath party is not a determining factor when it comes to the question of whether or not a person would be targeted. Christine Fowler and Mohamed El Ghannam, UNDP - Iraq, Amman commented that Iraq had become overwhelmed by de-Baathification and ordinary people just wanted the process to end now. There are only few examples of assassinations of former Baath party members and since 2008 this issue has been minimal. Additionally Christine Fowler and Mohamed El Ghannam, UNDP - Iraq, Amman explained that the Baath party also contained Shiites, Christians and other minorities, not just Sunnis. Regarding former Baath party members, an international NGO in Amman stated that senior Baath party members are targeted especially in South Iraq and some central parts. However, such a person would need to be well-known to others and other factors such as having occupied a particular exposed position are likely to have influence the risks as well. It was added that most senior Baath members left Iraq. On the other hand, accusing a person of being a former Baath member remains a favourite accusation. This can be problematic as a person wrongly accused may not be able to rectify such claims before action is taken against him. David Helmey and Rania Guindy, IOM - Baghdad stated that IOM was not aware of individuals currently being at risk due to association with the former Baath party. [...]

- [U.S. Commission on International Religious Freedom, Iraq Report – 2008, 16/12/2009](#)
The Plight of Iraqi Refugees and Internally Displaced Persons

[...] Sunni and Shi'a Muslim refugees told of receiving death threats, of family members being killed, of kidnappings, of their houses being burned down, and of forced displacements. Some refugees reported being targeted because of jobs held by them or their relatives, either connected to the U.S. government or to the Ba'athist regime. [...]

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 27/04/2009](#)

[...] G. Members and associates of the Ba'ath Party and the former regime

296. UNHCR has, in its previous positions, detailed the risks faced by persons affiliated or associated with the former Government of Iraq, through membership in the Ba'ath Party or as a result of their functions or profession. Since the fall of that regime, and in particular since the elections in 2005, when Shi'ite parties came to power, these persons have been the subject to systematic attacks, mainly by Shi'ite militias. For various reasons, targeted attacks against former members and associates of the Ba'ath Party and the former regime also appear to have lessened to a large extent. One possible reason is that a large number of former Ba'athists and associates of the former regime have already fled Iraq since 2003 while those remaining have often been able to align themselves with the current parties in power and/or have been reemployed into the public sector or the ISF. Another reason is that Shi'ite militias have been lying low or were weakened after military operations in 2008. While members of the former Ba'ath Party and regime are no longer systematically targeted, they may still fall victim in individual cases, for example as a result of personal revenge of former victims or their families against perpetrators of detention, torture or other violations of human rights. While some killings of former Ba'athists or members of the former regime have been documented in the media in 2008 and 2009, mainly in the Central Governorates,⁹²⁴ other cases may go unreported, not the least because the exact motivation behind an attack may not always be known. Today, many former Ba'athists have found a new identity in the Iraqi society as politicians, professionals or tribal leaders). Attacks on professionals, tribal leaders or members of the current ISF may, therefore, still be motivated by the victim's role under the former regime, but in most cases it will not be possible to establish for what reason someone was targeted. [...]

➤ [Human Rights Watch, "The Silent Treatment": Fleeing Iraq, Surviving in Jordan, 28/11/2006](#)

[...] Former Ba'athists and Their Families

At the other end of the spectrum from alleged collaborators are people who are persecuted for their alleged connections with the former regime. While some such Ba'athists were engaged in serious human rights violations for which they should be held accountable, vigilante attacks only perpetuate the cycle of abuse, and many with actual or imputed Ba'athist associations, including the children of Ba'ath Party members, have a well-founded fear of persecution in Iraq. Human Rights Watch interviewed a former high Ba'athist official, a retired police official, who may have persecuted others and who might, therefore, not qualify as a refugee himself. He fled first to Syria, where he was arrested and deported twice, and from there to Jordan. He said that his son was kidnapped and killed by the Badr Organization in November 2005. They came dressed as police officers and told him to go with them to the police station. "I think he was killed in revenge for me," the elderly man said. "All the Ba'ath Party families have the same problem." [218] A UNHCR-recognized refugee in Amman, a Shi'a who had been severely persecuted at the hands of the Ba'athist regime, [219] told Human Rights Watch that he now fears return to Iraq because of his family's alleged associations with the same government that persecuted him. "My brother told me this," he said. "My father's body was found, half decomposed, after he was missing for 17 days. His hands were bound, and there was a paper in his pocket saying he was killed for being an agent of the Saddam regime." Men also came asking for his brother in Hilla, and stole his car. "My brother got away, but they would have killed him. I have good reason not to go back." [220] Persecution of Ba'athists does not appear to be limited to high-level party members and their families. A tailor who is unemployed and struggling to survive in Amman, told Human Rights Watch: My father was an ordinary school teacher who was in the Ba'ath Party. He was murdered three months after April 2003. I have five older brothers and one younger sister. Our family was wiped out I have asked for the death certificates of my family who were killed I am very depressed. I am so depressed that I cannot work I don't have money to renew my residency I have no future. [221] [...]

Another case of importance to legal representatives is the judgement by the Administrative Court in [Omar v Secretary of State for the Home Department \[2010\] EWHC 2792 \(Admin\) \(05 November 2010\)](#), which noted that an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause, might, in order to avoid risks on return, need to live in relatively confined areas, where they might find others of similar backgrounds: and there was a possibility that they would face indiscriminate violence in that area. See the judgement as follows:

43. In the present case the claimant's individual characteristics are that he is an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause. That may (and the expert report says it will) mean that in order to achieve any measure of ordinary or secure life the Claimant would, on return to Iraq, need to live in relatively confined areas, where he might find others of similar backgrounds. The fact that he could do so, and thus greatly reduce the risk of any targeted attack, is no doubt sufficient to deprive him of the possibility of protection under either Convention. But if that is right it may well be necessary to see what is the risk of harm from indiscriminate violence not in Iraq, or even Fallujah, as a whole, but in the area where the claimant will be living.

44. It is, therefore, not sufficient on the facts of this case to treat Article 15(c) as raising questions only in relation to Iraq as a whole, or to civilians in Iraq, without distinction, as it seems to me the decision letter does. The material before the Secretary of State was sufficient to show that more was necessary. The specific material is again somewhat thin, but (in the absence of any substantial evidence to the contrary) it could properly be said that there would be a basis for saying that the claimant's background constitutes a 'serious indication of real risk' even though he has not suffered in the past, and that the presence of what the expert report calls 'insurgent groups', active in areas such as that where the claimant would be living, may raise the risk to the claimant of indiscriminate harm in such areas to an unacceptable level.

3.9 Honour crimes

Excerpt from December 2011 Iraq OGN

3.9.15 Conclusion. Women fearing 'honour killing' or 'honour crimes' in either central or southern Iraq or in the Kurdistan Region of Iraq are unlikely to be able to access effective protection. Each case must be considered on its own merits to assess whether internal relocation would be possible for the particular profile of claimant, but in general an internal relocation alternative is unlikely to be available for lone women.

3.9.16 Honour crimes might not always be gender-related and there might be cases where men are as likely as women to be victims for committing certain acts which have brought shame on their family. If in such a case internal relocation is considered unduly harsh then Humanitarian Protection might be appropriate.

Whilst the *Conclusion* for this category of claimant finds that persons fearing 'honour crimes' in both Central and Southern Iraq and in the Kurdistan Region of Iraq are at risk, the most recent country information included in the *Treatment* section of the OGN dates from February 2011. More recent COI which continues to document that persons of this profile are at risk includes:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 7. Women and Children [...]

7.4.2. Honour-related violence

The WADI NGO estimates that some 10,000 women in Iraq have been victims of honour killings or of burning / self-immolation since 1991. According to Khanzad, in the 1990s and the beginning of the last decade there were many honour killings in the KRG region. Today, there are fewer deaths, especially in cities, where parents may break off contact with their daughter when they disagree with the man of her choice rather than use violence against her. Honour killing is still a problem in villages, however; particularly in the areas of Dohuk, Phsdar, and Germian, according to sources. Modern communication technology has brought new dangers for women, as some have been killed after being in contact with men by mobile phone. Perpetrators of honour killings are not easily prosecuted. When the police are informed about a death, they will conduct an investigation. But if no one witnesses the murder, nothing can typically be done. Indeed, in many cases no one comes forward to report the honour killing, and it is disguised as a suicide or accident, e.g., the accidental discharge of a weapon when it was being cleaned or a fire caused by handling inflammatory substances such as petrol, which is commonly available in the kitchen. In the KRG area, suicide rates are high; many suicides are committed by self-immolation, particularly among women. Emergency hospitals have noted that suicide by self-immolation has increased since the law against honour killings was tightened. The legislation relating to honour killings was strengthened in 2006-2007, and sentences ranging from 5 to 15 years are now possible. Some people have indeed been sentenced to long prison terms. Still, implementation of the law is often a problem. Some honour-related cases are also withdrawn from court, often because the family of the accused has made an arrangement to compensate the victim's family. The fact-finding mission also learned that the courts in the KRG region will not allow a second marriage within five years for those divorced as a result of honour-related issues.¹⁵⁸ The fact-finding mission was presented with the following examples of honour killings in the KRG area. In a case in 2010, a young couple had secretly gotten married and run away. After a few months, the brother of the bride found the couple, killed the husband, and wounded the bride. A source mentioned to the fact-finding mission that a runaway couple cannot be considered safe in another part of the KRG area. In a case in 2005, a girl had fallen in love with a neighbor. The couple ran away and was married. The family of the bride pretended to accept the marriage, and after a time, invited the couple for a meal. During the meal, the bride's family members killed the husband, although the bride managed to escape and fled to the police. The fact-finding mission heard also of a case in which a couple had been killed by relatives after they had been married without permission. In yet another case, the woman was killed and the man was sued for monetary compensation by her family. The fact-finding mission was told that men can also become victims of honour killing in cases involving adultery or a

premarital sexual relationship. According to interviewed sources, to eradicate honour killings completely, attitudes in Kurdish society in general need to change. [...]

7.5. Protection

KRG authorities recognize that domestic violence is a problem. According to some sources, the KRG is ahead of the rest of Iraq in this respect. However, according to several interviewed sources, more support should be given to the victims. The KRG has only a small budget for women's issues. The fact-finding mission was told that, in general, more is being announced than is actually being done.¹⁶⁶ The fact-finding mission also heard that there is a policeman and a social worker experienced in violence against women in each police department in the KRG region. If necessary, they send victims who seek help to government shelters.

7.5.1. Shelters

There are at least three government shelters in the KRG region: one in Dohuk, one in Sulaymaniya, and one in Erbil.¹⁶⁷ Women can stay in a KRG government shelter for 72 hours. Those needing additional support can be referred to Asuda. The Asuda shelter in Sulaymaniya is sometimes full, sometimes not. There are no government shelters in Kirkuk and Mosul. Government shelters generally lack services such as psychological assistance or vocational training opportunities. Government employees often have personal prejudices and are not well trained in dealing with women's issues. The fact-finding mission learned that the KRG has invested in the infrastructure of the shelters. At the same time, the treatment of women in government shelters was severely criticized by some sources. For instance, some women are in shelters due to out-of-wedlock pregnancy; however, the program lacks a 24-hour transport service to the hospital. These women are not respected in the Kurdish community and may have to marry the father of the child, even if he is a rapist. According to interviewed sources, unmarried pregnant women may be discriminated against not only by society, but also by government employees. Identification documents are not issued to children born to an unmarried woman. According to WADI, women must navigate an extensive bureaucracy when dealing with the KRG and the department responsible for combating gender-based violence. Lawyers and social workers are often unavailable, and it can take up to three months for a woman to actually talk to someone about her problems. Women fearing violence may simply be told to go home. The fact-finding mission also heard that a woman at risk of honour violence does not receive help from the government when moving to another part of the country.¹⁶⁸ Several national and international NGOs work in the field of women's protection within the KRG region, but only a very few offer shelters or beds. (In most cases, the organizations offer counseling to women.) According to interviewed sources, shelters have limited space, and they do not offer a lasting solution for women at risk, but provide only temporary physical protection. Although the fact-finding mission did hear of a case in which a woman had stayed in a shelter for many years, another interviewed source mentioned a case where a woman was murdered after her return home from a shelter. According to interviewed sources, there are generally no exit and rehabilitation strategies or psychosocial and economic support for the victims of violence. In some cases, women are taken to detention facilities for protection. The fact-finding mission learned that protection in a shelter is not always watertight. There was a violent attack in the Asuda shelter in 2008, during which a man shot and wounded a female family member staying there. Asuda lodged a complaint against some of the victim's male relatives, after which an arrest was made. However, the perpetrator was freed after a month in detention. The victim of the attack was still in hiding from her family during the factfinding mission. After the attack, the number of police officers guarding the shelter was increased from one to two. Asuda repeatedly receives threats from family members of the people staying at the shelters as well as from Islamist groups.¹⁶⁹ An NGO called PANA set up Kirkuk's first shelter for women in 2006.¹⁷⁰ An interviewed source mentioned that the capacities in the shelter are limited and that there is a security problem in Kirkuk.

7.5.2. Mediation

Cooperation between the government and civil society in protecting women from violence and offering counseling in conflictive family situations has improved remarkably in urban centers such as Sulaymaniya in recent years. However, there is still clearly a lack of protection, counseling services, and assistance to female victims of violence in district towns and rural areas of the governorate.¹⁷¹ The KRG offers some programs for mediation between women and their families in order to find solutions to their problems. It is hard to establish if these efforts have been successful for the victims, however. If mediation with the family is not successful, women often have no other option but to stay in a shelter. Women's NGOs such as Khanzad do contact male relatives of a woman fearing violence and arrange for them to meet in a protected place in order to mediate a solution. In many cases, a woman is physically safe when she

returns home after counseling but is still punished by marginalization and psychological mistreatment in the family. Women's NGOs typically have no alternatives when dealing with such cases. In cases of premarital relations or adultery, it is often impossible to find a solution beyond sending the woman abroad. A premarital relationship between two young people may be solved by the consent of their fathers to a marriage. In cases of adultery, the husband and the father of the woman may agree on divorce and the return of the woman to her father's house. Some cases are more complicated and may require months of mediation involving members of the extended family or key persons in the society, such as the police, religious leaders, teachers, physicians, or—in rural areas—village councils and traditional healers. If a father, brother, or husband has announced an intention to kill a female family member, women's NGOs ask lawyers, police, and judges to intervene in the situation. Mediation in these situations may take place in a lawyer's office, and the family is expected to declare that violence will not be used against the female family member. In cases where a woman has been banned from the family and where death threats have been made, the return of the woman to the family may be impossible. In other cases, mediation may still be successful. By making frequent visits to the family and the respective village or town, involving key persons in the society, and also using legal procedures such as getting a family to sign a security guarantee for their daughter's safety when she returns home, Khanzad aims to develop a kind of semi-public sphere for the family's problem. This strategy places remarkable social pressure on the male members of the family. Under the public eye, it is acceptable for the men to renounce the punishment planned for the female family member without losing face in the community and among their peers. Thus, often at the end of the counseling process, the female family member can actually return home and continue family life. NGOs may also follow the situation of the women after their return home. For instance, Asuda typically maintains contact with the family for about a year.¹⁷²

7.5.3. Access to protection

Only a minority of women living in the countryside actually reach urban centers for counseling and support. Because there are only a few projects addressing violence against women in district towns and rural areas, women normally visit health centers and police stations in an emergency. The fact-finding mission heard that in these cases, women's problems often do not receive sufficient attention. Women may be badly treated by the police because of a lack of awareness and sensitivity concerning sexual and gender-based violence. Women may be sent back home, as the staff may sympathize more with the violent male in the family than with the female victim. In the Sulaymaniya governorate, women who are arrested for adultery or prostitution are often first taken to district police stations and held there for a time before being transferred to the city of Sulaymaniya. The fact-finding mission heard that in the district police stations, many women have been mistreated, have not been informed of their rights, and have been held for longer periods than the law allows. [...]

➤ [Human Rights Watch, World Report 2012, 22/01/2012](#)

Women's and Girls' Rights and Gender-Based Violence

[...] "Honor" crimes and domestic abuse remained a threat to women and girls, who were also vulnerable to trafficking for sexual exploitation and forced prostitution due to insecurity, displacement, financial hardship, social disintegration, and the dissolution of rule of law and state authority. [...]

➤ [UNHCR/Women's Refugee Commission, Baseline Study: Documenting Knowledge, Attitudes and Practices of Iraqi Refugees and the Status of Family Planning Services in UNHCR's Operations in Amman, Jordan, August 2011](#)

Qualitative Findings

[...] Adolescent Focus Group Findings

Reproductive and Sexual Health

[...] Sexual activity among adolescents was widely referred to as "wrong," "shameful" and "bad for a girl's reputation." When asked how the community perceives an unmarried girl who is pregnant, it was overwhelming agreed that this is strongly condemned by the community. Some group members described an unmarried girl being pregnant as "a disaster" and that it would "ruin" the family. In all groups it was said that an unmarried girl would be at risk of death (honor killing) if she became pregnant or that she would be forced to marry the male that impregnated her. As stated in one of the boys' groups: "Her family or tribe would be marred and put to shame; they would need to have her killed or [she would be] forced to marry the partner to redeem their honor."²³ [...]

- [UN Security Council, Third report of the Secretary-General pursuant to paragraph 6 of resolution 1936 \(2010\), 07/07/2011](#)
E. Human rights activities
[...] 42. Honour crimes committed against women are a continuing source of concern. UNAMI recorded the deaths in suspicious circumstances of nine women between April and May in Kirkuk. Police informed UNAMI that three of the deaths were listed as suicides and four as murders carried out by unknown persons, while the causes of death of the other two women were unconfirmed but regarded as suspicious. UNAMI also continued to investigate a case from Mosul involving the honour killing of six women on 28 March. [...]
- [Amnesty International, Report 2011: The State of the World's Human Rights: Iraq, 13/05/2011](#)
Violence against women and girls
[...] Women also suffered violence within the family and were inadequately protected under Iraqi law and in practice.
[...] In October, the Human Rights Ministry reported that at least 84 women had been killed in “honour killings” in 2009 – not including the Kurdistan region. It reiterated its call for legal changes, including amendments to Article 409 of the Penal Code, which provides that any man who kills his wife or female relative for surprising her in the act of adultery should receive no more than a three-year prison term. No change to the law was made. [...]
- [Freedom House, Freedom in the World 2011: Iraq, May 2011](#)
Women enjoy somewhat greater legal protections and social freedoms in the Kurdish region, but their political power is limited. Moreover, domestic abuse and so-called honor killings remain serious problems both in the Kurdish region and across the country. The laws applicable outside the Kurdish region offer leniency to the perpetrators of honor killings. [...]
- [US Department of State, Country Report on Human Rights Practices 2010: Iraq, 08/04/2011](#)
Section 6 Discrimination, Societal Abuses, and Trafficking in Persons
[...] Women
[...] Honor killings remained a serious problem. Legislation in force permits honor considerations to mitigate sentences. According to a 2009 UNHCR report, honor killings were prevalent in all parts of the country. For the first nine months of 2009, the domestic NGO Human Rights Data Bank recorded 314 burn victims (125 instances of self-immolation and 189 cases of burning), compared with 234 burn victim during the same period in 2008. A KRG human rights official reported in 2008 that the KRG does not consider an honor killing legally different from murder, thus making punishment for an honor killing equal to punishment for murder. The nature of the crime made it difficult for authorities to find sufficient evidence to prosecute cases. KRG human rights authorities reported that 117 women died in honor killings in 2008; the KRG reported a total of 528 honor killings in 2009. UNAMI and civil society observers considered both figures to be low. KRG human rights authorities and the KRG's Honor Killing Monitoring Commission were active on women's issues, particularly on steps to end honor killings.

3.10 Christians, including Converts and other religious minorities

Excerpt from the December 2011 Iraq OGN

3.10.13 Conclusion The authorities in central and southern Iraq are generally unable to provide effective protection to Christians or other religious minorities. The Kurdistan Regional government currently allows Iraqi Christians from central and southern Iraq to settle into its three governorates. In assessing whether an Iraqi Christian from Central and Southern Iraq can internally relocate to the KRI, case owners should consider all the relevant personal circumstances of the claimant in order to assess whether internal relocation would not be unduly harsh, including their age, financial circumstances, health and gender.

Religious freedom in the Kurdistan Regional Government area

[...] 3.10.19 However, the UN Secretary-General noted in March 2011 that —although internally displaced persons have been welcomed by the Kurdish authorities, integration is difficult owing to limited availability of resources, language barriers and difficulties in finding employment.¹¹³ A spokesperson for a delegation of MEPs that visited Iraq in April 2011 also stated that twelve thousand Christians have sought shelter in the KRI, but —they have no housing, no schooling, no sanitation, healthcare.¹¹⁴

3.10.20 There have been allegations that the authorities in the Kurdistan Region of Iraq have engaged in discriminatory behaviour against religious minorities. Christians and Yazidis living north of Mosul claimed that the Kurdistan Region authorities confiscated their property without compensation and that it began building settlements on their land. There were reports that Yazidis faced restrictions when entering the Kurdistan Region and had to obtain approval from the authorities to find employment.. The Kurdistan Region authorities denied allegations that it was behind violent incidents directed at Christians and other minorities. Moreover, despite such allegations, many non-Muslims reside in the north and the Kurdistan Region of Iraq, and there were reports that some sought refuge there from other parts of the country where pressures to conform publicly to narrow interpretations of Islamic tenets were greater. In February 2010 the IOM estimated there were 19,040 internally displaced families in the Ninewa Plain and that 36,000 internally displaced families were located in Dohuk, Erbil, and Sulaymania provinces, while 8,798 displaced families were in Kirkuk provinces. ¹¹⁵

In paragraph 3.10.13 (see highlighted sentence above), the OGN concludes that an internal relocation alternative could be available for Christians in the Kurdistan Region of Iraq (KRI). As set out below in the [Internal Relocation](#) section, individualised COI research is required on a number of issues in order to assess whether internal relocation will be available for a particular claimant.

As well as the COI cited in the above sections of the OGN, the following additional COI might be useful regarding the difficulties Christians may face accessing housing, health care, employment and education in the Kurdistan Region of Iraq:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 8. Minorities [...]

8.3 Christians [...]

8.3.2. The KRG area

According to several interviewed sources, Christians are—as a rule—welcome to settle in the KRG area. Freedom of belief is guaranteed, but there are restrictions in Islamic law that apply to everyone, Christians included.²¹¹ Some Islamic laws can be somewhat discriminative against Christians. The main problems Christians encounter in the KRG area are not necessarily on the level of legislation but in the application of the law and in daily life. Christian IDPs from Central Iraq (mainly Mosul and Baghdad) can face problems due to their lack of Kurdish language skills and have difficulties in finding decent jobs in the KRG region. At the same time, Christians do get assistance from the KRG. According to Harikar NGO, there is no discrimination against Christians in the Dohuk governorate. On the contrary, President Barzani has invited

Christians to the KRG region, for instance, after a bus attack in Mosul in May 2010 and after the attack on Sayidat al-Najat Church in Baghdad in October 2010. Also, about 95% of the Christian villages in the area have been built for them by local authorities.²¹² According to the ADM, however, this is not sufficient. The party mentioned to the fact-finding mission that there is not enough space in the KRG area for all the emigrants or enough places for the estimated 10,000 Christian students from Mosul and Baghdad in the universities. In addition to the limited capacity in KRG universities, which has essentially deprived them of the opportunity to study in the area, students also face problems with registration procedures and the local language.²¹³ [...]

➤ [Al Jazeera, Kidnapping stokes fears in Iraqi Kurdistan, 16/12/2011](#)

[...] And just last week, in the Kurdish province of Dohuk near the Turkish border, mobs destroyed several Christian shops in the town Zakho. Some Kurdish media also described that event as an unprecedented attack for the northern part of the country [...]

➤ [Rudaw, Kurdish President Deplores Zakho Riots, 04/12/2011](#)

In response to a series of attacks on liquor stores and the offices of the Kurdistan Islamic Union in the Duhok province of Iraqi Kurdistan on Friday, Kurdistan Region President Massoud Barzani said the attacks “particularly those on Christians and Yazidis had been planned in advance,” “Unfortunately, on Friday some Mullahs and a group of youth committed unlawful acts and caused instability in Zakho,” Barzani’s statement read. “They attacked some tourist locations especially those of Christians and Yazidis and it seems the attacks had been pre-planned,” Following fiery Friday sermons by some Muslim clerics, rioters stormed liquor stores, a massage parlor and several hotels in the border city of Zakho. After the attack on the businesses that are mainly run by the province’s Christian community, groups of people raided the political offices and media organizations of the Kurdistan Islamic Union in Zakho, Duhok and Simel. The buildings were ransacked and burnt [...]

➤ [Minority Rights Group International, Iraq’s Minorities: Participation in Public Life, November 2011](#)

[...] Political participation

[...] A Christian in Dohuk (Kurdistan Region) stated that ‘processing ownership of land is always delayed because I do not belong to the government party’.

[...] Employment

[...] According to the International Organization for Migration (IOM), access to work is cited as a priority need by 80 per cent of IDP families in Erbil, many of whom are Christians fleeing persecution in other areas in Iraq.⁵⁶ Families whose members previously had jobs or who ran their own business have been left with nothing. USCIRF reported that in the year 2010–11, extremists carried on targeting shops and services provided by religious minorities which they consider un-Islamic, with the Kurdistan Region, Baghdad and in the south. In particular this includes liquor shops run by Christian and Yazidi minorities who, under Saddam Hussein’s regime, were allowed to trade such items.

[...] The Unified Labour Code mandates that Arabic is the language to be used in employment documents in Iraq, and in the Kurdistan Region, Kurdish is to be used. This disadvantages some members of communities including Chaldeans, Syriacs and Assyrians, Kaka’i, and Shabaks, Turkmen and a small number of Sabeen Mandaean, who speak languages other than Arabic and Kurdish languages. This is particularly the case for IDPs who move to Kurdistan, who are unlikely to speak Kurdish. The Ministry of Labour of the KRG provides training to help unemployed people find jobs, but a spokesperson for the Ministry did not feel that this should include Kurdish language education. She pointed out that there were many NGOs that provided Kurdish language lessons for IDPs.⁵⁸ Although there is no legal obligation for governments to use all minority languages in official documents, the failure to use languages that are used by sizeable proportions of the population is likely to constitute discrimination, as it constitutes an obstacle to accessing jobs and participating in the education system [...]

➤ [Reuters, Iraqi Christians find safety in north, but no jobs, 21/09/2011](#)

Menas Saad Youssef no longer fears being blown up while praying in a church. But she and many other traumatised Christians who fled Iraq’s capital for safer areas have a new crisis -- no jobs. Almost a year since a deadly church siege in Baghdad that killed dozens of people and prompted her family to seek

refuge in the prosperous northern Kurdish region, Youssef sits at home, frustrated about her future. The 28-year-old academic, who is still haunted by images of her friends lying in pools of blood at the cathedral where she prayed every Sunday, misses her job as an architecture professor in Baghdad. "It's a safe place. I can go out at night," she said, referring to the mainly Christian area of Ainkawa in the city of Erbil, 300 km (190 miles) north of Baghdad. "But the big problem is there's no work. So you feel good in the beginning and then when you try to earn a living, it's very difficult. We can't find any jobs."

[...] Iraqi Kurdistan has been an oasis of relative calm since 1991, when the zone became a semi-autonomous enclave under Western protection. The region has earned the reputation of being a safe-haven in an otherwise dangerous country. But while the area has attracted foreign investment and construction is booming, Christians who have moved to Iraq's north say they are still marginalised. "Christian people have no support from anyone in Iraq. We feel it's become the norm," said Abu Rani, who runs a small electronics shop in Ainkawa. He left Baghdad in 2007 during the height of sectarian violence.

One of the main obstacles to finding jobs is that anyone who moves into the region from elsewhere wanting to live and work in Iraqi Kurdistan must obtain a residence permit from the interior ministry of the Kurdish Regional Government. To get a permit they must also have a local sponsor who can provide assurances. The permit, which needs to be renewed on an annual basis, has to be presented when looking for work. "Unless you have such an approval, you can't find a job here (in Erbil)," said a member of the Chaldean Syrian Assyrian Council, who declined to be named. "Our number has been diminished to this extent because we don't have any constitutional rights up until this moment. We are just regarded as a religious minority. We depend on other people's good will to find jobs, to live peacefully, to go about our way of life."

[...] Youssef, who moved with her parents and siblings to Ainkawa last November, is still waiting for her permit. "I left everything in Baghdad and came here to start from the beginning, from zero. Everything is confusing for me. I don't know what will happen in the future," she said. Her parents, both dentists, have secured their permits but the family still had to rely on help from relatives overseas to furnish their house in Ainkawa, for which they pay \$700 a month in rent. They left most of their belongings in Baghdad [...]

➤ [Danish Immigration Service, Update on Entry Procedures at Kurdistan Regional Government \(KRG\) Checkpoints and Residence in Kurdistan Region of Iraq \(KRI\) Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI 7 to 24 March 2011, June 2011](#)

3.1 Access to housing

[...] 3.1.1 Christians

Shokr Yaseen Yaseen explained that BMD has been allocated 9 million US \$ by the KRG in order to construct a number of houses to Christian IDPs. This is to be seen as a sign that the KRG seriously tries to assist those Christian IDPs who fled to KRI. On the other hand the GoI does not have a clear cut plan on how to assist the IDPs in KRI properly and there is no genuine plan by the GoI on how to accommodate the IDPs in KRI. Shokr Yaseen Yaseen emphasized that construction of new houses to the Christian IDPs would solve some problems indirectly; among other things it would lead to a reduction in the number of Christian IDPs going abroad to seek asylum. Khalid Jamal Alber explained that many Christians in particular face difficulties in accessing housing and the labour market as they traditionally have had a strong preference for living and working in areas where a Christian majority already live. The result is that accommodation expenses become very high and job opportunities become limited. On the other hand this has also meant that many Christians now live in many other locations in Erbil than Ainkawa. Today many Christians are living in areas of Erbil where the majority comprise Arabs or Kurds. This is a positive development and a clear indication that Christian IDPs are well integrated, according to Khalid Jamal Alber. When asked if the arrival and integration of Christians in areas where they do not traditionally comprise a majority has caused tensions between the Christians and the local population Khalid Jamal Alber emphasized that this is not the case. Khalid Jamal Alber explained that in contrast to Erbil where the majority of Christians live in Ainkawa, Christians in Suleimaniyah as well as Dohuk are living all over the two cities. There are strong ties between the Christian populations in Suleimaniyah and Dohuk and the Kurdish and Arab population in the two cities.

Kamal Rauf explained that IDPs have similar rights as any other citizen in KRI regarding access to buy immoveable property. The only exception to this is the district of Ainkawa which is a traditional, historic Christian enclave in Erbil. In Ainkawa it is only Christians who are eligible to buy property. Fahmy Maty

Salaha confirmed that it is only Christians who can buy property – land and houses – in Ainkawa. However, the Mayor pointed out that an increasing population in Ainkawa has resulted in rising property prices and house rents in the suburb. Therefore, many IDPs rent or buy houses or apartments in other locations in Erbil as the prices are lower there. When asked if this development has caused tensions between Christians and local communities in Erbil the Mayor stated that this is not the case at all. The Mayor had never heard of any Christian IDP being discriminated against by the KRG authorities or the local community because of his or her religious orientation, and in general people in KRI have deep respect for Christians. Fahmy Maty Salaha added that Christian IDPs residing in Ainkawa are encouraged by the Ainkawa authorities not to isolate themselves and they are called on to mingle with the society outside Ainkawa.

[...] 3.3.2 Access to the labor market

[...] According to an international organization (B) language is an important issue in KRI. The view that this is not so was rejected as any person who does not speak Kurdish will not be able to take up a 'white collar job' within the government. It was added that this is a major problem for Christian IDPs coming to KRI as they only speak Arabic. Qualified IDPs who only speak Arabic will not have access to qualified jobs in KRI; they will only be able to take up ordinary labour. Besides, there are enough specialists of Kurdish origin in the labour market in KRI, and qualified IDPs cannot expect to find qualified employment. When asked why persons, including IDPs who take up residence in KRI are not ready to learn Kurdish the international organization (B) stated that persons fleeing insecurity and violence are not able to make plans and take decisions about where to go. Most persons coming to stay in KRI as IDPs cannot be expected to live a normal life, especially if they do not speak Kurdish. It was added that the issue of language is the same in all three governorates.

[...] 3.3.2.1 Transfer of public jobs

[...] Khalid Jamal Alber stated that all Christian IDPs have access to the labour market, but the GoI is not paying the salary to those Christian IDPs who held jobs in the public sector before they went to KRI. Although Christians feel safe in KRI they have, as all other IDPs, difficulties in having their public jobs transferred from S/C Iraq to KRI. Khalid Jamal Alber added that the main problem for the Christian IDPs is the fact that they face difficulties in transferring their PDS cards, their public jobs and their pensions to KRI. However, these problems are in the process of being solved and General Directorate of Christian Affairs assist many Christians who come to the Directorate in order to make these transfers. In addition KRG have accepted that Christian IDPs take up public jobs temporarily. Khalid Jamal Alber added that the KRG is now issuing ID cards and passports to those Christian IDPs in KRI who do not hold these documents [...]

➤ [IOM, IOM EMERGENCY NEEDS ASSESSMENTS: DISPLACEMENT OF CHRISTIANS TO THE NORTH OF IRAQ, 31/01/2011](#)

[...] Developing Trends Among Displaced Christians

[...] Shelter: Finding adequate, affordable housing continues to be a significant challenge to displaced Christians across Iraq. Many of the displaced live in rented apartments and houses, where monthly rental rates are high and rising. IOM monitors note that, in some areas with high numbers of displaced Christians such as Ainkawa, rental prices for very modest accommodation have risen 200-300% since November when Christians began fleeing to the northern governorates.

Education: Some of the displaced families have experienced difficulty in enrolling their children in new schools, often citing differences in curricula as the principal barrier to entry. However, perhaps of greater concern, those previously enrolled in universities in Baghdad and Mosul have found it nearly impossible to continue their studies in their location of displacement, thus many have returned to Mosul recently to complete their exams.

[...] Priority needs: The top two needs among assessed families are food (68%) and education (68%). A further 41% of assessed families cited access to work as a priority need. While only 27% of all families listed shelter as a priority need, that number climbs to 97% in Dahuk (though monitors stress that this largely reflects the need for income to pay for the high cost of shelter). 55% of assessed IDPs cited "other" as a priority need. The need for fuel for both heating and cooking accounts for the largest share of this number, while financial assistance, furniture, and non-food items (NFI) make up the remainder.

Food: With the strain of high rent prices and lack of employment in the location of displacement, displaced families face difficulties purchasing food. Few of the displaced will have access to the Public

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Distribution System (PDS) rations, forcing them to purchase food in local markets and further stretching their limited budgets.

Education: IDP families are struggling to maintain the education of their children while coping with the other challenges of displacement. The sudden displacement forced many children to leave school in the middle of the academic year. Many families have not registered their children for school in the displacement location, waiting instead to see if they will return to their original schools or move to another location. Also, Arabic-speaking students fleeing to Kurdish areas are confronted by language barriers.

Shelter: 31% of displaced families are living with host families or relatives and 57% are living in rented accommodations. Those who share accommodation with relatives often live in over-crowded homes, while those who live in rented accommodations are especially vulnerable to secondary displacement due to high and increasing rent prices. A small minority (7%) of the Christian displaced are seeking refuge in the Church of Mar Yousif (Saint Joseph) in Sulaymaniyah. The church, although safe, does not offer a long-term solution for them while they sleep on simple mats. Christian IDP families elsewhere are also seeking refuge in churches and monasteries [...]

➤ [UN Assistance Mission for Iraq \(UNAMI\)/OHCHR, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 7.1 Minorities in the Kurdistan Region

[...] Following the attack on the Sayidat al-Nejat church in Baghdad, more than 500 Christian families reportedly fled towards the Kurdistan Region. While the KRG actively moved to protect the IDPs, resources were stretched to the limit, and many Christians reported difficulties to UNAMI in normalizing their legal and residence status, transferring social security entitlements, and accessing employment and education opportunities. In November, the KRG established a task force and facilitated certain bureaucratic procedures to address some of these issues – a move widely welcomed by leaders of the Christian community [...]

3.11 Prison conditions

Excerpt from December 2011 Iraq OGN

3.13.15 [sic] Conclusion. Conditions in MOI and MOD prisons and detention facilities in Central and Southern Iraq are very poor and taking into account the widespread use of torture, the serious overcrowding and the extremely poor health facilities and sanitary conditions, MOI and MOD prisons and detention facilities in Iraq are likely to breach the Article 3 threshold. Case owners should give due consideration to the individual factors of each case, including the likely length of detention, the likely type of detention facility, the individual's age and state of health. However, where an applicant is able to demonstrate a real risk of detention or imprisonment on return to Iraq, and exclusion under Article 1F is not justified, a grant of Humanitarian Protection is likely to be appropriate.

Whilst the OGN concludes that prison conditions are likely to breach the Article 3 threshold in South and Central Iraq, no concluding guidance is provided in relation to prison conditions in the Kurdistan Region of Iraq. The following COI supports the assertion that detention conditions are likely to breach the Article 3 threshold throughout the whole of Iraq, including in the Kurdistan Region:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)
[...] 5.2 Prisons [...]
[...] The fact-finding mission learned that the prisons under MoLSA control are often overcrowded and do not meet minimum hygiene standards. For example, a toilet may be shared by 70 inmates. [...]
At the same time, several sources mentioned that informal prisons, run mainly by the Asayish and / or the Parastin and Zanyari, exist, although their locations are unknown and they are apparently not visited by international organizations. Conditions in these prisons are thought to be bad. The fact-finding mission learned that up to 20% of detainees claim that they were arrested in informal detention centers run by the Asayish and the Parastin. People from the disputed areas are more often held in these detention centers.¹⁰⁴ [...]
- [Human Rights Watch, Iraq: Intensifying Crackdown on Free Speech, Protests, 22/01/2012](#)
In February, Human Rights Watch uncovered a secret detention facility controlled by elite security forces who report to the military office of Prime Minister Nuri al-Maliki. The same elite divisions controlled Camp Honor, a separate facility in Baghdad where detainees were tortured with impunity. "Iraq is quickly slipping back into authoritarianism as its security forces abuse protesters, harass journalists, and torture detainees," said [Sarah Leah Whitson](#), Middle East director at Human Rights Watch. "Despite U.S. government assurances that it helped create a stable democracy, the reality is that it left behind a budding police state." [...]
- [Freedom House, Freedom in the World 2011: Iraq, 12/05/2011](#)
[...] While KRG laws also prohibit inhumane treatment, it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. [...]
- [US Department of State, 2010 Country Reports on Human Rights Practices: Iraq, 08/04/2011](#)
[...] c. Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment
[...] The KRG's Antiterrorist Law allows abusive interrogation under certain conditions, and such practices reportedly occurred in some detention facilities run by the KRG internal security forces, Asayish, and the party-affiliated intelligence services Parastin of the Kurdistan Democratic Party (KDP) and Zaniyari of the Patriotic Union of Kurdistan (PUK). Allegations of abuse included stress positions, broken fingers, and application of electric shocks. A 2009 MOHR report on prison conditions in the Kurdistan region noted that inspectors had observed signs of "systemic torture" in Asayish detention facilities, although cases in prisons run by KRG Ministry of Labor and Social Affairs were limited to isolated instances. [...]
- [Amnesty International, Days of rage: Protests and repression in Iraq, 12/04/2011](#)

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3. KURDISTAN REGION OF IRAQ

[...] TORTURE AND OTHER ILL-TREATMENT

A number of pro-democracy activists, including members of opposition political parties such as Goran, were arrested, especially in Sulaimaniya, Erbil, Kalar and Halabja. Some of them were held for up to four days during which they allege they were tortured or otherwise illtreated before being released uncharged. [...]

➤ [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 4.7 Detention in the Kurdistan Region

UNAMI continues to actively monitor the conditions of prisoners and detainees in the Kurdistan Region and to cooperate with the Kurdistan Regional Government (KRG) to address issues of concern. UNAMI carried out 39 visits to prisons 92 and detention centres during the reporting period 93 and conducted 150 private interviews with detainees and prisoners. The total number of detainees, security internees and sentenced prisoners held by the KRG 94 increased from 2,689 at the end of December 2009 to 3,285 at the end of 2010 according to data provided by the Kurdistan Region authorities. While UNAMI noted some improvement in the Asayish (Kurdish Security forces)-run facilities, there was little improvement in the physical conditions inside prisons and detention centres under the authority of the KRG Mol and KRG MoLSA.

Apart from the prison in Dahuk which was built as a model facility and, following assessment by UNAMI, appears to meet the minimum international requirements in relation to physical conditions,⁹⁵ the other two prisons visited by UNAMI, al-Mahata pre-trial detention centre in Erbil (which is a joint KRG Mol Tasfeerat and MoLSA facility) and al-Salam (for convicted prisoners, under administration of KRG MoLSA) in Sulaymaniyah, were found to be severely overcrowded, with poor hygiene and with cells that have no ventilation or natural light. One cell at al-Mahata that was meant to accommodate 30 inmates in fact had 110 occupants. [...]

UNAMI remains concerned that detainees and prisoners in the Kurdistan Region are, on occasion, being illtreated or tortured, particularly during interrogations and investigations – although due to positive action taken by the Kurdistan Region authorities, the cases reported to UNAMI were few. Where abuse has been reported, it is usually in Asayish run facilities – such claims are far less common from detainees held in facilities operated by the police. Unlike in the rest of Iraq, the KRG has openly acknowledged in discussions with UNAMI that instances of abuse of prisoners and detainees does occur – and the KRG authorities, in particular those responsible for the administration of prisons and detention facilities, have committed to consider ways to address the problem.

In relation to this, UNAMI encourages the KRG to consider further legal and institutional reform of the criminal justice system in the Kurdistan Region to ensure that the laws and regulation of institutions involved in the administration of justice comply with international and domestic legal standards. Most importantly, UNAMI urges the KRG to consider amalgamating responsibility for all detention facilities and prisons under the administration and authority of one Government ministry or department. The present system, where responsibility for pre-trial detainees and convicted prisoners, depending on the crimes the individual is suspected of having committed or has been convicted of, is split between different Ministries and various security forces, only confuses lines of responsibility and clouds accountability – thus contributing to an environment where abuses can take place with impunity.

UNAMI also urges the KRG to consider further improving the capacity of staff responsible for the administration of prisons to ensure their awareness of, and compliance with, applicable international human rights and domestic legal standards. UNAMI would also urge the KRG to vigorously investigate all allegations of mistreatment of abuse in detention facilities and prisons and ensure that persons accused of such crimes are dealt with appropriately by the courts. [...]

2.3 Actors of Protection

Excerpt from December 2011 Iraq OGN

2.3.4 Violence, albeit still far above what ought to be tolerable, has levelled off in the past two years. Iraqi security forces have taken the lead in several important operations. Recently, they have withstood three noteworthy tests: the departure of close to 100,000 US troops since January 2009; the March 2010 parliamentary elections; and, over the past several months, political uncertainty prompted by institutional deadlock. If insurgents remain as weak as they are and find no fresh opportunity to exploit political fractures, security forces operating at less-than-optimal levels still should face no serious difficulty in confronting them.⁴

The highlighted sentence is sourced from an October 2010 International Crisis Group report. Given the volatile security situation in Iraq and the analysis provided above on the section [3.6 General security situation](#), it is considered that this particular sentence is outdated and more recent COI found above and through a search using the sources listed in the database on '[useful sources to consult on the security situation in Iraq](#)' in the Appendix section of this report can be used to such effect.

In addition, sources published shortly before and since the withdrawal of the U.S. forces on 18th December 2011, have raised doubts about Iraq's ability to maintain internal security as follows:

➤ [Agence France-Presse, Seven police killed in Iraq compound siege, 16/01/2012](#)

[...] US troops completed their withdrawal from Iraq on December 18, leaving behind a security force that officials said could maintain internal security but not protect the country's borders, air space or maritime territory.

Insurgents have since carried out multiple mass-casualty attacks.

[...] The unrest also comes amid a political stand-off in Iraq pitting the Shiite-led government against the main Sunni-backed political bloc, stoking sectarian tensions.

Iyad Allawi, leader of the mostly Sunni-supported Iraqiya party that is largely boycotting parliament and cabinet, warned in an interview with CNN that Iraq was enduring the "most dangerous" phase in its history. [...]

➤ [AlertNet, FACTBOX-Key political risks to watch in Iraq, 01/01/2012](#)

Iraq's political stability took a sharp blow in December with the departure of the last U.S. troops as the Shi'ite-led government of Prime Minister Nuri al-Maliki sought the arrest of a Sunni vice president, inflaming sectarian tensions. The worst political crisis in a year threatens the OPEC oil producer's fragile coalition government as Iraq continues its battle against a weakened but tenacious Sunni insurgency without the presence of American troops for the first time since the 2003 invasion that ousted Sunni dictator Saddam Hussein.

[...] While violence has fallen since the worst days of sectarian conflict, bombings, assassinations and other attacks by Sunni Islamist insurgents and Shi'ite militias still occur daily and scores of people are killed every month. The now-completed U.S. military withdrawal - nearly nine years after the invasion that toppled Saddam - could allow a worsening of sectarian differences and meddling by neighbours, including Shi'ite Iran and Sunni Saudi Arabia.

[...] Below are some of the major risks facing Iraq.

[...] THE U.S. PULLOUT

The last U.S. troops, but for a small contingent attached to the U.S. embassy, left Iraq on Dec. 18, putting responsibility for security squarely in the hands of an Iraqi army and police force still being rebuilt after a devastating defeat in 2003. The Iraq-U.S. security pact agreed by then-President George W. Bush in 2008 lapsed on Saturday. Maliki has said his army and police can handle internal security. But military commanders say Iraq's defence against external threats is weak and they still need U.S. help, particularly with air force and naval training.

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[...] WHAT TO WATCH:

[...] - Signs of conflict along ethnic, sectarian faultlines

[...] A SURGE IN VIOLENCE

Despite improvements, Iraq remains vulnerable to Sunni insurgents and Shi'ite militias. More than 2,600 civilians, soldiers and police died in violence last year, according to government figures. Political feuds, Sunni discontent or an attack on a holy site could rekindle violence. Attacks on oil facilities could push up global oil prices. Recent attacks on southern oil facilities showed even areas considered safer can still be vulnerable.

WHAT TO WATCH:

[...] - Major attacks in Baghdad testing local forces [...]

➤ [Congressional Research Service, Politics, Governance, and Human Rights, 27/12/2011](#)

[...] The withdrawal—and perhaps the political crisis that broke out immediately after the completion of the withdrawal—has provoked some criticism of the Administration. Some argue that U.S. gains have been jeopardized by the full pullout and that the Administration should have pressed Iraqi leaders harder to allow a U.S. contingent to remain. Those who support the Administration view say that political crisis was likely no matter when the U.S. withdrew and that it is the responsibility of the Iraqis to resolve their differences.

➤ [CNN, A vacuum for terrorists to exploit, 22/12/2011](#)

Nature abhors a vacuum but terrorism relishes one. And Iraq appears to be offering new space for al Qaeda and other militant groups, as political rivalries and sectarian animosities deepen. The coordinated bomb explosions across Baghdad Thursday - which killed more than 60 people - bear the hallmark of Islamic State of Iraq (ISI), which is closely associated with al Qaeda. No other group in Iraq has shown itself capable of such synchronized suicide attacks. Some, but not all, of the bombings were in Shiite neighborhoods; frequently al Qaeda's targets appear indiscriminate as part of a strategy to sow fear and stir sectarian tensions. The attacks come as Iraq's Shiite Prime Minister, Nouri al-Maliki, demands the surrender of Iraq's Sunni Vice-President, Tareq al Hashimi, on charges that he ordered bombings and assassinations. Hashimi has taken refuge in the northern Kurdish-administered part of Iraq, and the country's always-fragile tripartite balance now appears to be in grave danger - with the restraining effect of a U.S. military presence gone.

[...] But Iraq has little control over its own borders, and a former U.S. military officer who served in Iraq told CNN last week that its security forces were still largely divided on sectarian lines. [...]

➤ [New York Times, Leaving Iraq, U.S. Fears New Surge of Qaeda Terror, 05/11/2011](#)

Although the United States is withdrawing all but a handful of its remaining 33,000 troops, leaving a few to guard the American Embassy, both governments are discussing a continuing military partnership. Among the main American goals is for the Iraqi government to approve a contingent of American Special Forces that would train and assist Iraqi security forces, according to two American officials

[...] Senior American officials say that intelligence sharing between American and Iraqi forces, which officials from both countries credit with reducing the number of attacks by half over the past two years, will be significantly diminished after the troops leave. The officials are particularly concerned about the nighttime abilities of the Iraqi special forces, who relied on the Americans for intelligence on the location of insurgents, helicopter transportation and other counterterrorism missions at night. "It won't be as clean as when we were helping them do it," said an American official who was briefed on Middle Eastern militaries. "You will probably have raids go wrong, wrong house, wrong target. It is not like Al Qaeda will have a free hand to do whatever it wants. But the Iraqis will do things that we would have advised them not to do," and their ability to target insurgents will be reduced, the official said. [...]

➤ [The Washington Institute for Near East Policy, The Iraqi Security Forces: Local Context and U.S. Assistance, June 2011](#)

[...] Since the dissolution of Iraq's various security services¹ in August 2003, the United States has played the leading role in the formation of the new Iraqi Security Forces (ISF). Although its development of the ISF has been beset by failures in conception and execution, the U.S. military provided the broad plan for the future development of these forces, designing an orderly series of transitions from U.S. to Iraqi Army

leadership in internal security (now complete), from Iraqi Army to police primacy in internal security (not yet complete), and toward Iraqi self-reliance in external security (unlikely to be completed until at least 2020).²

[...] Significant swaths of the country continue to face threats from al-Qaeda militants who target the ISF and civilians, from criminal-political responsibility for external security, the Federal Police will turn over primary internal security responsibility to the local Iraqi Police while retaining its ability to function as a light infantry reserve force in wartime. The Federal Police will thus provide overwatch and backup to both the Iraqi Police (for internal security) and the army (for external defense).⁵

In reality, the incomplete second and third phases are likely to unfold less tidily and over a longer period than initially supposed. Full police primacy, as described above, may not be instituted across Iraq for many years, if at all. As later sections of this paper will show, several political and historical indicators suggest that the Iraqi federal government will resist police primacy in strategic governorates because it would devolve too much authority and responsibility to the provincial level.⁶

Moreover, Iraqi self-reliance in external defense may not be feasible for some time. Even if Baghdad plows ahead with ISF development as quickly as possible, senior Iraqi leaders (e.g., Defense Ministry chief of staff Gen. Babakir Zebari) and U.S. experts (e.g., D. J. Elliott) believe that the country will not be able to develop true self-reliance on this front until 2020–2022.⁷ [...]

Excerpt from December 2011 Iraq OGN

2.3.7 The **political loyalty of the security apparatus** also remains a source of profound anxiety to many Iraqis. Various political factions and their leaders fear it may fall under the sole control of their rivals. Mutual distrust is palpable in the Green Zone, which houses the executive and legislative branches: the area is divided among different security outfits guarding various institutions, including private security firms employing foreign workers to carry out vehicle and body searches. All political parties and leading political personalities have bodyguards, hired by them or provided by the state, who at times get into confrontations in shared spaces such as parliament.⁷

The information included in this paragraph refers to the political loyalty of the security apparatus, which is closely linked to the sectarian make-up of the Iraqi security and police forces. The excerpt is taken from the same October 2010 International Crisis Group as above. Since the publication of this report sources available in the public domain have continued to raise this issue as compromising the forces ability to provide effective protection as follows:

➤ [Center for Strategic and International Studies, The Broader Crisis in Iraq, 27/12/2011](#)

[...] Uncertain Iraqi Security Forces

[...] The Iraqi armed forces are getting steadily better in spite of these problems, but at a much slower rate than planned, and they are becoming steadily more politicized and key elements are effectively under the personal control of Prime Minister Maliki. Maliki routinely by passes the formal chain of command – “command by cell phone” – and use his ability⁷ to make interim promotions and appointment to bypass review by the council of the Republic. At the same time, US advisors report that many low and mid-level command positions, as well as ordinary positions, in the armed forces and police are sold, regardless of the past US emphasis on training and promotion based on merit. The police are reverting to a local force where many trained police are leaving and where the local justice system and quality and integrity of governance are uncertain. Iraq’s rule of law is subject to corruption, and to sectarian, ethnic, and tribal influence. US and other efforts to improve the justice system have had limited impact at best. The end result is the extraordinarily large force shown in the table below. It is, however, in many ways a hollow force with an army increasing subject to political interference and promotion for pay, and a force under the Ministry of Interior that is a vast job program and one with an authorized strength more than twice that of the armed forces.

➤ [CNN, A vacuum for terrorists to exploit, 22/12/2011](#)

Nature abhors a vacuum but terrorism relishes one. And Iraq appears to be offering new space for al Qaeda and other militant groups, as political rivalries and sectarian animosities deepen.

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[...] But Iraq has little control over its own borders, and a former U.S. military officer who served in Iraq told CNN last week that its security forces were still largely divided on sectarian lines. [...]

➤ [The Washington Institute for Near East Policy, The Iraqi Security Forces: Local Context and U.S. Assistance, June 2011](#)

[...] In some of these cases, the ISF has become part of the problem rather than part of the solution, acting as an irritant along ethnic and sectarian fault lines.¹⁴

[...] In light of these sensibilities, the Iraqi government may have little desire to pursue certain operational tasks and capabilities that are particularly important to both Iraqi and U.S. interests:

[...] Ethnic confidence-building measures. In areas such as the Disputed Internal Boundary districts in northern Iraq, both Baghdad and the Kurdistan Regional Government (KRG) have shown uncertain commitment to the U.S.-initiated combined security mechanisms, designed to build confidence and facilitate joint federal-Kurdish patrolling. Although the central government and KRG have come to agreement on the absorption of many peshmerga into the federally funded security forces,²² the ISF's ethnic fabric could easily unravel in the event of a serious federal-KRG standoff in northern Iraq. For instance, the ISF's Kurdish-manned Regional Guard Brigades and significant segments of other army and Foreign Police brigades would still answer entirely to KRG orders during such a crisis, despite being paid by Baghdad. Unfortunately, convincing evidence indicates that the combined security mechanisms cannot survive without the presence of some U.S. or international monitors.²³ [...]

Excerpt from December 2011 Iraq OGN

2.3.8 It is difficult to assess the level of infiltration of the Iraqi Government and Iraqi Security Forces by non-state armed groups. However, it has been reported that both Sunni insurgents and Shi'a militias have infiltrated ministries and the security forces. It is further claimed that ISF, especially the Iraqi Police, are largely infiltrated by Shi'a militias who are funded and directed by Iran. Infiltration is suspected to reach to senior levels in Government and security circles.⁸

The information included in this paragraph on the extent of infiltration in the Iraqi Government and Iraqi Security Forces is taken from a FCO letter from the British Embassy in Baghdad, dated May 2011. More recent COI continues to report that one of the problems impacting on the ability of the Iraqi security and police forces to provide effective protection is the documented infiltration of insurgents as follows:

➤ [Radio Free Europe/Radio Liberty, Iraqi Government Seeks To Employ Gun Control, 17/11/2011](#)

Iraqi Prime Minister Nuri al-Maliki's government has presented a bill to parliament banning the possession of weapons by anyone except military and state security personnel, RFE/RL's Radio Free Iraq (RFI) reports.

[...] But political analyst Ibrahim al-Sumaidaie told RFI that "acts of violence and assassinations are often perpetrated by individuals employed as bodyguards of state officials or planted in the security and military establishment by hostile groups."

Sumaidaie cited the Interior Ministry's internal affairs department saying its achievements against terrorist groups have been undermined by a serious infiltration of its ranks by insurgents. [...]

➤ [USA Today, Iraq army delays pullout from cities over security, 08/10/2011](#)

[...] The Iraqi army's presence can be felt all over Iraq's quasi-militarized cities, where soldiers in helmets and flak vests and carrying AK-47's man checkpoints and drive around in Humvees. The army has received the bulk of the training and support from the U.S. military and is generally seen as more competent than the police.

The police, since they tend to work and live in the same areas, have had problems with infiltration by various militant factions and are perceived as less willing to go after lawbreakers. [...]

➤ [The Washington Institute for Near East Policy, The Iraqi Security Forces: Local Context and U.S. Assistance, June 2011](#)

[...] The widespread practice of buying command appointments is particularly destructive because it places corrupt officers at the head of divisions, brigades, and battalions. Such commanders then commit theft and fraud to recoup their "investment" in the job. These activities result in significant undermanning of ISF units, which overstrains existing personnel and reduces operational effectiveness. And practices such as extortion at checkpoints and military prisons directly harm the ISF's relationship with the civilian population. Criminality in the ISF also makes it easier for terrorist groups and foreign states to penetrate the security establishment.²⁵

[...] Anticorruption efforts. Although corruption has reduced public faith in the security forces across Iraq, the ISF's various leaders do not view it as a priority. On September 15, 2009, U.S. Forces-Iraq commander Gen. Ray Odierno told the BBC: "Endemic corruption within the Iraqi system, not only the security forces but the system, is still probably the biggest problem facing Iraq."²⁴ The military was already suffering from serious corruption during the last decade of the Saddam era, but the problem has worsened significantly since 2003. [...]

Excerpt from December 2011 Iraq OGN

2.3.9 In April 2009 UNHCR was of the opinion that —generally, protection by national authorities will be not available given that the national authorities have yet limited capacity to enforce law and order, the ISF may be infiltrated by radical elements and the judiciary is prone to intimidation and corruption.⁹ In July 2010 UNHCR maintained this position noting that —significant progress is still needed to ensure the rule of law and to systematically address the issue of impunity for past human rights violations.¹⁰

Several source published since the UNHCR Eligibility Guidelines support its view that the Iraqi authorities are not able to provide protection. See for example:

- [U.S. State Department, 2010 Country Reports on Human Rights Practices: Iraq, 08/04/2011](#)
Iraqi security forces (ISF) reported to civilian authorities, but continuing violence, corruption, and organizational dysfunction undermined the government's ability to protect human rights. During the year the following significant human rights problems were reported: arbitrary or unlawful deprivation of life; extremist and terrorist bombings and executions; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; poor conditions in pretrial detention and prison facilities; arbitrary arrest and detention; impunity; denial of fair public trials; delays in resolving property restitution claims; insufficient judicial institutional capacity; arbitrary interference with privacy and home; limits on freedoms of speech, press, and assembly and extremist threats and violence; limits on religious freedom due to extremist threats and violence; restrictions on freedom of movement; large numbers of internally displaced persons (IDPs) and refugees; lack of transparency and significant, widespread corruption at all levels of government; constraints on international organizations and nongovernmental organizations' (NGOs) investigations of alleged violations of human rights; discrimination against and societal abuses of women and ethnic, religious, and racial minorities; human trafficking; societal discrimination and violence against individuals based on sexual orientation; and limited exercise of labor rights.
Extremist violence, coupled with weak government performance in upholding the rule of law, resulted in widespread and severe human rights abuses. Terrorist groups, such as al-Qaida in Iraq (AQI), and other extremist elements continued to launch highly destructive attacks, attempting to influence the elections and government formation process, fuel sectarian tensions, and undermine the government's ability to maintain law and order. Extremist and AQI attacks continued against ISF and government officials. AQI and other extremists also conducted high-profile bombings targeting urban areas, Shia markets, and mosques, and Shia religious pilgrims. [...]
- [UK Foreign and Commonwealth Office \(FCO\), Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report \(Iraq excerpt\), 31/03/2011](#)
Rule of law
[...] The Iraqi government continued to take steps to promote a strong adherence to the rule of law and measures to ensure security for its citizens. However, there are still significant weaknesses and the

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absence of strong rule of law remained a serious obstacle to an effective and functioning human rights culture in Iraq. [...]

- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16/02/2011](#)

B. Human rights situation

[...] 9. Despite improvements in the overall security situation since 2006, the situation in Iraq is still characterized by continued indiscriminate attacks against civilians, including religious and ethnic minorities, arbitrary arrests, alleged ill-treatment while in detention, and sexual and gender-based violence. Moreover, impunity is reported as being widespread, while access to justice is largely absent due to fear of reprisals, lack of capacity among rule of law institutions, corruption and lack of awareness of accountability mechanisms.¹¹

[...] B. Protection during displacement

1. Physical security and humanitarian access

[...] 37. Serious concerns were raised during the universal periodic review of Iraq regarding the security of persons in Iraq generally, widespread impunity and corruption, and inadequate capacity among rule of law institutions.⁴⁰ [...]

- [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

1. Introduction

1.1 Overview [...]

The human rights situation in Iraq remains fragile as the country continues to emerge from years of dictatorship, warfare, and violence. While the government continues to take some measures aimed at improving the protection and provision of human rights of its citizens, given the challenges that the country faces, progress is slow. Iraq continues to transition from a conflict to post-conflict country which faces enormous development challenges that the Government and people of Iraq must now address. Widespread poverty, economic stagnation, lack of opportunities, environmental degradation and an absence of basic services constitute “silent” human rights violations that affect large sectors of the population. Other factors that affected the human rights environment in 2010 included the inconclusive results of the general elections leading to a long process of government formation that was not concluded until December 2010. It is believed that this fuelled instability, but also led to a degree of inactivity in relation to implementing reforms and other measures aimed at ensuring the respect, protection and provision of human rights to the Iraqi population. Also affecting security was the withdrawal of all USF-I combat troops during the year which was completed in August 2010. [...]

Given the prevailing security conditions and the nature of the conflict in many parts of the country, UNAMI recognizes the difficulties faced by the Government of Iraq in its efforts to ensure law and order. Law enforcement personnel are under attack by insurgency groups, which also carry out attacks through suicide/IED bombings, abductions and targeted killings and assassinations, and regularly fail to properly distinguish between civilians and military objects in the conduct of their operations. Iraq and its people have suffered from years of abusive regimes, international armed conflict, invasion, occupation, non international armed conflict and protracted violence, all of which have taken a terrible toll on the civilian population and civilian infrastructure and have resulted in serious human rights violations. Yet despite this, nothing permits any dilution of the duty of Iraq to comply with their obligations under applicable international human rights standards, IHL or its own domestic law. [...]

- [Danish Immigration Service, Security and Human Rights in South/Central Iraq Report from Danish Immigration Service’s fact-finding mission to Amman, Jordan and Baghdad, Iraq 25 February to 9 March and 6 to 16 April 2010, 10/09/2010](#)

Security, human rights and indiscriminate violence in South/Central Iraq

[...] A source in Baghdad stated that in the last six months the situation Iraq is finding itself in clearly one of internal conflict where protection of the civilian population does not exist. The source agreed with Francine Pickup, IAU, ODSRSG RC/HC, Amman that the security situation in Iraq for ordinary citizens has not improved and that there is still a lack of protection. A reliable source [in] Iraq stated that even though

the political side of the source would like to see an improvement in the overall situation in Iraq an improvement in the security and human rights situation in Iraq is very limited. It was added that the current security environment is fragile and unpredictable and one in which security deteriorates rapidly. There is no real improvement in security in Iraq. While the number of attacks and security incidents may have dropped, this is no indication of a safer environment. The current security environment impacts on how the source can operate, adding that escorts which are mandatory for movement are not always available. A movement of two kilometres in the city of Baghdad could take a week to organize and access to grass roots is not easy. [...]

A reliable source [in] Iraq stated that generally, law enforcement and military forces in Iraq are unable to control the situation and protect the people from security incidents that may occur. There are areas that even law enforcement authorities and military forces are unable to go, for example areas of Mosul city as well as along disputed areas. Baghdad also has areas that authorities will not go into. In such areas there may be a presence of Al Qaeda Iraq (AQI) or insurgent groups that in fact have control and are harassing and targeting the local population. The authorities remain completely incapable of addressing such issues. It was added that UNAMI Security Section Iraq (SSI) would be able to provide more information on this. [...] Crime is also a big issue in Baghdad as well as the rest of Iraq, and the feeling of impunity that exists in Iraq is adding to the problem. Law enforcement is "close to zero", and there is a general atmosphere of impunity, according to an international NGO in Amman, and this is confirmed by its beneficiaries. [...]

3. Security and human rights for other groups

A reliable source [in] Iraq stated that in the current volatile situation in Iraq, professionals such as scholars, professors, judges, lawyers, medical doctors, government officials and journalists can be threatened by a number of groups. Journalists can even be threatened by the government.

It is very easy to threaten another person in Iraq without repercussions. An international NGO in Amman referred to a recent incident where it had invited different contractors for a tendering bid. Some contractors were being blocked at the checkpoint from coming into the office. Behind this was another contractor who had bribed the checkpoint not to allow certain contractors entry. An international NGO in Amman stated that one [of the international NGO's] senior national manager had received threats due to the fact that he had agreed to terminate a few positions. It is very common that in Iraq, you can be threatened for just about anything and the current tribal decentralisation is making this atmosphere of impunity more difficult to eradicate. In this environment lots of "freelance groups" are offering their "services". In addition, the authorization from the government that a family can acquire a weapon is not helping this development. Another example is the decision made that now medical doctors are allowed to carry arms. [...]

4. Availability of protection from authorities against non-state actors

A reliable source [in] Iraq stated that Iraqis in S/C Iraq cannot turn to the authorities for protection from non-state actors. There is little real police activity in Iraq when it comes to protecting people making claims. A person can file a case, however very little investigation would be made into the case. The police are ill-trained and ill-equipped to take on such duties and efforts are especially needed to strengthen police capacity to this end. Structurally, the police are still "miles away" from being able to address reports that are filed. It must be considered in the current situation in Iraq that crime also plays a major part in the volatile security situation. Gangs are looking to make money any way possible. It is fundamental to realize that in the current situation, the Iraqi authorities are unable to provide protection to its citizens and seeking the state's protection really isn't an option. A source in Baghdad did not consider that a person in a situation where he or she has been threatened could seek the protection of the police. It was added that the threat could emanate from the police itself. If a person faces threats from private persons he or she is not likely to be able to find protection from the police. In many places in S/C Iraq, the police forces are tribally-based making it difficult for a person to file a complaint if he or she does not belong to the local tribes. Many Iraqis today believe that the best protection is to be discreet rather than make a case out of some dispute or conflict. The number of cases filed is minimal due to the fact that many conflicts and disputes are solved through traditional systems. If this is not an option, many flee their places of origin and settle elsewhere which is also reflected by the current demographics of Iraq. Reference was made to Anbar governorate which some years back was a patchwork of different ethnic groups, however today is largely Sunni populated. David Helmey and Rania Guindy, IOM - Baghdad stated that Iraqis have little confidence in the Iraqi Security Forces.

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The OGN further fails to include any information on the weakness of the police force to protect, including issues on the availability of sufficient resources, the quality of the force, and allegations of corruption:

➤ [The Guardian, Corruption in Iraq: 'Your son is being tortured. He will die if you don't pay', 16/01/2012](#)

Yassir's case is part of a growing body of evidence collected by the Guardian that shows Iraqi state security officers are systematically arresting people on trumped-up charges, torturing them and extorting bribes from their families for their release. Endemic corruption in Iraq has created a new industry in which senior security service officers buy their authority over particular neighbourhoods by bribing politicians, junior officers pay their seniors monthly stipends and everyone gets a return on their investment by extorting money from the families of detainees.

During two trips to the country before and after the US withdrawal from the country on 18 December, the Guardian interviewed 14 detainees and five officers in different branches of the security service in Baghdad. All the detainees said they had had to pay money to be freed, even though most had been acquitted in the courts. Some had been jailed for three days and some, like Yassir, for five years. In three cases, officers changed a detainee's "confession" – often extracted under torture – in return for money. In one case, an officer lost the detainee's documents in return for a bribe and he was released due to lack of evidence. One prisoner we interviewed is still in jail and in the middle of negotiations with officers.

Release does not mean escape. According to one officer we spoke to, men who are released are often detained again because a family that has paid once to get their sons out of a detention centre makes an easy target for more extortion.[...]

➤ [Center for Strategic and International Studies, The Broader Crisis in Iraq, 27/12/2011](#)

[...] Uncertain Iraqi Security Forces

The US military were able to create Iraqi security forces capable of supporting US forces in winning major victories in 2007-2008. The Iraqi budget crisis that began in 2008, however, crippled key aspects of the qualitative development of Iraq's forces and its ability to implement its own development plan.

[...] The Iraqi armed forces are getting steadily better in spite of these problems, but at a much slower rate than planned, and they are becoming steadily more politicized and key elements are effectively under the personal control of Prime Minister Maliki. Maliki routinely bypasses the formal chain of command – "command by cell phone" – and use his ability to make interim promotions and appointment to bypass review by the council of the Republic. At the same time, US advisors report that many low and mid-level command positions, as well as ordinary positions, in the armed forces and police are sold, regardless of the past US emphasis on training and promotion based on merit. The police are reverting to a local force where many trained police are leaving and where the local justice system and quality and integrity of governance are uncertain. Iraq's rule of law is subject to corruption, and to sectarian, ethnic, and tribal influence. US and other efforts to improve the justice system have had limited impact at best. The end result is the extraordinarily large force shown in the table below. It is, however, in many ways a hollow force with an army increasing subject to political interference and promotion for pay, and a force under the Ministry of Interior that is a vast job program and one with an authorized strength more than twice that of the armed forces.

[...] The Iraqi forces are hollow in other ways. Iraq may be able to rebuild its conventional forces with US help, but the net effect of the US invasion in 2003 was to destroy Iraqi forces that were at least as strong as those of Iran. US experts quietly estimate that it will be 2016 before Iraqi forces begin to be strong enough to act as a major deterrent and defense against Iran.

➤ [Centre for Strategic and International Studies, Putting US Withdrawal in Perspective, 15/12/2011](#)

[...] Uncertain Police Mission

[...] ISF: Of the myriad organizations comprising the ISF, the Counter-Terrorism Force, which received a significant amount of U.S. training, equipment, and assistance, is widely regarded as the most capable. The status of other ISF components is mixed:

Iraqi Army (IA): The IA has made notable progress in building a capacity to defend Iraq's borders from potential outside attacks. This is partly the result of a "dramatic shift" over the past 10 months by U.S. military advisors toward training efforts focusing on traditional defensive operations. The IA has

conducted battalion-level live-fire exercises with some regularity. One U.S. general described their proficiency to be "as good as some American infantry battalions." The IA, however, continues to lack necessary logistical and intelligence capabilities—areas that OSC-I will focus on improving in the coming year.

- Iraqi Air Force (IqAF). This quarter, the GOI made its first payment on the \$1.5 billion FMS order of 18 U.S.-made F-16 aircraft. But it will be several more years before the IqAF can secure its own air space and provide reconnaissance and close fire-support for IA ground units.

- Iraqi Navy (IN). In August, the IN accepted 2 new Swift Boats from the U.S. Navy, bringing to 5 the number of these patrol boats it has received under an FMS purchase of 12 vessels. Bearing responsibility for safeguarding Iraq's coastal and offshore oil installations, the IN constitutes an integral part of the ISF. But its ability to provide the regular and rigorous maintenance essential to keeping these craft at sea and on patrol remains an open question.

Iraqi Police: As the MOI Senior Deputy Minister and the MOD Chief of Staff informed SIGIR during recent interviews, the Iraqi police forces are currently unable to secure all of Iraq's urban areas without assistance from the Iraqi Army. The GOI is conducting a province-by-province assessment to determine when the MOI can assume complete responsibility for security in all of Iraq's major cities.

In addition to the regular ISF, the Sons of Iraq (SOI) continue to operate in nine provinces. These security personnel—many of whom were former Sunni insurgents—now number about 48,000. The SOI program transitioned from U.S. to Iraqi control in 2009, with the understanding that the GOI would endeavor to find government jobs for SOI members. This placement effort, however, has stalled. Currently, the GOI is considering reforming aspects of the program to ensure that SOI in provinces such as Anbar receive the same pay as their better-compensated compatriots in Baghdad. [...]

➤ [USA Today, Iraq army delays pullout from cities over security, 08/10/2011](#)

The Iraqi army was supposed to pull out of the nation's cities by the end of this year but is delaying the pullback over security concerns, the Iraqi military spokesman said Saturday. The delay is an acknowledgment that even after four years of declining violence, Iraq's police force is not capable of maintaining security on its own. The other worry is that violence will increase when American troops complete their own withdrawal from the country at year's end. The government's plan remains to eventually hand over security to the police and pull Iraqi troops back to bases outside the cities. But the spokesman for the Baghdad military operations command, Qassim al-Moussawi, said Saturday that the military is worried that the police will not be able to handle security in all areas of the country. "We started to hand over gradually in some areas. But other areas we can't hand over to the police because still the Interior Ministry needs the support of the Iraqi army. It is not capable now nor by the end of 2011." The Iraqi army's presence can be felt all over Iraq's quasi-militarized cities, where soldiers in helmets and flak vests and carrying AK-47's man checkpoints and drive around in Humvees. The army has received the bulk of the training and support from the U.S. military and is generally seen as more competent than the police. The police, since they tend to work and live in the same areas, have had problems with infiltration by various militant factions and are perceived as less willing to go after lawbreakers. [...]

➤ [US Institute of Peace, The Iraq Federal Police: U.S. Police Building under Fire, October 2011](#)

[...] Commensurate with the INP's improved performance and expanded presence, the name of the force was changed on August 1, 2009, to the Iraq Federal Police (IFP). According to a spokesman, the new name reflected the objectives of Iraq's national unity government and the plan to establish a brigade headquarters in every province including the Kurdish north within two years. The spokesman said the IFP had proven in many areas that it could restore peace and order. He noted the IFP had 42,000 personnel serving in four divisions of seventeen brigades, including one dedicated to providing security during the reconstruction of the al-Askari mosque in Samarra. In addition to expanding geographically, the IFP assumed new security missions that resulted in the creation of three new units: the Embassy Protection Force, the Central Bank of ISF protection force, and the Antiquities/Ruins Security Force. These specialized forces resulted from Iraqi police officials visiting Italy and noting that the Carabinieri had similar units. The IFP had diversified its forces to achieve a better ethnic and sectarian balance, but budget shortfalls were expected to make it difficult for the IFP to achieve its newly authorized strength of 60,000 members.

➤ [The Washington Institute for Near East Policy, The Iraqi Security Forces: Local Context and U.S. Assistance, June 2011](#)

[...] The Iraqi Security Forces

Likewise, the Shiite-led federal government likely does not view internecine killings within the Sunni Arab community as a priority, as evidenced by its laissez-faire demobilization of the Sons of Iraq police auxiliary units in areas such as Baghdad and the ISF's uninterest in the resultant Sunni-on-Sunni violence.¹⁸

Indeed, the Iraqi government accepts that not all parts of Iraq are under its control at all times, such as border areas that are routinely violated by smugglers and militants or small rural areas that serve as safe havens for terrorist groups. This aspect of Iraqi security policymaking is not new: Baghdad effectively surrendered large swaths of the Kurdistan region to peshmerga control for years beginning in the 1970s, and even the Saddam regime was forced to accept its inability to dominate all of the marshland and border areas in southern Iraq from the 1980s onward. Similarly, Prime Minister al-Maliki seems to treat areas such as Anbar and Maysan as special cases, content with passing the fine detail of internal policing to local authorities for long periods of time.¹⁹

And as with many other security issues, a strong streak of pragmatism runs through Iraqi decision making on the policing of remote areas. In short, some problems and areas simply matter more to the federal government than others. For example, Baghdad has shown almost zero tolerance for breakdowns in law and order in certain cases. As mentioned previously, one obvious class of intolerable incidents is mass casualty attacks that make the government appear impotent, particularly those undertaken in the political and media hub of Baghdad or during high profile events such as annual pilgrimages. Likewise, the government reacts forcefully whenever Iraqi factions or foreign militants attempt to humiliate it with heavy rocket attacks on the International Zone in Baghdad. In March 2008, for example, al-Maliki responded to such barrages with a full-scale army invasion of Sadr City, a hitherto-unthinkable operational and political gamble. Effective attacks on critical infrastructure would likely spark a rapid government reaction as well. Similarly, the return of large-scale oil smuggling would be of deep concern to Baghdad, particularly if it occurred on a scale that gave southern militias the financial and political clout to mount a comeback. Indeed, the open display of weapons by civilian militiamen is a red line for the ISF and would likely elicit a strong reaction in any province. Syndicates loosely connected to the Saddam regime, or from Iranian-backed Shiite militias.¹² Iraqis remain highly sensitive to any security crises that hint at the government's inability to impose law and order. Government responses to high-profile bombings in Baghdad in recent years are an indicator that internal security is still the ISF's priority mission.¹³

And in some urban areas such as western Baghdad, the ongoing U.S. drawdown has thrown the Iraqi Army and Federal Police fully onto the front lines of delicate counterinsurgency campaigns requiring a high level of finesse and commitment. In some of these cases, the ISF has become part of the problem rather than part of the solution, acting as an irritant along ethnic and sectarian fault lines.¹⁴

Although the Federal Police and Iraqi Police have gradually taken on certain security responsibilities in urban areas, the federal government is still more likely to turn to the Iraqi Army as its instrument of choice due to the military's strong connection to the federal command structure and its reputation as one of the country's most respected institutions. In contrast, the Iraqi Police is struggling to cast off decades of public derision as the lowest of Iraq's security forces.¹⁵

[...] The ISF is also likely to develop its capabilities in a far less systematic way than originally envisioned by U.S. force planners. This is because Iraqi officials and commanders have differing tolerance levels for certain types of terrorism and insurgent violence. As U.S. influence diminishes post-withdrawal, these Iraqi leaders will prioritize resources to develop and maintain some capabilities while allowing others to deteriorate. For instance, Iraqi leaders seem to have a very high tolerance for the country's numerous and relatively ineffective incidents of low-level insurgency, which come across as mere background noise to politicians and commanders still desensitized by years of intense insurgency.¹⁷

[...] The widespread practice of buying command appointments is particularly destructive because it places corrupt officers at the head of divisions, brigades, and battalions. Such commanders then commit theft and fraud to recoup their "investment" in the job. These activities result in significant undermanning of ISF units, which overstrains existing personnel and reduces operational effectiveness. And practices such as extortion at checkpoints and military prisons directly harm the ISF's relationship with the civilian population. Criminality in the ISF also makes it easier for terrorist groups and foreign states to penetrate the security establishment.²⁵

[...] In light of these sensibilities, the Iraqi government may have little desire to pursue certain operational tasks and capabilities that are particularly important to both Iraqi and U.S. interests:

Strategic counterinsurgency. The Iraqi government seems uncommitted to the kind of skillful population-focused counterinsurgency that proved so effective during the U.S.-led “surge” in 2008. In western Baghdad, eastern Anbar, and Babil, such efforts appear to be diminishing as the U.S. military presence ends. Predominantly Shiite-led ISF units in these areas are increasingly divorced from local communities, acting much like coalition forces did when they first arrived in 2003.²⁰

And since demobilizing the Sons of Iraq and other local auxiliary forces, the government has done little to compensate for the loss of this key link to local communities.²¹

Ethnic confidence-building measures. In areas such as the Disputed Internal Boundary districts in northern Iraq, both Baghdad and the Kurdistan Regional Government (KRG) have shown uncertain commitment to the U.S.-initiated combined security mechanisms, designed to build confidence and facilitate joint federal-Kurdish patrolling. Although the central government and KRG have come to agreement on the absorption of many peshmerga into the federally funded security forces,²² the ISF’s ethnic fabric could easily unravel in the event of a serious federal-KRG standoff in northern Iraq. For instance, the ISF’s Kurdish-manned Regional Guard Brigades and significant segments of other army and Foreign Police brigades would still answer entirely to KRG orders during such a crisis, despite being paid by Baghdad. Unfortunately, convincing evidence indicates that the combined security mechanisms cannot survive without the presence of some U.S. or international monitors.²³

Anticorruption efforts. Although corruption has reduced public faith in the security forces across Iraq, the ISF’s various leaders do not view it as a priority.

On September 15, 2009, U.S. Forces-Iraq commander Gen. Ray Odierno told the BBC: “Endemic corruption within the Iraqi system, not only the security forces but the system, is still probably the biggest problem facing Iraq.”²⁴ The military was already suffering from serious corruption during the last decade of the Saddam era, but the problem has worsened significantly since 2003.

[...]————— Improve police training so that the Iraqi Army can focus on external defense. Police training is difficult, and the United States does not have a track record of resounding success in this challenging field. Yet the longer Baghdad leans on the Iraqi Army to provide internal security, the slower its transition to external defense will be, resulting in a widened deterrence gap. Accordingly, initiatives such as the NATO Training Mission–Iraq and some form of extended U.S. military training to the Interior Ministry’s Federal Police service should be given priority, even above training the army for external defense. A State Department international law enforcement program based out of the International Zone in Baghdad would likely struggle to replicate the progress that NATO and the U.S. military have made in the development and fielding of the Federal Police in Iraq. Only an extensive military-led effort can finish the job of paramilitary police training and allow the Iraqi military to turn fully to external defense. [...]

2.4 Internal relocation

Excerpt from December 2011 Iraq OGN

2.4.13 The UNHCR Eligibility Guidelines (April 2009) stated that generally no internal flight alternative will be available because of (i) the ability of non-State agents of persecution to perpetrate acts of violence with impunity, (ii) the ongoing levels of violence in mainly the Central Governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din giving rise to new persecution, (iii) access and residency restrictions, and (iv) the hardship faced in ensuring even the basic survival in areas of relocation. When, however, the availability of an internal flight or relocation alternative must be assessed in a national asylum procedure, it should be examined cautiously and in the context of the individual claim. 32 In December 2010 UNHCR reiterated its position, stating that —asylum seekers who originate from Iraq's governorates of Baghdad, Diyala, Ninewa and Salah-al-Din, as well as from Kirkuk province, should not be returned and should benefit from international protection, whether in the form of refugee status under the 1951 Refugee Convention or a complementary form of protection³³ such as Humanitarian Protection or Discretionary Leave.

2.4.14 We do not however accept UNHCR's conclusions on internal relocation from the central governorates and consider that there is likely to be considerable scope for internal relocation that achieves both safety and reasonableness in all the circumstances. We consider UNHCR's position is tied in with general policy considerations (e.g. about managing the rates of return) deriving from their general and Iraq-specific remit; we do not consider that in the light of the evidence taken as a whole that mere civilian returnees are at real risk of persecution under the Refugee Convention or of serious harm under either the Qualification Directive or Article 3 ECHR currently.

Although this section of the OGN clearly departs from the current UNHCR Eligibility Guidelines for Iraq, no COI or case law is presented to support this position. In order to assess whether internal relocation within South and Central Iraq or the Kurdistan Region of Iraq would be available, individualised COI research specific to a claimant's profile is required on a number of issues. As the Eligibility Guidelines set out (emphasis added):

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 27/04/2009](#)

90. Generally, no internal flight alternative will be available because of (i) the ability of non-State agents of persecution to perpetrate acts of violence with impunity, (ii) the ongoing levels of violence in mainly the Central Governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din giving rise to new persecution, (iii) access and residency restrictions, and (iv) the hardship faced in ensuring even the basic survival in areas of relocation. **When, however, the availability of an internal flight or relocation alternative must be assessed in a national asylum procedure, it should be examined cautiously and in the context of the individual claim. UNHCR's Guidelines on Internal Flight/Relocation Alternative¹⁰⁹ should be taken into account.**

The UNHCR Guidelines on 'Internal Flight or Relocation Alternative' identify two main analyses that must be undertaken in order to assess whether there is a relocation possibility, which it is useful to base issues for COI research on:

[UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23/07/2003](#)

I. The Relevance Analysis

- a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant.
- b) Is the agent of persecution the State? National authorities are presumed to act throughout the country. If they are the feared persecutors, there is a presumption in principle that an internal flight or relocation alternative is not available.

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c) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there

d) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation

II. The Reasonableness Analysis

a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.

Whilst individualised research specific to a claimant's profile and to the proposed place of internal relocation is required, the following provides an indication of the relevant issues that need to be addressed in order to follow UNHCR's approach in assessing the possibility of internal relocation within Iraq, together with some recommended sources.

I. The Relevance Analysis

a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant.

➤ On this point COI research is required on:

- Restrictions on entering the proposed site of internal relocation: e.g. the existence of checkpoints and legal access to governorates
- Security situation in the proposed site of internal relocation
- Security situation on route to the proposed site of internal relocation

Suggested sources which address governorate restrictions on entry and difficulties encountered by internally displaced persons in transferring their public distribution system ration card in South and Central Iraq include:

- [Internal Displacement Monitoring Centre, Response still centred on return despite increasing IDP demands for local integration: A profile of the internal displacement situation, 10/10/2011](#)
- [IOM, 5 Years of Post-Samarra Displacement, February 2011](#)
- [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16/02/2011](#)

Entry to the Kurdistan Region of Iraq

Excerpt from December 2011 Iraq OGN

2.4.8 In relation to the Kurdistan Region of Iraq, there are no laws that restrict movement into the area, but due to security procedures in practice movement was restricted. Citizens (of any ethnicity, including Kurds) crossing into the region from the south were obliged to stop at checkpoints, undergo personal and vehicle inspection, and receive permission to proceed. Officials prevented individuals from entering into the region if deemed a security threat. Entry for male Arabs was reportedly more difficult than for others.²⁴ [...]

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2.4.9 The Danish Immigration Service 2010 Fact Finding Mission found that any Iraqi national in possession of an Iraqi ID, a Jinsiya (Nationality card) or an Iraqi passport would be able to enter Kurdistanh Region of Iraq without any restrictions. An Iraqi not in possession of those documents would not be allowed to enter KRI at any checkpoint.²⁵ However, UNHCR has noted that KRG entry procedures are not applied in a uniform manner and identified certain groups —who may not be able to find protection upon relocation in the three Northern Governorates. Such persons may not be admitted to the Region, may still be targeted by the perpetrators of persecutory acts, or may have difficulties accessing basic services and therefore face undue hardship.²⁶ These groups included: persons with no family, community, political or business links to the region; Arab males; Turkmen and Arabs from Kirkuk; Kurds and members of religious minorities from Kirkuk, Khanaqeen and Mosul; women fearing "honour killing"; and single women.²⁷

It should be noted that the above highlighted section of the OGN is inconsistent with current Country Guidance case law which sets out that sponsors are required in order to relocate to the Kurdistan Region of Iraq:

[SR \(Iraqi Arab Christian: relocation to KRG\) Iraq CG \[2009\] UKAIT 00038](#)

An Iraqi Arab Christian at risk in his home area and throughout central and southern Iraq is likely to be able to obtain the documentation needed by a person wishing to relocate within Iraq, and is likely to be able to relocate to the KRG with the assistance of a sponsor, in particular, on the basis of the latest statistics available, in Erbil or Dohuk.

The following Country Guidance finding is also of relevance to the possibility of internal relocation to the Kurdistan Region of Iraq, which was omitted from the Case Law section of the OGN:

[NS \(Iraq: perceived collaborator: relocation\) Iraq CG \[2007\] UKAIT 00046](#)

3. Relocation to the KRG for any Iraqi is in general only feasible if the person concerned would be allowed to enter and legally reside in the area of relocation, and has family, community and/or political links there enabling them to survive.

Moreover, the case of *NS (Iraq: perceived collaborator: relocation)* at paragraph 40 found that given the kind of hit lists and information networks that exist, as well as the number of illegal checkpoints, a person with a well founded fear of persecution would usually be able also to cross the threshold of showing an absence of internal relocation options:

[NS \(Iraq: perceived collaborator: relocation\) Iraq CG \[2007\] UKAIT 00046](#)

[...] The Current Situation in Iraq [...]

40. We accept that on the evidence there can be seen to be no reasonable expectation that the appellant can stay in the centre or south of Iraq away from his home area. It has been accepted that he is of significant interest to an important insurgent organisation which has links with other organisations and which has not simply written letters threatening him but has posted his name in a mosque, which, we accept, would lead to other terrorist organisations being alerted to an interest in him and take action against him themselves or hand him over to Al Qaeda in Iraq. There is the additional risk factor of him being a Yezidi and as we accept, being identifiable as such since he does not go to the mosque and does not pray five times a day and is understandably not prepared to change his religion. In this context it is also relevant to note the evidence concerning the checkpoints which are operated by insurgents as well as by the security forces, on which comment can be found at page 16 of Dr Fatah's report. There is a real risk that a person in the appellant's position moving around Iraq would come to the attention of the insurgents in this manner. We do not consider it will be possible for him to maintain the kind of low profile such as to avoid this risk. In his case we conclude that being a Yezidi is an additional risk factor, but we also consider that the evidence as it is at present before us shows that a person who has worked as a translator or in any other way such as to be regarded by insurgents as a collaborator with the multi-national force and who has been

targeted by a significant insurgent group, is a person who at present faces a real risk of persecution on account of perceived political opinion in his home area in Iraq. Unless he can satisfy the criteria identified in paragraph 36 above, he will be unable to access the KRG by way of relocation. Whether he can relocate elsewhere in Iraq must be a question of fact in each case, depending upon such matters as the reach of the group which has targeted him. **In general, given the kind of hit lists and information networks that exist, as well as the number of illegal checkpoints, we would anticipate that a person satisfying all the other criteria set out above would usually be able to cross this threshold also.** Accordingly this appeal is allowed. [Emphasis added]

The case of *NS (Iraq: perceived collaborator: relocation)* further accepted UNHCR's view that relocation in the three Northern Governorates will depend on a variety of factors, the main one being whether the claimant would be allowed to enter and legally reside in the area of relocation and whether he/she has family, community and/or political links that would allow for his/her protection, economic survival and integration. Former Ba'ath Party membership or a criminal record would clearly entail denial of admission, otherwise it is difficult to establish clear criteria to predict who will be admitted or rejected:

[NS \(Iraq: perceived collaborator: relocation\) Iraq CG \[2007\] UKAIT 00046](#)

[...] 3. Relocation to the KRG for any Iraqi is in general only feasible if the person concerned would be allowed to enter and legally reside in the area of relocation, and has family, community and/or political links there enabling them to survive. [...]

[...] Conclusions [...]

The current situation in Iraq [...]

38. **In the UNHCR Guidelines of October 2005 relating to the eligibility of Iraqi asylum seekers it is suggested that relocation in the three Northern Governorates will depend on a variety of factors, the main one being whether the claimant would be allowed to enter and legally reside in the area of relocation and whether he/she has family, community and/or political links that would allow for his/her protection, economic survival and integration.** Later in the same guidelines (at p.51, paragraph 8) it is said that the Kurdish authorities aim at keeping the area "Kurdish" and are in principle reluctant to accept any increase of non-Kurdish populations in their areas of influence. Hence the KRG authorities implement strict controls on the presence of non-Kurdish people in their areas. **Whereas certain factors such as former Ba'ath Party membership or a criminal record would clearly entail denial of admission, otherwise it is difficult to establish clear criteria to predict who will be admitted or rejected. At times decisions seem to be taken in a discretionary manner.** There are checkpoints at the unofficial borders between Central Iraq and the KRG-administered area, and the area is regularly patrolled and heavily mined. Hence entry via the checkpoints is, practically, the only option available. At p.53-54, paragraph 21, somewhat contrasting with what was said at p.51 paragraph 8, it is said that the Kurdish parties will reject anybody who does not originate from the respective Governorate and does not have a Kurdish sponsor to guarantee his/her entry and stay (Governorates of Erbil and Dohuk), or may be considered to pose a security risk or is found to have links with the former government. It seems that there is a difference between being admitted to the KRG area and obtaining a residence permit, which has to be applied for by anyone not from the Governorate in question. [...]

Source [25] cited in paragraph 2.4.9 above is the 2010 Danish Fact Finding Mission report 'Entry Procedures and Residence in Kurdistan Region of Iraq (KRI) for Iraqi Nationals'. This has now been superseded by its June 2011 'Update on Entry Procedures at Kurdistan Regional Government (KRG) Checkpoints and Residence in Kurdistan Region of Iraq'. Sources cited in this Fact Finding Mission report continue to report a conflicted situation with regards to entry procedures to the Kurdistan Region of Iraq. In particular, it is contested whether persons must be sponsored by a local citizen in order to be granted entry and permanently reside in the region and whether entry procedures are applied uniformly:

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- [Danish Immigration Service, Update on Entry Procedures at Kurdistan Regional Government \(KRG\) Checkpoints and Residence in Kurdistan Region of Iraq \(KRI\); Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI; 7 to 24 March 2011, June 2011](#)

Introduction and disclaimer

[...] The delegation consulted UNHCR Iraq (Erbil and Baghdad) and meeting notes were sent to UNHCR Iraq for comments/corrections and approval. UNHCR Iraq corrected and approved the notes forwarded but shortly afterwards UNHCR Iraq withdrew all its statements from the report at hand. Instead, UNHCR Iraq referred the DIS to exclusively refer in the report at hand to UNHCR's Guidelines of 2009 as these guidelines contain a summary of all available data. However, already in early 2010 the DIS found that these guidelines were to some extent outdated, and accordingly there are no references to the publicly available UNHCR Guidelines of 2009 in the report at hand. As already noted, in early 2010 the DIS undertook a fact-finding mission to KRI and Jordan in order to gather updated and valid data on entry procedures and residence in KRI.

UNHCR, Regional Office for the Baltic and Nordic Countries, Stockholm (hereafter UNHCR Stockholm), distributed a number of notes on the application of Internal Flight Alternative (IFA) to KRG. Three of these notes dated January 10, January 17 and February 23 2011 make references to (1) a Kurd (male) from Kirkuk, (2) a Chaldean Christian (female) from Mosul and (3) an Assyrian Christian (female) from Baghdad. The UNHCR Stockholm notes were sent to lawyers representing Iraqi asylum seekers at the Danish Refugee Appeal Board. The notes include information on entry procedures at KRG checkpoints and residence in KRI. This information contravenes some of the findings included in the above mentioned DIS fact-finding report as well as findings presented in the report at hand. The UNHCR Stockholm notes are partly based on Internally Displaced Person (IDP) surveys undertaken by UNHCR Iraq and its three Protection and Assistance Centres (PACs) in KRI. Because of the information in the UNHCR Stockholm notes as well as information provided by UNHCR Iraq to the DIS in connection with a seminar on Iraq in Stockholm on December 15 2010 the DIS found it relevant to update information regarding entry procedures at KRG checkpoints in KRI.

1. Update on entry procedures at KRG checkpoints

At a seminar on Iraq in Stockholm on December 15 2010 UNHCR Iraq distributed a note entitled Entry to and residence in the Kurdistan Regional Government Region of Iraq. In this note UNHCR Iraq stated that "Concerning the use of the Kurdistan Region (KR) as an Internal Flight Alternative, reference is made to the UNHCR Report from the North of Iraq (2010), Danish Immigration Service's Entry Procedures and Residence in Kurdistan Region of Iraq for Iraqi nationals (2010), the joint report issued by the Danish Immigration Service and Danish Refugee Council, Security and Human Rights Issues in Kurdistan Region of Iraq and South/Central Iraq (2009) and UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers [2009]." UNHCR Iraq added that "Since the issuance of these reports, no major changes have been identified by or reported to UNHCR Erbil on access to KR[I], either in law or practice." However, at the above mentioned seminar in Stockholm UNHCR Iraq stated that even though no major changes on access to KRI has taken place (since the issuance of the above mentioned reports) there are inconsistencies/discrepancies in the procedures at the KRG checkpoints. In January 2011 UNHCR Stockholm reported that "The discrepancies in these procedures seem dependent on the officer present at check point; thus there are no harmonized procedures and they may vary from one officer to the other." UNHCR Stockholm also reported that "It has been noted that whilst the KRG authorities claim to have a unified or uniform policy for entry and staying in KRG, it is evident that in practice this is not the case [...] Inconsistencies have been noted in entry procedures that are followed at the checkpoints from one day to the next." Mohamed Mirza, Head of Political Department, General Security Office, Asayish, Erbil stated that the entry procedures at KRG checkpoints have remained the same throughout 2010 and these procedures still apply. There have been no changes in entry policy whatsoever. However, lately there have been some unrest and demonstrations in KRI as well as in the disputed areas (Kirkuk and Mosul) and these incidents have caused the KRG to intensify its security procedures at the checkpoints. It was reiterated that the procedures are unchanged but all travellers are briefly questioned at checkpoints. Security precautions are stronger these days but entry procedures remain as usual. The delegation informed Mohamed Mirza that it had noticed these security precautions when it returned to Erbil from its visit to Kawa Refugee Camp 25 kilometres southwest of Erbil. The delegation and

its security staff were questioned by checkpoint officers and noticed that all travellers were briefly questioned by the checkpoint officers before being permitted entry.

General Kaiwan Tawfeq, General Manager, Kurdistan Checkpoints, Kurdistan Regional Security Protection Agency, Security General Directorate, KRG Ministry of Interior, Erbil explained that KRI has had a regional security policy for many years in order to combat terrorist challenges. As a result major security precautions have been put in place. KRI is part of Iraq and the region has to protect itself against the threats of terror from other parts of Iraq. General Kaiwan Tawfeq stated that KRG is able to protect its borders towards South/Central Iraq (S/C Iraq) and the disputed areas, and KRG will continue to uphold security in KRI. Whenever there is suspicion that someone with hostile intentions tries to enter KRI the control at the checkpoint will be intensified in order not to let such a person enter. However, KRG security personnel are not equipped with all the modern technical equipment as many foreign security forces, and therefore KRG rely primarily on the experience and the professional judgement by the security personnel. General Kaiwan Tawfeq explained that KRGs security concern is mainly concentrated along the very long borderline towards S/C Iraq and the disputed areas. KRG is especially alert of supporters of the Baathists movement as well as former members of the National Guard of Saddam Hussein, supporters/members of Al Qaeda, Ansar-e-Islam and any other insurgent group. General Kaiwan Tawfeq added that those supporters/members are mostly from the Sunni Arab segment of Iraqi society. In order to face the threat of terrorism and to protect its people against attacks and insecurity KRG has established its own security system and entry procedures for all persons entering KRI. General Kaiwan Tawfeq added that the authorities need to identify any Iraqi who enters KRI irrespectively of who they are or where they come from in Iraq. When asked if there is differential treatment with regard to ethnic or religious background General Kaiwan Tawfeq stated that this is not so. Turkmen, Arabs as well as all other Iraqis are treated in the same manner at the KRG checkpoints. There is no discrimination against particular groups of Iraqi citizens who wish to enter KRI. When asked whether people from particular ethnic or religious groups may encounter difficulties at checkpoints General Kaiwan Tawfeq explained that there could be queues at checkpoints at certain times. However, this is related to the number of people entering and the actual security situation at a specific time, but no one, irrespectively of her or his religious orientation or ethnic affiliation, is being deliberately discriminated against or harassed. It was added that lack of modern electronic equipment does sometimes result in prolonged waiting times at KRG checkpoints.

Mohamed Mirza explained that unless otherwise requested most Iraqis entering a KRG checkpoint are provided with an entry card valid for seven to ten days. It was added that persons on the 'Black List' [i.e. a list of suspects] will be rejected and most likely arrested. The 'Black List' is continuously updated and the list is accessible at all KRG checkpoints.

Regarding persons who flee insecurity in S/C Iraq or disputed areas, an international organization (A) explained that the President of KRI has stated that anyone at risk of persecution and/or attacks in Iraq is welcome in KRI. This does not only apply to Christians but all Iraqis irrespectively of their religious orientation or ethnic affiliation. An international organization (B) explained that there are many persons, mostly Arabs, who have been arrested at KRG checkpoints and detained at the Asayish Detention Centre in Erbil. Some of these have been detained for up to six months or more, but most detainees are released after a few weeks in detention. Up to hundred or sometimes more detainees are held at the same time. The vast majority are persons who are suspected for illegal activities, but not necessarily registered on the 'Black List'. It was furthermore stated that the length of a detainee's stay in prison depends on whether the person is wealthy or not. When asked if any of the detainees have been deported back to his or her place of origin it was stated that this has occurred in one case. It was added by an international organization (B) that the number of detentions was much higher and the prison conditions much worse in early 2009 when the representative of the international organization (B) came to KRI for the first time. When asked whether the Asayish have detained people that were arrested at KRG checkpoints General Kaiwan Tawfeq confirmed this to be the case and said, "Throughout the years hundreds of persons who have tried to enter KRI have been arrested and detained, but this has only taken place because they were on the 'Black List'. When asked if some of the detainees at the Erbil Detention Centre were IDPs the international organization (B) stated that the detainees are not necessarily IDPs, but it was added that those detained were mostly arrested at the KRG external checkpoints, i.e. those checkpoints that are positioned along the boundary to the disputed areas and Iraq. At the meeting with the international organization (B) the delegation was handed a note from a meeting between the representative of the organization and "an important member of one of the security agencies dealing with the issue". However,

an international organization (A) stated that it is Mr. [General] Kaiwan Tawfeq who has the overall responsibility for the checkpoints.

UNHCR/PAC survey on IDPs' experience with KRG checkpoints

Public Aid Organization (PAO)/PAC explained that the NGO undertook a survey in 2010 [on behalf of UNHCR Iraq] of IDPs' experience with entry procedures at the KRG checkpoints in Erbil Governorate. The survey took place in November/December 2010 and comprised 86 IDP [cases, i.e. 506 individuals] who entered KRG via the checkpoint in Erbil in October/ November 2010. PAO/PAC based its survey on the PAC's monthly protection reports for the past 11 months as well as interviewing and questioning 86 cases, (35 Arabs, 10 Turkmen, 29 Kurds, 11 Christians (2 individuals, 9 families), and 1 Sabean Mandaean. It was added that all three UNHCR PAC partners [in KRI], i.e. PAO in Erbil Governorate, Harikar NGO in Dohuk Governorate and Civil Development Organization (CDO) in Suleimaniyah Governorate undertook IDP surveys during this period. PAO/PAC stated that its survey showed that the majority of the IDPs interviewed had encountered problems at the checkpoint. Even some families were requested to provide a reference before being permitted entry. Individual IDPs encountered differentiated entry procedures. It was emphasized, however, that individuals of Kurdish origin did not face difficulties at the checkpoint, except on very few occasions. PAO/PAC explained that officers at the checkpoint sometimes had asked IDPs for a reference. In January-February 2011 PAO/PAC undertook an additional survey comprising 19 families/cases (8 Arab families and 11 Kurdish families), i.e. 92 individuals. The families were from Mosul and Baghdad provinces (see Annex 313). PAO/PAC did not find it relevant to include Christians in the survey as Christians did not face any kind of difficulties at KRG checkpoints (see also section 1.3.1). Harikar NGO/PAC explained that it recently undertook two IDP surveys in Dohuk Governorate. The first survey took place in mid December 2010 and the second in mid March 2011. The December 2010 survey comprised 25 IDP families and all of them had stated that they needed a reference to be present at the KRG checkpoint before being allowed entry. The March 2011 survey comprised 16 IDP families and all IDPs, except for one Arab family, stated that they did not need a reference when they entered KRI at a KRG checkpoint.

1.1.1 Residency card/information card?

Referring to the above mentioned November-December 2010 survey by UNHCR/PAC, UNHCR Stockholm reported in January and February 2011 that "no PAC has reported any IDP to have received the residence card."¹⁴ However, it is important to note that UNHCR, Erbil, in March 2010 stated, that "after entry those wishing to stay more than 10 days request permission from KRG security; instead of receiving residence permits as in the past, visitors carry 'information cards'".¹⁵ The above statement by UNHCR, Erbil was confirmed by the Head of Political Department, Security Services, Asayish, Erbil, who explained that "Prior to 2007, a residency card was issued to Iraqis from outside KRI. However, after some criticism was voiced against this procedure by Iraqi officials who believed that KRG perceived outsiders to KRI as non-Iraqis, the procedure was changed. Today, only foreigners are issued the residency cards."¹⁶

1.2 Entry procedures: uniformity and security concerns

Mohamed Mirza explained that the entry procedures are the same throughout all three governorates in KRI. However, when asked if these procedures are laid down in any written regulation or decree Mohamed Mirza stated that this is not the case. The policy at all KRG checkpoints is regulated by General Kaiwan Tawfeq and his office.

General Kaiwan Tawfeq stated that the KRG entry procedures have not been changed since early 2010 when the Danish Immigration Service last consulted him and visited Mosul Checkpoint.¹⁷ When asked if the entry procedures are laid down in a written instruction or law General Kaiwan Tawfeq stated that there is of course an instruction which is being followed at all checkpoints, but this instruction is not for the public. The instruction is managed by General Kaiwan Tawfeq's office, i.e. the Kurdistan Regional Security Protection Agency who is responsible for all KRG checkpoints in KRI (see Annex 4).

General Kaiwan Tawfeq stated that entry procedures are uniform throughout all three KRI governorates. These procedures aim at not letting possible terrorists enter KRG while at the same time not making it unnecessarily difficult for ordinary people to pass through the checkpoints. However, anyone who wishes to enter KRI for work, tourism or residence can enter without difficulties if they are not on the 'Black List'. Those on the 'Black List' will be rejected and arrested. There are four main KRG checkpoints and they all apply the same entry procedures. There is no difference among Erbil, Dohuk and Suleimaniyah Governorates regarding entry procedures. However, UNHCR Iraq as well as UNHCR Stockholm have stated that "It has been observed over the past year that approval or denial of entry into the KR[I] is not applied systematically and may depend on a number of factors, including who the officer in charge at the time of

entry”.¹⁸ Furthermore, UNHCR Stockholm has stated that “It has been noted that whilst the KRG authorities claim to have a unified or uniform policy for entry and staying in KRG, it is evident that in practice this is not the case. Both checkpoints and the issuance and renewals of the information cards vary between governorates. Inconsistencies have been noted in entry procedures that are followed at the checkpoints from one day to the next.”¹⁹ When asked if a systematic entry procedure is applied at the checkpoints an international organization (A) stated that this is the case. However, if deviations from the normal procedures should occur, it is due to changing security concerns and precautions. Deviations do not depend on the officer in charge at a given checkpoint or an officer’s bad mood. There is one uniform procedure/system at all KRG checkpoints, and changes in procedures are related to daily security developments. When asked if there is an instruction or regulation regarding procedures at KRG checkpoints the international organization (A) stated that it was certain that there is an internal instruction as to how procedures should be applied at all checkpoints. The international organization (A) is in daily contact with the Asayish offices at all KRG checkpoints. It was added that the international organization (A) has a very good cooperation with the KRG checkpoints. The international organization (A) emphasized that the procedures at KRG checkpoints are only related to security precautions. Many persons of Arab origin take up work in KRI and, when they are permitted, their entry is without difficulties. An international organization (B) did not agree with the assertions that procedures at KRG checkpoints are only related to security precautions and that a uniform entry procedure is applied at all KRG checkpoints. These procedures are applied arbitrarily and can depend on the mood of the officer in charge. In addition no one can know when a person is being rejected at a checkpoint. General Kaiwan Tawfeq denied that people are being rejected or arrested at KRG checkpoints because they belong to a specific ethnic or religious group or that people are at risk of being rejected or arrested arbitrarily depending on the mood of the officer in charge at a checkpoint. General Kaiwan Tawfeq reiterated his deep regret that neither UNHCR nor any other UN agency has consulted him or visited the KRG checkpoints regarding these assertions. Harikar NGO/PAC stated that it could not exclude that there could individuals who have been rejected at KRG checkpoints, but it did not have any specific information on whether this had occurred or not. On the other hand Harikar NGO/PAC’s own survey from December 2010 showed that there had been IDPs who have been rejected at checkpoint in the first place and only after having provided a reference could these IDPs enter KRI. Harikar NGO/PAC explained that these difficulties were related to the changing security precautions and procedures. When asked if a standardized entry procedure applies to the KRG checkpoints in Dohuk Governorate Harikar NGO/PAC stated that this is not the case. Depending on the day to day security situation in the area these procedures may be tightened or relaxed. In general persons coming from S/C Iraq will be questioned about their reasons for coming and they undergo a stricter security check. Last week a staff member of Harikar NGO/PAC had relatives visiting Dohuk. These relative were from Najaf in Southern Iraq, and when they approached the KRG checkpoint in Dohuk Governorate they were requested to present someone who could identify them although they were able to provide their Iraqi ID card. Harikar NGO/PAC added that there have been cases where a person wishing to enter has had to call a reference in Dohuk Governorate in order to be permitted entry. However, these are individual cases and they are normally solved by a telephone call. Harikar NGO/PAC stated that most Arabs face these procedures. It was emphasized that these precautions are only related to security concerns and not to a person’s ethnic affiliation or religious orientation. PAO/PAC emphasized that the entry procedures at KRG checkpoints are entirely for security purposes. Mohamed Mirza reiterated that entry procedures are security precautions and nothing else. It was added that terrorism is only 20 minutes away from the city of Erbil and this is the reason why tight security precautions at KRG checkpoints are deemed necessary. Regarding security procedures at the KRG checkpoints Shokr Yaseen Yaseen, Director of Bureau, Bureau of Migration & Displacement (BMD), KRG Ministry of Interior, Erbil, stated that if security forces do not make checks and controls at checkpoints security would be at stake in KRI. The policy at KRG checkpoints aims at ensuring security for everyone in KRI. Shokr Yaseen Yaseen recommended the delegation to consult General Kaiwan Tawfeq of the Kurdistan Regional Security Protection Agency regarding details on security procedures and policies at KRG checkpoints. offence. [...]

2. Update on reference requirement

Regarding the previous demand for a reference to be present at KRG checkpoints Mohamed Mirza stated that this requirement was abolished in December 2009. There is no requirement for a reference any longer and this applies to all governorates. The entry policy is uniform throughout KRG, i.e. at all checkpoints. Mohamed Mirza added that neither Christians nor Arabs or Kurds or any other Iraqi citizen

needs to present a reference at any KRG checkpoint in order to enter KRI. General Kaiwan Tawfeq was informed by the delegation that UNHCR Stockholm reported in January-February 2011 that according to PACs surveys "the sponsor *reference+ system remains to be in place and IDPs are required to have this guarantee to enter. These are conditions for entry regardless of the new name referred to by the authorities"²². General Kaiwan Tawfeq entirely rejected this assertion and stated that "not a single IDP has been required to have a reference when entering KRI since this requirement was lifted in December 2009. The procedures and requirements for entry remain the same and nothing has changed". PAO/PAC stated that the requirement for a reference at checkpoint is not applied under normal circumstances. It is only when there is a particular security concern that the reference requirement is applied. The reference requirement was lifted in December 2009 and it is only reintroduced when there is a major security concern. When asked if there is a requirement for a reference to be present at KRG checkpoints Muhamad Abdulla Hamo explained that the security control at KRG checkpoints depends on the daily security situation. It was stated that individuals may be more cross checked than families, but individuals can enter without difficulties if there are no suspicion and/or security concerns regarding the person in question. There is no requirement for a reference to be present at KRG checkpoints under normal security conditions, not even for individuals. However, whenever there is a specific security concern related to an individual approaching a checkpoint, or if there is suspicion that a person may pose a security threat, the Asayish may require that a resident of Dohuk Governorate guarantees for the individual before she or he is permitted entry. Muhamad Abdulla Hamo added that he did not have an in depth knowledge of the security and entry procedures at the checkpoints and referred the delegation to consult the Asayish regarding these procedures. Governor Bahroz Qashany explained that the vast majority of Iraqis entering KRI have references in the area, but it is not a requirement to have a reference in order to enter. Kamal Rauf stated that there is no requirement for a reference at the KRG checkpoints. According to PAO/PAC's IDP survey basically all individuals of Arab origin were requested to present a reference at the checkpoint and during a short period of three weeks in November 2010 all persons of Arab origin were denied entry. A KRG checkpoint officer had explained to PAO/PAC that they had been ordered by the Directorate for Checkpoints not to let any person of Arab origin enter Erbil Governorate during this period. PAO/PAC explained that individual persons of Arab origin are facing most difficulties at the checkpoints, and some have even been denied entry. Harikar NGO/PAC explained that the March 2011 survey showed that all IDPs interviewed did not need a reference when they entered KRI at a KRG checkpoint, except from four Arab families who were requested to provide a reference. PAO/PAC explained that many officers at KRG checkpoints are not well educated and some may have a negative attitude while others may be in a mood of mistrust. On the other hand, there are also officers with a pragmatic attitude who may request PAO/PAC to come to the checkpoint and act as a reference for a certain person. PAO/PAC staffs have acted as references on several occasions, "i.e. [when] inviting people [from] outside Kurdistan region [in order for PAO] to benefit from the skills of people. *...+ like using them in seminars and other civil works *in KRI+." One of PAO/PAC's drivers frequently acts as a reference as he is well-known to the officers at the checkpoint in Erbil. Most often the mere presence of this driver at checkpoint is sufficient for the officers to permit entry without any delay. When asked if PAO/PAC always assist any person who requests assistance at a checkpoint PAO/PAC explained the NGO is not ready to act as reference for persons unknown to its staff. On the other hand PAO/PAC will act as reference for persons identified by the NGO if needed. Harikar NGO/PAC stated that usually, i.e. when there are no particular security concerns in the area, there is no requirement for a reference to be present at a KRG checkpoint or to have a reference before being permitted entry. The reference requirement is in place when the person wishes to reside in KRI and thus has to approach the local Asayish office in the area where the person in question wishes to reside. On the other hand, Harikar NGO/PAC added that entry procedures can be differential depending on the mood of the officer in charge of the checkpoint. However, Harikar stated that entry procedures normally comply with the information given to the delegation by [Mohamed Mirza] the head of the Asayish Political Department and General Kaiwan Tawfeq, who is responsible for all KRG checkpoints. An international organization (B) stated that there is no requirement for a person to present his or her reference at the checkpoint before being allowed entry. Instead the [person] needs to produce [a reference] the next day of the arrival at the nearest Asayish office. Failing to do that, they will be tracked and asked to leave. They could also be blacklisted. Governor Bahroz Qashany stated that there is no need for a reference to be present at a KRG checkpoint for an Iraqi to enter KRI. However, if a person wishes to reside in KRI she or he will have to register at the Asayish in the area where he or she intends to live. The Governor did not have any details regarding entry or residence procedures and referred the delegation to

consult the Asayish on these issues. Nawzad Hadi Mawlood, Governor of Erbil Governorate, explained that the vast majority of IDPs coming to KRI already know someone in the region, and in contrast to many other Iraqis coming to the region it is only IDPs who wish to settle more permanently. There is no requirement for a reference at the checkpoint for IDPs or any other traveller. However when an IDP wishes to settle more permanently in Erbil Governorate she or he will have to find a reference and then approach the local Asayish Office in Erbil in order to be properly registered. The Governor explained that it is no problem for IDPs who wish to stay in KRI to find a reference. IDPs would almost always know someone in the area where they wish to settle. Harikar NGO/PAC would, however, not agree that one could conclude that the requirement for a reference at KRG checkpoints had been lifted completely. One staff member of Harikar NGO/PAC stated that his reluctance to conclude this is based on his personal experience with procedures at checkpoints and referred to the above mentioned case regarding his relatives visiting from Najaf (see also page 14). On the other hand Harikar NGO/PAC emphasized that the security procedures and precautions at the KRG checkpoints have proven their significance as security in KRI is very good and Dohuk Governorate is the safest governorate of all. Harikar NGO/PAC explained that with regard to Christians from any location in S/C Iraq and the disputed areas there is no requirement for a reference neither at checkpoint nor at the Asayish registration office in Dohuk. According to Harikar NGO/PAC a reference is legally responsible for any criminal act that might be committed by the person she or he acts as a reference for. However, Harikar NGO/PAC had never heard of any reference that have been arrested or prosecuted for such offences. On the other hand should this occur it will be dealt with according to law and not arbitrarily and the case will be related to the crime committed. It was stated by an international organization (B) that a few references have been held responsible, arrested or detained for criminal acts committed by the person he or she is reference for. The delegation explained to the international organization (B) that the DIS' Documentation and Research Division requested a number of sources regarding this during its fact finding mission to KRI in 2010 and all sources stated that there were no accounts of this being the case. When asked about further details regarding persons having been held responsible the international organization (B) explained that it could not provide the delegation with further details except that five or six persons have been detained on these grounds in 2009 and 2010. It was added that some of these cases were related to suspicion of terrorist or insurgent activities.[...]

Please also note the latest Fact-Finding mission report published by the Finnish and Swiss Immigration Services, which notes the following with regards to entry procedures to the KRI:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 9. Internally Displaced Persons [...]

9.4. Entry procedures to the KRG area / screening at the KRG border

The fact-finding mission learned that there have been no relevant, recent changes to KRG entry and screening procedures. UNHCR Iraq in Erbil indicated that there are no government statistics available on who has entered the KRG area and who has been denied access. There are four main entry checkpoints to the KRG area, which are controlled by the KRG Security Protection Agency. The checkpoints apply basically the same entry procedures.²⁴⁷ At the same time, some international organizations, NGOs, and the UNHCR claimed that the guidelines on entry practices are not consistent between the three northern governorates of the KRG or between checkpoints leading to a single governorate. There are also no published instructions or regulations on entry procedures, as these would be against the Iraqi Constitution. According to the UNHCR, entry often depends on the commander on duty and the commander's daily instructions at the checkpoint. The procedures can be tightened or relaxed according to the current security situation in the area.²⁴⁸ Several NGOs and the UNHCR have surveyed IDPs at different times concerning entry procedures to the KRG region at different checkpoints. A comparison of the results shows differences in entry practices between governorates and time periods. For instance, the surveys show that the need for a sponsor / guarantor has essentially ceased at a Dohuk governorate entry checkpoint, but that even at one checkpoint congruency can lack at different times.²⁴⁹ Iraqis enjoy freedom of movement within the country. At the same time, the freedom is sometimes theoretical, and access is not easy for everyone. Basically, all Iraqi citizens have the right to enter and work in the KRG region as long as they are not on the blacklist kept by the authorities. The blacklist, which includes

information on people suspected of terrorist activities and those wanted by Interpol, is continuously updated and available at all checkpoints.²⁵⁰ The fact-finding mission learned that Arabs are screened more carefully than other passengers at the checkpoints. Sunni Arabs, especially those from the disputed areas, face difficulties such as harassment from security forces or arbitrary detention because local authorities may consider them terrorist suspects, possibly without actual evidence. The factfinding mission learned that detained persons may be kept behind bars (mainly in the Asayish detention center in Erbil) for a considerable period based only on suspicion of being a terrorist. Most are released after a few weeks.²⁵¹ People who are denied entry to the KRG area are often not of Kurdish ethnicity. Kurds and Christians are generally allowed entry, whereas single male Sunni Arabs without a sponsor in the KRG area are refused. The UNHCR noted that female Arabs have also had trouble entering the KRG area. Single females are also at higher risk of harassment by authorities.²⁵² However, a source mentioned that Arabs from Central and Southern Iraq who invest in the KRG area are welcomed to the region.²⁵³ According to another source, IDPs with money are able to move to Erbil and start a business. Anyone wishing to enter the KRG area who does not originate from the region typically needs to know someone there (a so-called sponsor / guarantor) or have a letter of reference from an employer in the KRG area. A sponsor is needed if the person wants to stay in the KRG area for more than 10 days or wants to register and seek residency in the region. If someone enters the KRG area and subsequently commits a crime, his or her sponsor will be punished and may even face a prison sentence. A member of the immediate family or some other relative often acts as the sponsor. An institution such as an university can also act as a sponsor. The fact-finding mission received conflicting information during interviews on whether or not a church can act as a sponsor. The policy applied to Christians was said to have been relaxed after the bomb attack at a church in Baghdad in October 2010. Christians may currently be able to nominate senior clerics as sponsors. The fact-finding mission heard that it is easier for Kurds originating outside the KRG area than for persons of other ethnicities to find a sponsor in the region. People who are exempt from needing a sponsor include highly qualified persons such as medical doctors, Iraqi members of parliament, or people who invest more than \$50,000 in the KRG area. According to several sources, a sponsor / guarantor is often not needed nowadays; instead, the person wanting entry needs to have a reference from someone in the KRG area. The UNHCR was of the opinion that the terminology has changed but that the sponsor system is basically the same as before.²⁵⁴ The entry procedure may include a phone call to a person in the KRG area or the arrival of the sponsor at the checkpoint. According to the UNHCR, a person without a sponsor may end up on the blacklist. The UNHCR also told the fact-finding mission that security measures had been upped at the Green Line because of the spring 2011 demonstrations in the KRG area and estimated that there were more denials of entry to the KRG area because of the demonstrations. The UNHCR told of a case where a family was broken up at the border, as one member was denied entry to the KRG area.²⁵⁵ Anyone not holding a residency card and wanting to enter the KRG area needs to obtain an information card. These cards were previously issued by the residency office, but are currently issued by the Asayish. Once inquiries about the person have been conducted by the Asayish bureau, the information card, which is valid for one year, is issued. The factfinding mission was told that the ability to obtain an information card may depend on the officer on duty and whether the applicant has connections in the KRG area. According to one source, there is a general policy of not issuing information cards to single Arab men and women because of fears of terrorism by the authorities. This problem has also affected single persons hired by international organizations. The information card, which can be renewed at the discretion of the Asayish, allows one to rent a house and send children to school.²⁵⁶ Persons staying in the KRG area a month or less need only register with the Asayish and obtain a visa-like document, which is not an information card. The fact-finding mission learned that IDPs without registration are at risk of refoulement to Central Iraq. If they do not leave the KRG area after one month, they risk being arrested, included on the blacklist, and deported from the KRG area.²⁵⁷ The fact-finding mission learned from an NGO that in addition to regular IDPs from Central and Southern Iraq, migrants to the KRG area include poor people sent there by criminal gangs to beg on the streets. The KRG police apparently detain beggars and deport them from the KRG area, but they often cross the Green Line again the next day. Why such persons are able to enter the KRG area and the scale of the phenomenon require more study. [...]

Sources continue to document that Arabs, particular young males, may be refused entry to the Kurdistan Region of Iraq:

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- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 8. Minorities [...]

8.9. Arabs in the KRG area

It is very difficult for young male Arab Sunni Muslims from Mosul or Kirkuk to settle in the KRG area, as KRG authorities fear they may be involved in terror activities, belong to extremist groups, or subscribe to an Islamist ideology and because they used to have close ties to Saddam Hussein's regime. Many Arabs in the KRG area lack contacts and a network that would allow them to get by in daily life. Arabs in the KRG area also lack a political lobby. [...]

- [Internal Displacement Monitoring Centre, Response still centred on return despite increasing IDP demands for local integration: A profile of the internal displacement situation, 10/10/2011](#)

[...] Freedom of movement is also impacted by checks at governorate borders, some reportedly resulting in arrests, and in the Kurdistan Region. In that region, Arabs are particularly affected, due to their lack of proper identity papers or due to mistaken identity (Human Rights Council, 16 February 2011). [...]

- [Danish Immigration Service, Update on Entry Procedures at Kurdistan Regional Government \(KRG\) Checkpoints and Residence in Kurdistan Region of Iraq \(KRI\); Report from Danish Immigration Service's fact-finding mission to Erbil, Suleimaniyah and Dohuk, KRI; 7 to 24 March 2011, June 2011](#)

[...] 1.3 Differential procedures for persons of certain ethnic and/or religious groups, including persons from the disputed areas?

When asked if Turkmen, Kurds from the disputed areas and Arabs face difficulties or even rejection at KRG checkpoints Mohamed Mirza denied that this was the case. All Iraqis are treated the same way at all checkpoints and no one is discriminated against on the basis of their ethnic affiliation or religious orientation. When asked if single men of Arab origin under the age of 18 are encountering more difficult procedures or even rejection at KRG checkpoints Mohammed Mirza strongly denied this to be the case.

UNHCR Stockholm has stated in three notes from January-February 2011²⁰ that, "Arabs, Turkmen and Kurds from the disputed areas [...] will most likely face difficulties/rejection at the check point". When asked if it is the policy of KRG to make it difficult to enter or to reject Arabs, Turkmen and Kurds from the disputed areas at KRG checkpoints General Kaiwan Tawfeq completely rejected this statement, and strongly requested UNHCR to meet with him and/or his officers as well as to visit KRG checkpoints in order for UNHCR to be assured of the non-discriminatory procedures at the checkpoints.

When asked if UNHCR has ever visited – or requested to visit – General Kaiwan Tawfeq's office or any KRG checkpoint General Kaiwan Tawfeq stated that this has never occurred. It was added that those who enter KRI from other parts of Iraq are undergoing a procedure in which they are questioned and checked in order to find out whether they are wanted by the Iraqi intelligence and/or security forces or otherwise considered as criminals. If a person is on the 'Black List' he or she will be arrested, and if he or she is not on the list entry will be permitted. It was emphasized that these precautions and procedures are only for security reasons and nothing else. General Kaiwan Tawfeq reiterated that no one has ever complained of discriminatory treatment at any KRG checkpoint since he took office in 2004. When asked if people are being harassed and/or rejected at checkpoints only for their ethnicity and/or religion Harikar NGO/PAC stated that this is not so. Everyone is being treated politely and according to established standards irrespectively of whether a person is an Arab, Turkman, Christian, Yezidi, Kurd or affiliated to any other ethnicity or religion, however the focus is on persons of Arab origin. General Kaiwan Tawfeq stated that Turkmen, of whom many do not believe in the federal system of Iraq, are staying in KRI and they enter KRI without difficulties or being harassed at entry point. Kamel Haji Ali, Minister for Endowment and Religious Affairs, KRG Ministry of Awqaf [Endowment] & Religious Affairs, Erbil explained that for ages all religions have existed side by side in Northern Iraq. All religious groups have always had the opportunity to freely express their religious beliefs. Even as of today there are no tensions among religious or ethnic groups in KRI. Minister Kamel Haji Ali stated that any Iraqi IDP is welcome to KRI irrespectively of religious orientation and/or ethnic affiliation. There is no spirit of revenge among the people of KRI, only passion and emotion. Shokr Yaseen Yaseen explained that there are approximately 35.000 IDP families in KRI. The main tasks of

the BMD are to service these IDPs in close collaboration with the BMD in Baghdad. The Government of Iraq (GoI) has established a regional office of its BMD in Erbil. Muhamad Abdulla Hamo, Director, Directorate of Displacement and Migration (DDM), Dohuk, explained that IDPs in Iraq are eligible to receive 150.000 Iraqi Dinars (approximately 150 US \$) monthly per family from the GoI. However, the GoI has not proved ready to provide the IDPs with this support and there is an ongoing dialogue with the GoI regarding this issue. It is not solved yet, but Muhamad Abdulla Hamo stated that he hoped the GoI soon will accept to begin these payments. According to Muhamad Abdulla Hamo 150.000 Iraqi Dinars is not a big amount of money, but it may still meet some of the most basic needs of an IDP family. [...]

1.3.3 Arabs from S/C Iraq or disputed areas

According to an international organization (B) people who enter KRI at one of the KRG controlled checkpoints are prone to be arrested, especially Sunni Arabs, who are particularly at risk. The delegation informed General Kaiwan Tawfeq that an international organization (B) in Erbil had stated to the delegation that Arabs from the Sunni belt of Iraq are particularly at risk of being arrested should they approach a KRG checkpoint. This statement was completely rejected by General Kaiwan Tawfeq and reference was made to the fact that many Sunni Arabs have entered KRI throughout the years and that they now reside safely in KRI. Sunni Arabs do not face specific problems at any KRG checkpoint and they reside in Erbil as well as Dohuk and Suleimaniyah governorates without being troubled or harassed. It was added that although some Sunni Arabs were former Baathists this does not indicate that they are being discriminated against, harassed or rejected at KRG checkpoints. General Kaiwan Tawfeq suspected that some international agencies and organizations have an agenda and he asked why they do not consult him and his office regarding allegations of discriminatory behaviour or harassment by check point officers.

General Kaiwan Tawfeq reiterated that former, ordinary members of the Baath Party are not being rejected, discriminated against or harassed at KRG checkpoints or when they stay in KRI. It was added that these people have no problems whatsoever in entering KRI. It was added that most Iraqis were members of the former Baath Party when Saddam Hussein was in power and they are not a security concern today. PAO/PAC explained that in general single Arab males face more difficulties in entering KRG than other Iraqis. KRG checkpoint officers may request Arabs to present a reference at checkpoint or they may even deny them entry. Sometimes it is the mood of the officer at the checkpoint which is the main reason behind the strict check of Arabs at the checkpoints. In addition, the majority of persons who commit crimes like murder, theft, kidnapping and/or terrorist actions are single men of Arab origin. When asked how many cases PAO/PAC had registered concerning Arabs facing difficulties at checkpoints PAO/PAC explained that in October/ November 2010 two cases of denial of entry have been registered by the NGO. Both cases involved persons of Arab origin. In the first case a young man of Arab origin drove to the checkpoint in a car together with a Kurdish family. However, the officer at the checkpoint noticed the Arab person and he was beaten by the officer as he tried to enter illegally. The officer then told the person that he would not be allowed entry and that he should not try to enter again. The second case was a single Arab man from Baghdad who despite presenting a reference was denied entry. The person contacted PAO/PAC for assistance and PAO/PAC informed the officer at the checkpoint that he had a reference. Nonetheless the officer at the checkpoint denied him entry. PAO/PAC explained that it is seldom that the subjective or arbitrary behaviour of checkpoint officers affect persons of Kurdish, Turkman, Christian origin or any other non-Arab person. It is almost exclusively persons of Arab origin or persons looking like an Arab who are being requested to present their Iraqi ID card and questioned when they approach a checkpoint. An international organization (A) informed that many people of Arab origin travel through the KRG checkpoints on a daily basis and they are not rejected for ethnicity. However, the KRG has applied certain security measures at its external checkpoints, i.e. those checkpoints that are located towards the disputed areas and Iraq. It was emphasized that these checkpoints are not equipped with well-developed security measures. An international organization (A) stated that all procedures at KRG checkpoints are related to security precautions and not to any considerations regarding a person's ethnicity or religious orientation. Arabs are not to be regarded as a group that are being discriminated against in this respect. They enter KRI in large numbers each day and they are all permitted to enter unless they are on the 'Black List'.

The international organization (A) stated that it would be disastrous for KRI if all Arabs trying to enter KRG were rejected at the checkpoints. Arabs are an important labour force in KRI and the society is dependent on this labour force. There is huge Arab labour force present in KRI.

According to an international organization (B) security concerns in KRG are often directed against persons of Arab origin and Arabs are thus being treated differently than all other Iraqis when they approach a KRG

checkpoint in order to enter KRI. When told that an anonymous source [i.e. an international organization (B)] consulted by the delegation had stated that Sunni Arabs from the Sunni Belt in Iraq would be particularly at risk of harassment, rejection or even arrest should they approach a KRG checkpoint PAO/PAC rejected this statement. Sunni Arabs will not be at risk of harassment, rejection or even arrest at KRG checkpoints only because they are Sunni Arabs. PAO/PAC explained that checkpoint officers question people according to their place of origin in Iraq and not according to their ethnic affiliation or religious orientation. People coming from one of the so-called 'hot spots' in Iraq are always questioned about their whereabouts and this is merely for security reasons. PAO/PAC reiterated that Sunnis are not particularly targeted and pointed out that the vast majority of Kurds in Iraq are Sunnis. Regarding entry procedures at KRG checkpoints Salah Badrudin explained that ordinary Arabs face no difficulties when entering a checkpoint. Salah Badrudin did not understand why UNHCR and an international organization (B) would state that Arabs face difficulties and even rejection at KRG checkpoints only because there were Arabs and not because of the general security precautions. When someone is being rejected at a checkpoint or is being interrogated heavily it is only a security precaution and not related to a person's ethnic affiliation or religious orientation. Salah Badrudin added that he would be aware of it, if persons are generally being denied entry to KRI only because they are Arabs. As regards the relationship between Arab IDPs and the residents of KRI, Salah Badrudin stated that there is no feeling of revenge among the Kurdish people in KRI against Arabs because of the suppression of Kurds by Arabs in the past, and there is normally a very good relationship between the two groups although one can always find some individuals amongst the Kurds with extremist anti-Arab views. To the question of whether Kurds have a different relationship with Arabs from the disputed areas compared to Arabs from S/C Iraq, Salah Badrudin replied that there is no such difference. However, Arabs in the disputed areas who still insist on keeping the land that was taken from Kurds and handed over to them by the previous Saddam regime may experience some pressure from the local Kurds. These Arabs are mostly Sunni Arabs. Salah Badrudin added that the vast majority of Arabs in KRI are Shia Arabs. Salah Badrudin emphasized however that there is a good relationship between Kurds and Arabs, irrespectively of them being Sunni or Shia Arabs. Admitting that he mostly has contact with Arab intellectuals and the well educated part of the Arab community in KRI, Salah Badrudin stated that he had never heard of any tension between Kurds and Arabs. If there were reports on such tension he or his organizations would have been aware of it, Salah Badrudin stated.

Regarding KRGs attitude towards Arab IDPs, Salah Badrudin stated that Iraq is a federal entity and KRG has an open door policy in relation to people from outside regardless of their religious or ethnic background. There is a statesman's mentality among the KRG authorities where investment, economic development, growth and good relationship with the outside world play a central role. For KRG authorities, Salah Badrudin added, the era of conflict and revolution is over, and the focus now is on reconstruction and development. Previous tensions between Kurds and Arabs do not persist any longer, according to Kamal Rauf, Editor in Chief, Hawlati newspaper, Suleimaniyah. Neither do there exist any sentiment of revenge among the Kurdish population in KRI. Arabs and Kurds are living together throughout KRI and there are no tensions whatsoever between these people. Kamal Rauf added that, according to Kurdish culture, it is regarded as a disgrace if a Kurd treats an Arab in a discriminatory way just because he or she is an Arab. When asked about the attitude of the KRG authorities towards IDPs of Arabic origin Kamal Rauf explained that it could be that some poorly educated police officers would be less friendly towards Arabs than other IDPs. However, Kamal Rauf emphasized that this is not a common phenomenon and Kamal Rauf had never heard of any serious incident linked to the authorities' attitude towards IDPs of Arab origin. Previously the Baath Party created hatred and tension between Arabs and Kurds, but this is no longer an issue. Today the Kurdish population and the KRG do not have any objection against the presence of Arabs in the KRI. There is no hostility against Arabs among the Kurds. Regarding differential treatment of persons entering KRG checkpoints Harikar NGO/PAC stated that especially a single male of Arab origin would be questioned at checkpoint and required to present a reference at the checkpoint if he is considered a potential security risk. On the other hand Arab families are also requested to present a reference, or contact a reference by phone. It was reiterated that under normal circumstances there is no need for a reference at the checkpoint. Harikar NGO/PAC summarized that whenever there is a requirement for a reference it is clearly related to security concerns. Harikar NGO/PAC was amazed when informed that an international organization (B) had stated that Arabs from the Sunni belt in Iraq are especially at risk of being "targeted" should they approach a KRG checkpoint. Almost [all] Arabs in KRI are Sunni Arabs and they face no discrimination or stigmatization in KRI. [...]

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➤ [Freedom House, Freedom in the World 2011, May 2011](#)

[...] The Kurdish region's political leaders profess their commitment to remaining part of a federal Iraqi state, but Kurdish security forces maintain a de facto border with the rest of Iraq, Iraqi Arabs are often treated as foreigners, and the regional government frequently acts in its own interest over Baghdad's objections. [...]

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16/02/2011](#)

[...] 3. Registration, documentation, freedom of movement

51. In Iraq, documentation is essential to the exercise of certain key rights, including being able to register as an IDP or returnee and to access basic services and financial assistance. IDPs have faced a number of difficulties with regard to IDP registration, many of which were confirmed by the IDPs with whom the Representative met, including the lack of necessary documentation, inconsistent implementation of Government registration procedures and backlogs, and lack of awareness of certain requirements or of the resources to travel to registration points. Inconsistent implementation of registration procedures has also been reported, including because of restrictions on IDP entry and registration arising from security, economic or even demographic concerns in a number of governorates.⁶¹

However, some IDPs have also been reluctant to register with authorities because of security concerns, bureaucratic delays or lack of documentation. During 2009, Government authorities stopped registration procedures, reopening them temporarily only for census purposes between April and June 2010. While there are no available figures on the number of unregistered IDPs in the country, they are presumed to be high.⁶²

52. In the context of Iraq, non-registration of IDPs (and returnees) remains a significant humanitarian concern, as it limits or precludes access to a number of rights including, access to basic services and Government assistance, the inability to transfer or gain recognition of certain documents and the inability to rent or purchase land, vote or obtain land titles. Therefore, the Representative was especially pleased to be informed during his visit of the Governments' expressed willingness and intention to reopen registration procedures for all IDPs.⁶³

53. IDPs also report difficulties in obtaining or renewing other key documents, including the civil status identification document, a key identity card necessary to access health care, education and many other services, and to obtaining other important documents such as a passport, PDS cards. As a result, IDPs often need specialized assistance to obtain or replace vital documents,⁶⁴ to which they are entitled in accordance with principle 20 of the Guiding Principles.

54. Despite improved security conditions, freedom of movement (Guiding Principle 14) for IDPs in Iraq continues to be affected by a number of security measures, especially in and around Baghdad, including frequent checkpoints, permission requirements and security fences or walls. According to information received by the Representative, freedom of movement is also impacted by checks at governorate borders,⁶⁵ some reportedly resulting in arrests, and in the Kurdistan Region particularly of Arabs, due to the lack of proper papers or due to mistaken identity. Moreover, while most governorates have allowed IDPs to enter, obstacles to registration have limited their access to services and capacity to rent or purchase property. This problem was further accentuated once registration was halted in February 2009. Concern was also expressed during the universal periodic review about reports that displaced persons found it increasingly difficult to move within Iraq and to neighbouring countries given the more restrictive entry policies and visas imposed at State borders and governorate boundaries. [...]

➤ [International Rescue Committee, A Tough Road Home, UPROOTED IRAQIS IN JORDAN, SYRIA AND IRAQ, February 2010](#)

[...] Difficulty Integrating

Wherever they settle, IDPs endure complicated transitions. They are at once dependent on yet segregated from their host communities. For example, IDPs in northern Iraq must be sponsored by a local citizen in order to acquire a residence or public sector work permit. The Kurdistan Regional Government's Department of Displacement engineered this system of sponsorship in part because they feared that a large influx of IDPs could foment local unrest. Lack of community acceptance makes integration very

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difficult. We spoke with many IDPs in the North who expressed great concern, and in some cases anger, about the difficulties they have encountered. [...]

➤ [IRIN, Iraqi Arabs seek refuge in Kurdish north, 15/10/2007](#)

[...] Meanwhile, at the "border" between Kurdistan and the rest of Iraq, Kurdish fighters at checkpoints now stop and search Arab cars. Families are allowed in without permits, but single men must have a Kurdish sponsor and a work permit - a security measure to prevent militants from entering, the Kurdish authorities say. [...]

For suggested sources to consult when researching the security situation in a particular area of relocation see the [sources database for researching security incidents in Iraq](#) in the Appendix of this report.

I. The Relevance Analysis

b) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there.

As detailed above in relation to the [Perceived political opponents, including collaborators and those considered as "un-Islamic" journalists and those in fear of kidnapping](#) section, in order to assess whether internal relocation to escape the risk of persecution from a particular (and known) armed group, information is required on the following issues:

- Origins and ideology
- Affiliates
- Infiltration into the Iraqi Security Forces
- Strength and regions of operation
- Recent activities and targets of attacks

Sources recommended to consult on these issues include:

- [Centre for Strategic and International Studies, Putting US Withdrawal in Perspective, 15/12/2011](#)
- [Brookings Institution, Iraq Index, last updated 30/11/2011](#)
- [U.S. Department of State, Country Report on Terrorism 2010 - Chapter 2- Iraq, 18/08/2011](#)
- [Centre for Strategic and International Studies, Al Qaeda in Iraq, 15/06/2011](#)
- [Australian Government, National Security Website's Listing of Terrorism Organisations, last updated 08/11/2010](#)
- COI will also be required on whether the authorities in South and Central Iraq would be willing and able to protect persons internally relocating. See the analysis in the [Actors of Protection](#) section on this.

I. The Relevance Analysis

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c) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation.

The judgement by the Administrative Court in [Omar v Secretary of State for the Home Department \[2010\] EWHC 2792 \(Admin\) \(05 November 2010\)](#) noted that an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause, might, in order to avoid risks on return, need to live in relatively confined areas, where they might find others of similar backgrounds: and there was a possibility that they would face indiscriminate violence in that area. See the judgement as follows:

43. In the present case the claimant's individual characteristics are that he is an ethnic Kurd whose father actively supported the Ba'ath party, that is to say opposed the Kurdish cause. That may (and the expert report says it will) mean that in order to achieve any measure of ordinary or secure life the Claimant would, on return to Iraq, need to live in relatively confined areas, where he might find others of similar backgrounds. The fact that he could do so, and thus greatly reduce the risk of any targeted attack, is no doubt sufficient to deprive him of the possibility of protection under either Convention. But if that is right it may well be necessary to see what is the risk of harm from indiscriminate violence not in Iraq, or even Fallujah, as a whole, but in the area where the claimant will be living.

44. It is, therefore, not sufficient on the facts of this case to treat Article 15(c) as raising questions only in relation to Iraq as a whole, or to civilians in Iraq, without distinction, as it seems to me the decision letter does. The material before the Secretary of State was sufficient to show that more was necessary. The specific material is again somewhat thin, but (in the absence of any substantial evidence to the contrary) it could properly be said that there would be a basis for saying that the claimant's background constitutes a 'serious indication of real risk' even though he has not suffered in the past, and that the presence of what the expert report calls 'insurgent groups', active in areas such as that where the claimant would be living, may raise the risk to the claimant of indiscriminate harm in such areas to an unacceptable level.

In addition to researching the risk of harm arising from a claimant's particular profile, sources detail that IDPs are particularly vulnerable to abuse. See for example:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 9. Internally Displaced Persons [...]

IDPs may have trouble accessing basic services, accommodations, and employment. Some live in extreme poverty, in places that are littered with rubbish and have open sewers. Some are forced to beg and turn to prostitution. Widows and single females are in a particularly vulnerable position, and many IDP children drop out of school to work in order to help their families. The loss of documents is another important issue with IDPs. The lack of documentation frequently leads to difficulties when registering with authorities. The UNHCR supports IDPs in acquiring documents. IDPs may also face problems with the transfer of documents such as school records or Public Distribution Cards for food rations from one area to another. This also hampers job searches. [...]

Unregistered IDPs may be unable to rent or purchase property, vote, obtain land titles, or access services. Eligibility for registration is linked to the date of displacement, which has excluded a significant number of individuals from receiving assistance. The fact-finding mission was reminded by the UNHCR that IDPs eligible for Iraqi government assistance by Decree 262 and Order 101 are those displaced between January 1, 2006, and January 1, 2008.²³⁷

9.1. Camps and settlements

Approximately 467,000 IDPs are living in 382 settlements around Iraq. Baghdad hosts the largest number of IDPs, with some 360,000 people and 121 settlements.²³⁸ A majority of returning IDPs travel to the

Baghdad and Diyala governorates, which also host the highest concentration of post-2006 IDPs.²³⁹ According to the Swedish NGO Qandil, IDP camps look very different from one province to another. For instance, although there are two tent camps in Najaf, in Baghdad IDPs are often squatters in public buildings or small houses and are in danger of eviction. Most IDP settlements in Baghdad are inhabited by Shiites. According to Qandil, IDP camps in Salah al-Din are the most neglected IDP settlements in Iraq and receive little aid from the Iraqi government and international actors, apparently because the camps are inhabited by Sunnis and because of the fluctuating security situation, which complicates access for aid workers supporting the camps. Some IDPs in Salah al-Din reside in tents and are very poor. Access to school and health care facilities is scarce. Some camps are supported by the UNHCR, with local NGOs working with the IDPs. Most IDPs in camps are registered by the UNHCR and MoDM, but some inhabitants have not registered even with local authorities, as they fear doing so. IDPs are scattered around the KRG region and live mostly in rented houses. They normally mix with the general population and are invisible. An exception concerning visibility is Ainkawa, a town near Erbil that is the destination for many Christian IDPs from other parts of Iraq. The difference between Ainkawa and Erbil is easily noticed. In Ainkawa, there are many businesses with Arabic names, and the area has many alcohol shops. Ainkawa is overcrowded, with many more Christian IDPs arriving after the church bombing in Baghdad in October 2010. There are only a few small IDP camps and settlements in the KRG area. The inhabitants include victims of the Iranian and Turkish bombings in the Qandil area. One such facility is Sangaser Camp, with 250 families. The main problem in the IDP camps in the KRG area is a lack of sanitation, particularly during the hot season. Sanitation, clear water, and mobile health care are provided by international organizations as well as local NGOs. The Kalawa Camp in Sulaymaniya is inhabited mainly by Arab IDPs from Baghdad and Baquba. The Girdasen IDP camp in Akre is inhabited by IDPs from Mosul. According to Harikar NGO, many of these people were already living in the camp when a Finnish fact-finding mission team visited in 2007.²⁴⁰

9.2. Situation for IDPs in the KRG area

According to KRG authorities, there are about 39,000 IDP families in the KRG area.²⁴¹ Occasionally the number increases due to the regular bombing of the border area by Turkey and Iran. The number of IDPs has been growing steadily since 2003. The BMD keeps statistics on the IDPs but needs more support, for instance, in setting up a database of IDPs in the KRG. It remains difficult to find reliable information on the situation of IDPs and refugees in rural areas.²⁴² Both return and some displacement occur in today's Iraq. New IDPs arrive in the KRG area while other IDPs return to their places of origin. The reasons for new displacement include hardships for minorities in certain areas and environmental problems such as the hard rain and floods that hit the Rawanduz and Erbil areas in March and April 2011. At the same time, there has not been much rain in the past three years in Northern Iraq, and agriculture has suffered from the drought. Because of this, many people are migrating from the countryside to urban areas such as Dohuk. Many IDPs from Central and Southern Iraq reside in the KRG area because of the good security conditions. According to several interviewed sources, IDPs are generally safe and better supported in the KRG area than in the rest of Iraq. IDPs are free to move around and settle in the three northern governorates and can put their children in school.²⁴³ The Harikar NGO noted that IDPs normally have access to health care and education in the KRG area and may work if they can find a job. IDPs in the KRG area come from different social backgrounds. Some are well educated and wealthy, with their own houses and businesses. Others, e.g., many Arabs in the Sulaymaniya governorate, are low-income labourers. Most IDPs in the KRG area are Christians, mainly from Mosul and Baghdad, and Yazidis, who include some 700 families from the Ninawa governorate. The small governorate of Dohuk has about 100,000 IDP individuals.²⁴⁴

This is a large burden on the province and its services, such as health care and education. The IOM and UNHCR have created a few thousand housing units for Arab and Christian IDPs in the KRG area. According to a source, there are only four Arabic schools in Erbil. Christians have their own schools in Ainkawa, run by local churches. Although schools for Arabic-speaking children, as well as churches, have been constructed, the integration of non-Kurdishspeaking IDPs remains problematic. Without command of the Kurdish language, IDPs have trouble finding decent jobs. In Erbil, an Arabic speaker can get by, for instance, as a salesman. The factfinding mission met with a person who did not speak much Kurdish but had found a job with an international NGO.²⁴⁵

9.3. Situation for IDPs in Central and Southern Iraq

According to several interviewed sources, the situation for IDPs in different parts of Central and Southern Iraq varies, but generally remains very difficult. In the Ninawa and Kirkuk governorates, IDPs are basically

vulnerable. This is particularly true in the case of single women and female-headed households (e.g., there are some 800 widows in Khanaqin). All IDPs are entitled to health care and generally have access to public hospitals and health care centers, but there is a lack of centers and doctors to care for all of them.²⁴⁶

IDPs can move freely, but mostly lack the financial means to do so. Many IDPs do odd jobs, but cannot find work every day. The lack of education also complicates their lives. Those IDPs who are well educated and wealthy can start a new life, but often without the land and property they have lost. IDPs are able to vote, and before elections, political parties tend to distribute food to them in order to get their votes. [...]

➤ [U.S. Department of State, Trafficking in Persons Report 2011, 27/06/2011](#)

Iraq [...]

The large population of internally displaced persons and refugees moving within Iraq and across its borders are particularly at risk of being trafficked. [...]

➤ [Office of the United Nations High Commissioner for Human Rights \(OHCHR\), Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16/02/2011](#)

[...] 38. The Representative highlights the special vulnerability to security risks of IDPs living in informal settlements and contested areas of the country, the need to pay increased attention to gender-based violence against IDPs and the risks associated with the rise of tensions between IDPs and host communities owing to overburdened social services, property disputes, housing and scarcity of resources. Where IDPs do not share the ethnic or sectarian affiliation of the majority, there have also been reports of discrimination, harassment and persecution.⁴³ Feelings of insecurity among IDPs are also based on their own vulnerabilities and ability to access basic services and rights, such as shelter, food, freedom of movement and employment. Vulnerable IDP groups such as youth, femaleheaded households, the elderly, persons with disabilities and persons without official documentation, proper housing or employment can feel especially at risk.

39. Other specific problems are also reported in the north of Iraq, including in the Kurdistan Region and the Governorate of Ninewa. Security issues include: detentions of Arabs, some of whom may be IDPs, coming into the Kurdistan Region; reports of trafficking; and IDPs from minority groups in the Ninewa Plains who may be subject to intimidation and manipulation pending a resolution of the question of whether or not this area should belong to the Kurdistan Region.⁴⁴ [...]

➤ [Human Rights Watch, At a Crossroads; Human Rights in Iraq Eight Years after the US-Led Invasion, 21/02/2011](#)

[...] Iraq is home to about two million internally displaced persons, about 1.5 million of whom were displaced since 2006.²⁶⁸ About 500,000 of these 1.5 million live as squatters in slum areas, without basic services, including garbage collection, water, and electricity. ²⁶⁹ In 2009, the government issued a directive calling upon all squatters to vacate public buildings and lands. Although the government postponed enforcement of the directive, IDPs remain at risk of eviction from public areas. ²⁷⁰ [...]

➤ [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 9. Refugees and internally displaced persons

[...] In and around Kirkuk UNHCR received reports of harassment and detention of IDPs, allegedly in an attempt to engineer shifts of population and political power in this disputed area before the holding of a planned national census that was scheduled to take place in December but which has been postponed. 139 [...]

[...] For IDPs as well as returnees, the continued insecurity, destruction or occupation of housing, lack of access to livelihoods and basic services present significant obstacles to sustainable return and reintegration. Most IDPs are living in rented accommodation, or with host families. More than 413,000 persons, some 134,000 of whom are in Baghdad, are living on land that they do not own or are located in public buildings where they face potential eviction. 140

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Those living in public buildings have limited or no access to water and other essential services, creating serious health issues, particularly for vulnerable members of the community including children and the elderly. [...]

➤ [UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 27/04/2009](#)

[...] 93. Persons seeking to relocate to other areas may be at risk of facing renewed violence. UNHCR Protection Monitoring 111 showed that IDPs suffered from general violence,¹¹² interethnic/religious violence, ¹¹³ general criminality, targeted attacks, detentions, kidnappings, and military operations. Some 14% of IDP communities informed UNHCR of detentions. In Muthanna Governorate, it was reported that IDPs endure forced recruitment by armed groups and in the Governorates of Al-Anbar, Baghdad, Diyala, Najef and Salah Al-Din, IDPs reported abuse and harassment.¹¹⁴ IDPs in Diyala are reported to have been targeted specifically by armed groups.¹¹⁵ In Basrah Governorate, there are anecdotal reports of trafficking of young girls to nearby countries, notably the Gulf States.¹¹⁶ In Kirkuk, IDP families displaced from Diyala to Al-Multaqa sub-District were attacked.¹¹⁷ [...]

II. The Reasonableness Analysis

a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.

According to the UNHCR Guidelines on Internal Relocation, on this point it is necessary to assess (emphasis added):

[UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23/07/2003](#)

- **The applicant's personal circumstances** (Of relevance in making this assessment are factors such as age, sex, health, disability, family situation and relationships, social or other vulnerabilities, ethnic, cultural or religious considerations, political and social links and compatibility, language abilities, educational, professional and work background and opportunities, and any past persecution and its psychological effects. In particular, lack of ethnic or other cultural ties may result in isolation of the individual and even discrimination in communities where close ties of this kind are a dominant feature of daily life. Factors which may not on their own preclude relocation may do so when their cumulative effect is taken into account. Depending on individual circumstances, those factors capable of ensuring the material and psychological well-being of the person, such as the presence of family members or other close social links in the proposed area, may be more important than others)
- **The existence of past persecution** (Psychological trauma arising out of past persecution may be relevant in determining whether it is reasonable to expect the claimant to relocate in the proposed area. The provision of psychological assessments attesting to the likelihood of further psychological trauma upon return would militate against finding that relocation to the area is a reasonable alternative)
- **Safety and security, respect for human rights**
- **Possibility for economic survival** (If the situation is such that the claimant will be unable to earn a living or to access accommodation, or where medical care cannot be provided or is clearly inadequate, the area may not be a reasonable alternative. It would be unreasonable, including from a human rights perspective, to expect a person to relocate to face economic destitution or existence below at least an adequate level of subsistence)

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For information on economic survival indicators by governorate, see the database of [useful sources to consult on the situation for internally displaced persons in Iraq](#) in the Appendix of this report.

Mental health treatment and psychological support

Useful sources on the provision of mental health treatment and psychological support in South and Central Iraq include:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)
[...] 12. Health Care Situation [...]
12.3. Mental health care
According to Iraqi authorities, there is a shortage of psychological and psychiatric treatment in Iraq; currently, the level of services is approximately 10%-20% of the level available in Europe. There is a large hospital for mentally disabled patients in Baghdad, but autism cannot be treated in Iraq. Of the few specialists in Iraq, some have migrated to the KRG area. Many Iraqis are suffering from post-traumatic stress disorder (PTSD) related to experiences of conflict or family violence. However, there is a social stigma attached to receiving psychiatric treatment. Due to cultural traditions, families try to hide psychological problems and do not allow children or relatives to receive appropriate treatment. There is hope that information received via the Internet and TV will slowly change general attitudes.⁴²⁷ [...]
- [Minority Rights Group, Iraq's Minorities: Participation in Public Life, 28/11/2011](#)
[...] Accessing services and recreational facilities outside the home is also difficult for minority women. Around 96 percent of respondents said they did not have sufficient social services that provide education on their rights and how to access them, and also offer a safe environment in which to address some of the deep psychological harms unleashed by the US-led invasion and continuing over the last eight years. Survey respondents said they have little opportunity to discuss their problems, such as domestic or other violence, divorce, forced marriage or marriage of minors, in any social centre or safe environment. There was no significant difference of opinion across the minority groups on this issue, with respondents agreeing that shelters for vulnerable women, or specialized centres where they can develop handicrafts and skills, are needed, particularly in rural areas. [...]
- [IOM-IRAQ, Increased Incidents of Suicide Among Yazidis in Sinjar, Ninewa, July 2011](#)
[...] Key Findings in Sinjar
Health professionals and families alike report that there are very few, if any, available staff and resources for community members suffering from psychosocial difficulties, despite a definite need for these services.
According to the local police commander, the district saw 26 cases of suicide in 2010, and more than 40 have been reported so far in 2011, representing an increase over years prior. Of the suicides from both years, 23 were carried out by females, and all of the individuals were between the ages of 18 and 23. IOM monitors determined that the vast majority of suicide cases were among the Yazidi community, with only a few occurring in the Muslim population. The assessment found that social and cultural factors play a dominant role in causing suicides and suicide attempts, with economic concerns serving as secondary factors.
Families point towards external factors that affect their mental health and sense of security. These factors include the threat of eviction from their homes, the cost of rent, a safe environment for their children, the ability to freely practice religion, and the availability of mental health services.
An IOM monitor interviews residents of the Sinjar district.
Three health officials in Sinjar report that there are currently no mental health units or psychiatrists in Sinjar's main hospitals, and consequently some doctors prescribe sedatives to patients suffering from mental health problems in place of providing treatment. Individuals also turn to family members for support where professional help is not available. [...]

Services and Recommendations

Mental health support in Sinjar is non-existent. The Di-rector of Health in the district confirms that there is no department or unit for mental health there, and that doctors often prescribe sedatives instead of proper treat-ment for individuals complaining of psychosocial prob-lems. The Director of Sinjar's health center reports that the center sees 2 or 3 cases daily of psychosomatic symptoms or psychiatric problems yet there is no psy-chologist or social worker on staff. [...]

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Iraq, 08/04/2011](#)

[...] Persons with Disabilities

[...] The government has programs aimed to help persons with disabilities; however, numerous media reports documented the challenges these programs faced, namely in the lack of qualified, trained personnel and large special needs populations. Amputees, persons with other major physical injuries, and persons suffering from mental/psychological trauma were the focus of most media reports. The Health Ministry provides medical care, benefits, and rehabilitation, when available, and persons with disabilities may qualify for benefits from other agencies, including the Prime Minister's Office. The Ministry of Labor and Social Affairs operates several institutions for children and young adults with disabilities. The Ministry of Health's most recent estimate of the number of persons with physical and mental disabilities was two to three million, approximately 10 percent of the population. [...]

➤ [Human Rights Watch, At a Crossroads; Human Rights in Iraq Eight Years after the US-Led Invasion, 21/02/2011](#)

[...] Invisible Impacts of War

Decades of repression and violence have traumatized people at every level of Iraqi society. Iraqi psychiatrists say mental disabilities are on the rise across the country.³³⁸ Iraq's government has earmarked less than 1 per cent of the country's total healthcare budget to mental health, has failed to establish community mental health centers, has been unable to secure essential pharmaceuticals, and has not developed a viable mental healthcare monitoring system.³³⁹ A 2007-2008 national mental health national survey carried out by the Iraq Ministry of Health in collaboration with the World Health Organization found that only a minority of people with mental disabilities received any treatment.³⁴⁰ The survey results also showed that only a minority of patients who seek treatment for mental disabilities in Iraq receive treatment that meets even the most minimal standards of adequacy.

In every city Human Rights Watch visited, we met with Iraqis who had experienced trauma first-hand and were still struggling with its effects: a woman in Baghdad who tried to burn herself to death because of spousal abuse; a detainee in Al Rusafa prison who now suffers from insomnia and bedwetting as a result of torture; a Sabian leader in Basra who has flashbacks years after he was kidnapped and tortured; a woman at an IDP camp in Baghdad who is still traumatized after assailants abducted her husband and son in front of her at a checkpoint years earlier, never to be seen again.

According to the UN World Health Organization (WHO), the fourth leading cause of morbidity among Iraqis older than five years is "mental disorders," which ranked higher than infectious disease.³⁴¹

According to Iraq's psychiatric association, the country has only 100 psychiatrists to serve a population of about 30 million . Many people self-medicate, and prescription drug abuse is now the number one substance abuse problem in Iraq. Al-Rashad, the country's largest government-funded mental health facility, has seen a 10 percent increase in patients this year, and has had to turn people away because of over-crowding.³⁴² [...]

➤ [AbdulKareem AIObaidi, Visiting scholar at the Institute for International Education \(IIE\), New York, USA, Iraq: children's and adolescents' mental health under conditions of continuous turmoil, International Psychiatry Journal, February 2011](#)

[...] Children and adolescents constitute half of Iraq's population of over 30 million. Mental health problems experienced by Iraqi children and adolescents are a hidden problem. Many factors contribute to the mental health problems of young Iraqis, including being victims and witnesses to violence, seeing family members become victims, being displaced from their homes, and experiencing the instability that still plagues their nation. Iraqis have experienced severe deprivation caused by many years of war, economic embargoes and civil unrest. Violence, poverty and the failure of the education and health systems have severely undermined the well-being of Iraqis, especially children (AIObaidi et al, 2009).

Shortage of resources

[...] In Iraq, child and adolescent mental health services (CAMHS) are commonly provided in out-patient mental healthcare facilities for the general population. Psychotropic medications are virtually the exclusive mode of therapeutic treatment. [...]

The current instability and violence prevalent in Iraq limit the work of national and international non-governmental organisations (INGOs); many of the latter have in fact left Iraq because of the danger to their staff. However, a few INGOs have made CAMHS a priority, for example the work of Diaconia in the north, and the assistance offered by the International Medical Corps in a rehabilitation programme for orphanages and the provision of mental health training for primary care doctors, mostly in central Iraq (AlObaidi et al, 2010a). [...]

Another challenge facing the delivery of CAMHS in Iraq is the shortage of human resources. None of the 100 or so psychiatrists in Iraq has formal training in child and adolescent mental health. According to the World Health Organization (2009), the only other mental health human resources include, nationally: 7 general practitioners practising mental health; 145 psychiatric nurses; 16 psychologists; and 25 social workers. In the majority of low- and middle-income countries, mental health awareness is lacking and low priority is given to mental health within general health planning (Murthy, 2008). In Iraq, the picture is even bleaker, as there are few CAMHS available in spite of the additional needs arising from the prolonged conflict and violence. With decreased awareness, the stigma associated with mental health problems is an obstacle compounded by widespread unconcern and a lack of scientific knowledge about mental health. [...]

➤ [UNAMI Human Rights Office/OHCHR, Baghdad, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] Case study: domestic violence

The case of a 23-year-old woman was referred to UNAMI on 27 June by the Women's Human Rights Centre in Diwaniya Governorate. The woman's ordeal had started half a year earlier: She was reportedly kept by her family for six months in a muddy room measuring 1.5 square metres, with no window but a 30 cm by 30 cm hole through which dry bread and water were passed to her. On 20 June, the Diwaniya prosecutor's office issued an order to move the victim to the hospital and record her testimony. When the prosecutor subsequently ordered her transfer to the Ministry of Labor and Social Affairs (MoLSA) medical facility in Baghdad for psychological and medical treatment, the victim was allegedly denied access because the facility specializes in physical disability only. The victim was reportedly returned to her family after its members signed a formal pledge stating they would not hurt her again. An arrest warrant had earlier been issued for the victim's brothers who were identified as the perpetrators, but they had been already released on bail in mid-April and no further action was taken against them. [...]

➤ [IRIN News, Trauma leaves an indelible mark, 01/09/2010](#)

[...] The Iraqi authorities have only recently begun to address the mental health issues and psychological scars resulting from three decades of war and social and economic turmoil, said Sabah Karkokli, a spokesman for the Iraqi Health Ministry.

In 2009 the Health Ministry started to roll out a programme of psychological therapy, and train staff to meet the increasing need for such therapy nationwide, Karkokli said. Iraq has opened mental health units in each of its nearly 3,500 hospitals and health centres nationwide, he added.

The country has two psychiatric institutions - in Baghdad's Al-Rashad and Ibin Rushid hospitals - and six other recently inaugurated trauma centres.

"We started opening units in each of our health institutions and encouraging doctors to undertake training in psychiatric treatment... We are aiming to create an awareness of mental illness and encourage people to show up whenever they need to," Karkokli said.

Mental health survey

In March 2009 Iraq released its first and only nationwide mental health survey. Carried out by the World Health Organization (WHO) and the Health Ministry, it painted a grim picture.

Of the 4,332 respondents aged 18 and above surveyed, nearly 17 percent had suffered from a mental health disorder in their lifetime, ranging from post-traumatic stress disorder to depression. A higher rate of severe depression and phobias, like fear of leaving the house, was observed among women.

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The 102-page report said many of the cases documented related to the period during and after the 2003 US-led invasion that toppled Saddam Hussein. It said nearly 70 percent of those with a mental health disorder said they had considered committing suicide.

It also noted that there were only 437 psychiatric and social workers nationwide in a country of nearly 30 million. [...]

Useful sources on the provision of mental health treatment and psychological support in the Kurdistan Region of Iraq include:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)
[...] 12. Health Care Situation [...]
12.6. Mental health care in the KRG area
According to the Harikar NGO, approximately 90% of Iraqis are traumatized as a result of recent wars. There are no data on the availability of psychiatric treatment, however. Major funding is needed to help everyone affected. In addition, only a few doctors specialize in psychiatry.⁴⁵⁴ According to Iraqi authorities, there are three psychiatric centers in the KRG area (in Erbil, Sulaymaniya, and Dohuk) and only 20 psychiatrists. The treatment of PTSD was said by health authorities to be the main challenge in mental health care.⁴⁵⁵ There is a mental health center in Dohuk. At the same time, there are only a few psychosocial professionals and counselors in the governorate, as few medical doctors are willing to specialize in psychiatry. The doctors fear that they will not have enough patients because of the stigma attached to psychiatric illnesses in Kurdish society. Because of the stigma, many people do not seek treatment or do so in private clinics.⁴⁵⁶ [...]
- [IRIN, New research highlights link between FGM/C and mental disorders, 13/01/2012](#)
[...] New data out of Iraq shows what many psychologists suspected though little research had confirmed: Girls who have undergone female genital mutilation/cutting (FGM/C) are more prone to mental disorders, including post-traumatic stress disorder (PTSD).
Results of the research [http://scielo.isciii.es/scielo.php?script=sci_pdf&pid=S0213-616320110002...] - conducted by Jan Ilhan Kizilhan of the University of Freiburg, an expert in psychotraumatology (psychotherapy for people who have suffered extreme trauma) - were published in the April-June 2011 edition of the European Journal of Psychiatry.
Kizilhan found "alarmingly high rates" of PTSD (44 percent), depression (34 percent), anxiety (46 percent) and somatic disturbances (mental disorders whose symptoms are unexplainable physical illnesses - 37 percent) among a group of 79 circumcised girls in the Kurdistan region of northern Iraq, aged 8-14, who did not otherwise suffer any traumatic events.
These rates were up to seven times higher than among non-circumcised girls from the same region and were comparable to rates among people who suffered early childhood abuse. [...]
The existence of FGM/C in the Middle East is less known than in Africa. Estimates of the prevalence of FGM/C in Iraqi Kurdistan vary wildly depending on the province, but surveys have indicated the overall figure could be around 40 percent. The region is home to five million people, but has just 13 psychologists and only one with expertise in psychotherapy, Kizilhan said. [...]
- [Danish Immigration Service, Security and Human Rights Issues in Kurdistan Region of Iraq \(KRI\), and South/Central Iraq \(S/C Iraq\) - Report from the Danish Immigration Service's \(DIS\), the Danish Refugee Council's \(DRC\) and Landinfo's joint fact finding mission to Erbil and Sulaymaniyah, KRI; and Amman, Jordan, 6 to 23 March 2009, 03/07/2009](#)
[...] 16.1 Health care and medical treatment in Kurdistan Region of Iraq (KRI)
[...] The Doctor explained that schizophrenia can be diagnosed and treated. Treatment of mental illnesses is, on the other hand, rather difficult since it bears stigma. It was believed however that society is slowly starting to accept mental illness as a disease, and more such cases are now treated than before. However, there is a need for additional psychologists in KRI. There is only one mental hospital in KRI, though many hospitals have psychiatric wards in which a person can be hospitalised and medicated free of charge. The

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Doctor summed up, that the main challenges for the health care system in KRI are overcrowded hospitals and the low quality of medicine. [...]

➤ [Finnish Immigration Service, FACT-FINDING MISSION TO IRAQ'S THREE NORTHERN GOVERNORATES: 23.10. - 3.11.2007, 07/03/2008](#)

[...]4.1.4. Psychiatric treatment

According to Qandil, no psychological treatment exists in the three northern governorates. The Swedish NGO Diakonia withdrew a couple of years ago. According to UNHCR, psychiatric treatment does not exist in Sulaymaniyah, and there are many mentally ill people in the streets. According to IOM, there are no government programmes available for the treatment of PTSD. According to Qandil and UNHCR, there is no treatment available for PTSD in the three northern governorates. The fact-finding mission saw a couple of street signs for psychiatrists apparently working for the private sector in the main cities of the three northern governorates. According to UNHCR, NGOs are too busy with helping internally displaced persons with basic necessities such as water and sanitation to concentrate on mental care issues. 22 [...]

2.5 Country Guidance caselaw

Excerpt from December 2011 Iraq OGN

NS (Iraq: perceived collaborator: relocation) Iraq CG [2007] UKAIT 00046 The Tribunal concluded that:

- (i) An Iraqi who is perceived as a collaborator as a consequence of his work for the UN, an NGO, the Multi-National Force, the Coalition Provisional Authority or a foreign contractor, and who has attracted the hostility of an armed group, faces a real risk of persecution on return to his home area
- (ii) Ability to relocate in Iraq to an area other than the KRG for such a person would depend on the circumstances of the case, including such matters as the reach of the group which has targeted him.

The following sections of the Country Guidance determination of *NS (Iraq: perceived collaborator: relocation)* were omitted from the OGN, which are important since the Tribunal accepted UNHCR's 2005 view that relocation to the three Northern Governorates will depend on a variety of factors, as well as that given the kind of hit lists and information networks that exist, as well as the number of illegal checkpoints, a person with a well founded fear of persecution would usually be able also to cross the threshold of showing an absence of internal relocation options:

NS (Iraq: perceived collaborator: relocation) Iraq CG [2007] UKAIT 00046

3. Relocation to the KRG for any Iraqi is in general only feasible if the person concerned would be allowed to enter and legally reside in the area of relocation, and has family, community and/or political links there enabling them to survive. [...]

[...] Conclusions [...]

The current situation in Iraq [...]

38. In the UNHCR Guidelines of October 2005 relating to the eligibility of Iraqi asylum seekers it is suggested that relocation in the three Northern Governorates will depend on a variety of factors, the main one being whether the claimant would be allowed to enter and legally reside in the area of relocation and whether he/she has family, community and/or political links that would allow for his/her protection, economic survival and integration. Later in the same guidelines (at p.51, paragraph 8) it is said that the Kurdish authorities aim at keeping the area "Kurdish" and are in principle reluctant to accept any increase of non-Kurdish populations in their areas of influence. Hence the KRG authorities implement strict controls on the presence of non-Kurdish people in their areas. **Whereas certain factors such as former Ba'ath Party membership or a criminal record would clearly entail denial of admission, otherwise it is difficult to establish clear criteria to predict who will be admitted or rejected. At times decisions seem to be taken in a discretionary manner.** There are checkpoints at the unofficial borders between Central Iraq and the KRG-administered area, and the area is regularly patrolled and heavily mined. Hence entry via the checkpoints is, practically, the only option available. At p.53-54, paragraph 21, somewhat contrasting with what was said at p.51 paragraph 8, it is said that the Kurdish parties will reject anybody who does not originate from the respective Governorate and does not have a Kurdish sponsor to guarantee his/her entry and stay (Governorates of Erbil and Dohuk), or may be considered to pose a security risk or is found to have links with the former government. It seems that there is a difference between being admitted to the KRG area and obtaining a residence permit, which has to be applied for by anyone not from the Governorate in question. [...]

40. We accept that on the evidence there can be seen to be no reasonable expectation that the appellant can stay in the centre or south of Iraq away from his home area. It has been accepted that he is of significant interest to an important insurgent organisation which has links with other organisations and which has not simply written letters threatening him but has posted his name in a mosque, which, we accept, would lead to other terrorist organisations being alerted to an interest in him and take action against him themselves or hand him over to Al Qaeda in Iraq. There is the additional risk factor of him being a Yezidi and as we accept, being identifiable as such since he does not go to the mosque and does not pray five times a day and is understandably not prepared to change his religion. In this context it is also relevant to note the evidence concerning the checkpoints which are operated by insurgents as well as by the security forces, on which comment can be found at page 16 of Dr Fatah's report. There is a real risk that a person in the appellant's position moving

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around Iraq would come to the attention of the insurgents in this manner. We do not consider it will be possible for him to maintain the kind of low profile such as to avoid this risk. In his case we conclude that being a Yezidi is an additional risk factor, but we also consider that the evidence as it is at present before us shows that a person who has worked as a translator or in any other way such as to be regarded by insurgents as a collaborator with the multi-national force and who has been targeted by a significant insurgent group, is a person who at present faces a real risk of persecution on account of perceived political opinion in his home area in Iraq. Unless he can satisfy the criteria identified in paragraph 36 above, he will be unable to access the KRG by way of relocation. Whether he can relocate elsewhere in Iraq must be a question of fact in each case, depending upon such matters as the reach of the group which has targeted him. **In general, given the kind of hit lists and information networks that exist, as well as the number of illegal checkpoints, we would anticipate that a person satisfying all the other criteria set out above would usually be able to cross this threshold also.** Accordingly this appeal is allowed. [Emphasis added]

Excerpt from December 2011 Iraq OGN

RA (Christians) Iraq CG [2005] UKIAT 00091 (22 April 2005) The Tribunal concluded that "The evidence is not such at this stage as to indicate problems for a person relocating to the north such as to render this unduly harsh or, in the case of Article 3 of the Human Rights Convention to indicate a real risk of breach of their human rights in effecting such relocation and living in the north." (para 73) The Tribunal also noted that —Iraq is a country where change occurs at a faster rate than most other countries of the world. Country Guidance cases on Iraq at present are unlikely to have a very long shelf life. Nevertheless we can only deal with the evidence as it is before us at the time of the hearing, and we have concluded with regard to the evidence on risk to Christians in Iraq that at present though the position has, as we say, deteriorated since it was examined by the Tribunal in AK, that it does not in the case of a Christian such as the appellant who has no particular distinguishing features to his Christianity, give rise to a real risk. (para 74)

In *RA (Christians)* the views of the Tribunal in *AK Iraq* (which had concluded that there might be categories of Christians who were at particular risk, especially sellers of alcohol, owners of cinemas where sexually-explicit films were shown, perhaps people who spoke English who would be at risk on account of their Christianity, and clerics of some eminence and prominence) were endorsed as follows, but not included in the OGN:

RA (Christians) Iraq CG [2005] UKIAT 00091 (22 April 2005)

74. We are conscious of the fact that Iraq is a country where change occurs at a faster rate than most other countries of the world. Country Guidance cases on Iraq at present are unlikely to have a very long shelf life. Nevertheless we can only deal with the evidence as it is before us at the time of the hearing, and we have concluded with regard to the evidence on risk to Christians in Iraq that at present though the position has, as we say, deteriorated since it was examined by the Tribunal in **AK**, that it does not in the case of a Christian such as the appellant who has no particular distinguishing features to his Christianity, give rise to a real risk. **Again the categories identified by the Tribunal in AK at paragraph 10 would appear to be at particular risk, especially clerics of some eminence and prominence. The comment made at paragraph 11 in that determination concerning alcohol sellers or owners of cinemas showing films offence to Muslims is a comment which we would endorse and repeat.** [Emphasis added]

The OGN further fails to include the following relevant Country Guidance determination of *NA (Palestinians, risk)*, which found that ethnic Palestinians in Iraq in general face a real risk of persecution and treatment contrary to Article 3 ECHR and it would only be in exceptional cases that an ethnic Palestinian would not be at real risk. The Tribunal further found that Palestinians have been one of the targets for insurgent, principally Shi'ia militia, attacks and Palestinians could not safely or reasonably relocate to the area of the KRG in northern Iraq. The relevant sections of NA are as follows:

NA (Palestinians, risk) Iraq CG [2008] UKAIT 00046 (14 May 2008)

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In the light of recent evidence highlighting that the position of ethnic Palestinians in Iraq has worsened. JA (Ethnic Palestinian-Iraq-Objective Evidence) Iraq CG [\[2005\] UKIAT 00045](#) is no longer to be considered as authoritative on this issue. Currently ethnic Palestinians in Iraq in general face a real risk of persecution and treatment contrary to Article 3 ECHR. Whilst each case is to be considered on its merits, it would only be in exceptional cases that an ethnic Palestinian would not be at real risk. [...]

100. Turning to the question of whether the appellant has a viable internal relocation alternative, we have already explained why we do not consider that she had a viable option of relocation within Central or Southern Iraq. Our survey and assessment of the evidence in relation to the potential relocation to the camps on the Syrian and Jordanian border lead us to the clear conclusion that firstly these camps cannot be regarded as within the protection of the "country of origin". In any event, even if they could be so regarded, in our judgement it would be unduly harsh in any event to expect her to go with her three children to live in such no-man's-land camps.

101. So far as concerns whether the appellant could safely or reasonably relocate to the area of the KRG in northern Iraq, we find that her Palestinian ethnicity means that she could not. Furthermore, even if she could gain access, her being an ex-Ba'ath Party member and a single woman (with children) would be additional factors likely to compromise both her safety and the conditions in which she would have to live in the KRG.

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5. Returns

Excerpt from the December 2011 Iraq OGN

5. Returns

5.1 Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.

[...] 5.3 Iraqi nationals may return voluntarily to Iraq at any time in one of three ways: (a) leaving the UK by themselves, where the applicant makes their own arrangements to leave the UK, (b) leaving the UK through the voluntary departure procedure, arranged through the UK Immigration service, or (c) leaving the UK under one of the Assisted Voluntary Return (AVR) schemes.

5.4 The AVR programme is implemented on behalf of the UK Border Agency by Refugee Action which will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance in Iraq. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Iraqi nationals wishing to avail themselves of this opportunity for assisted return to Iraq should be put in contact with Refugee Action Details can be found on Refugee Action's web site at: www.refugee-action.org/ourwork/assistedvoluntaryreturn.aspx

The OGN fails to include any COI on the treatment of returnees, as well as UNHCR's position that Iraqis from certain provinces should not be returned. It is expected that around mid-April 2012 the UK Immigration and Asylum Chamber will hand down its decision in *MK (Iraq)*, which amongst other issues will address risk on return at Baghdad airport. It is advised that legal representatives seek an adjournment to have their case stayed behind *MK*. Should this be unsuccessful, the following COI might be of use when arguing against returns:

- [Finnish Immigration Service/Swiss Immigration Service, Report on Joint Finnish-Swiss Fact-Finding Mission to Amman and the Kurdish Regional Government \(KRG\) Area, May 10-22, 2011, 01/02/2012](#)

[...] 10. Returnees [...]

10.4. Forced returns

KRG authorities who met with the fact-finding mission were against forced returns and encouraged voluntary returns. The authorities claimed that some Kurds who have been registered in Europe as Iraqi Kurds are actually from Turkey or Iran. The authorities told the fact-finding mission that they had brought this to the attention of European officials. The authorities expressed a desire to know more about the people to be returned to the KRG area. According to the authorities, the KRG cannot provide housing for all returnees.²⁸² According to the UNHCR, the KRG rejects any forced returns. The UNHCR considers deportations to Baghdad to be potentially dangerous, as many deportees have no documents, and in some cases, these persons have been detained for days or even weeks after their arrival in Iraq. The commission maintains that it is difficult to verify how deportees are treated in custody. Some returnees have claimed they were maltreated and forced to pay bribes to the authorities.²⁸³ The UNHCR is concerned about deportations from several European countries to Iraq. The organization provides information for deportees at the Baghdad International Airport (BIAP) and has observed that most deportees are young men, although families with small children have also been deported. The UNHCR is also concerned about the deportation of people who originate from the five central governorates to which return is discouraged by the organization. UNHCR is concerned, for instance, about the deportation of Christians living in Mosul and Baghdad as well as LGBT individuals.²⁸⁴ Concerning forced returns from Europe, IOM Iraq questioned whether enough was being done to inform failed asylum seekers about the option of voluntary return. There are currently about 2000 voluntary returns of Iraqis each year through

the IOM. Many returnees stayed abroad for a long period, which complicated their return. Return may simply not be viable for all persons.²⁸⁵ An international organization told the fact-finding mission that some returnees have ended up in prison. The fact-finding mission was told of a case where a woman returning from Europe in April 2011 was taken to an Asayish prison in Sulaymaniya because, officially, she had a falsified passport. The fact-finding mission was not told of systematic questioning of returnees by Kurdish authorities.²⁸⁶ Some sources thought that return on a large scale may be problematic for the KRG area. [...]

➤ [Coalition Against Deportations to Iraq, Iraqi parliament condemns deportations from the UK and Europe, 17/10/2011](#)

The President of the Iraqi parliament has backed the campaign to stop forcible deportations of Iraqi refugees from the UK and Europe. Speaking at a meeting organised by the Iraqi Embassy in London on Friday, Osama al-Nujaifi questioned how European Governments could send people back to Iraq by force when the country was clearly unsafe, with regular bombs and attacks. The President and the other MPs present agreed to demands raised by the International Federation of Iraqi Refugees to back a motion through parliament not to accept deportees into Baghdad airport. Another MP, Adil Abdullah, said a delegation from the parliament had told British government representatives they would not accept Iraqi people deported by force in the future. Earlier last week, on 10th October, the Iraqi Parliament discussed a proposal brought by the International Federation of Iraqi Refugees to stop accepting deportations and an end to the Iraqi Government's agreement with European Governments to accept forcible deportations. No objection was raised to the proposal, read by Sardar Abdullah MP, and MPs agreed to set up a committee to take the issue forward. Forcible deportations from the UK to Baghdad are currently suspended at least until November pending a legal challenge questioning the safety of the region. Deportations to the northern, Kurdish region of Iraq have been suspended since early last year after the government there refused to accept anymore.

➤ [US Department of State, 2010 Country Reports on Human Rights Practices: Iraq, 08/04/2011](#)

[...] Section 2 Respect for Civil Liberties, Including:

[...] d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

[...] The government generally cooperated with the UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although effective systems to assist these individuals were not fully established by year's end [...]

➤ [Amnesty International, URGENT ACTION SWEDEN AND DENMARK FORCIBLY RETURN 26 IRAQIS, 26/01/2011](#)

On 19 January, Swedish police confirmed that Sweden had forcibly returned 20 Iraqis to Baghdad, on a charter flight organized with Danish authorities, who also forcibly returned a further six Iraqis. Amnesty International considers that their lives could be at real risk in Iraq. Amnesty International believes that it is not safe to forcibly return anyone to the Iraqi provinces of Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din and Baghdad, and to other particularly dangerous areas such as parts of Al Anbar province. Anyone facing forced return to any of these areas, regardless of whether they originate from those areas, should be granted asylum or alternative forms of protection. In those regions of Iraq serious risks, including the ongoing indiscriminate threats to life, physical integrity or personal freedom, arising from violence or events seriously disturbing public order are all valid grounds for international protection. The authorities in Sweden, Denmark, the Netherlands, Norway and the United Kingdom have maintained a policy of enforcing returns of Iraqis whose asylum claims have been dismissed, claiming that it is "sufficiently safe" to return people to Iraq, despite clear guidelines from the UN Refugee Agency (UNHCR) to the contrary. The UNHCR has repeatedly reiterated its objection to such forced returns by European states. UNHCR officials reportedly met with several of those forcibly returned on 19 January from Sweden and Denmark, and continued to express concern about the practice of enforcing returns to Iraq.

➤ [UN Assistance Mission for Iraq \(UNAMI\)/OHCHR, 2010 Report on Human Rights in Iraq, January 2011](#)

[...] 9. Refugees and internally displaced persons

[...] Several European countries (including Belgium, Denmark, the Netherlands, Norway, Sweden and the UK) have forcibly repatriated failed Iraqi asylum seekers to Iraq, through Baghdad.¹⁴¹ UNHCR has publicly stated that Iraqi asylum applicants originating from the governorates of Baghdad, Diyala, Kirkuk, Ninawa and Salahuddin should continue to benefit from international protection in the form of refugee status under the 1951 Convention on the Status of Refugees or another form of protection depending on the circumstances of the case, given the lawlessness, volatile security situation and the human rights violations taking place in these parts of Iraq which could seriously threaten the life, physical integrity or freedom of persons forcibly returned to these areas. On 22 October, the European Court of Human Rights recommended that deportations to Baghdad should be suspended due to an increase in violence.¹⁴² On 16 November the Council of Europe criticized some European countries for continuing deportations.¹⁴³ There have been reports of some deportees being arrested or ill-treated upon arrival, and others refused entry due to mistaken identity or nationality. Some deportees flown from the UK to Baghdad on 16 June reportedly showed signs of physical abuse to support their claims that they had been physically assaulted by British and Iraqi security guards on the plane transporting them. Sweden deported a further 20 failed asylum seekers to Iraq in midDecember, including five members of Iraq's Christian minority who were returned to Baghdad, prompting a renewed protest from UNHCR on 17 December. On arrival to Baghdad, deportees undergo security checks and those without documents are detained until their identity can be confirmed. Whilst the majority of deportees have been single adult males, women and children have also been amongst those deported [...]

➤ [UNHCR, UNHCR reports increase in flight of Iraqi Christians; reiterates advice on protection needs, 17/12/2010](#)

[...] UNHCR strongly reiterates its call on countries to refrain from deporting Iraqis who originate from the most perilous parts of the country.

[...] UNHCR reiterates its position that asylum seekers who originate from Iraq's governorates of Baghdad, Diyala, Ninawa and Salah-al-Din, as well as from Kirkuk province, should not be returned and should benefit from international protection, whether in the form of refugee status under the 1951 Refugee Convention or a complementary form of protection. In addition, of course, the merits of the claims of all other Iraqi applicants need to be considered carefully, including those who are religious minorities. Our position reflects the volatile security situation and the still high level of violence, security incidents, and human rights violations taking place in parts of Iraq. UNHCR considers that serious – including indiscriminate – threats to life, physical integrity or freedom resulting from violence or events seriously disturbing public order are valid reasons for international protection [...]

➤ [The Guardian, Iranian wrongly deported to Baghdad claims he was tortured, 21/11/2010](#)

An Iranian who was mistakenly deported to Baghdad from the UK claims he endured beatings and starvation at the hands of Iraqi police officers.

[...] On 6 September he was put on a flight with around 60 other failed asylum seekers. "When we arrived at Baghdad airport, the Kurdish people did not want to be taken off the plane," Salimi told the Guardian. "The Iraqi police came on and shouted. They beat us with sticks. I told them I was Iranian. They didn't listen to me ... The Iraqi police took me in a car to a prison and they started beating me again. "They didn't give me food and they took the money in my pockets. I had no food or water for 24 hours. They said that Kurdish people 'make problems' and they would send me to Iran where Ahmadinejad [the Iranian president] would kill me. They were laughing. They also swore at me, shouted and threatened to hang me. They were Shia officers, while I'm Kurdish and a Sunni Muslim." [...]

➤ [The Guardian, Deported Iraqi asylum seekers say they were beaten and forced off plane, 09/09/2010](#)

A group of failed Iraqi asylum seekers who were forcibly deported to Baghdad this week have claimed they were beaten by British security staff and Iraqi police. The violence allegedly erupted when the refugees refused to leave a charter flight after it touched down in Baghdad on Tuesday morning. Pictures of one those said to have been injured were released by the International Federation of Iraqi Refugees (IFIR), a London-based organisation.

[...] More than 60 failed asylum seekers were put on board the latest UK charter flight accompanied by an even larger number of security guards. "When we arrived in Baghdad we refused to get off the plane," one

of the failed asylum seekers, Sabar Saleh Saeed, said in a statement released by the IFIR. "One Iraqi policeman came on and said if we did not come down they would make us go down by force. "We stayed where we were but the security guards forced handcuffs on us and started to beat us when they were dragging us off the plane. They were swearing at us, beating us. "Four of them grabbed me to force me off the plane. They grabbed my neck and punched me. My eyes went dark. I could not see any light. I saw many other refugees with blood running down their faces. "When I was on the steps on the plane they were still boxing me. There were a lot of Iraqi police there. They took over from the guards when I had got off. Then the Iraqi police beat us with their sticks." Another returned asylum seeker, Lokman Hama Amin, who sent pictures of his injuries, said: "Four security guards grabbed me when we landed in Baghdad. They pushed me down to the floor of the plane. They handcuffed me. "I was shouting, asking them to let me go because they were breaking my hand but they carried on beating my shoulder. Now I cannot move my arm: I have put it in a sling."

➤ [UNHCR, Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, July 2010](#)

[...] III. Conclusion

The situation in Iraq is still evolving. UNHCR will continue to monitor developments in the country and will update the April 2009 UNHCR Guidelines once it judges that the situation is sufficiently changed. In the interim, UNHCR advises those involved in the adjudication of international protection claims lodged by asylum-seekers from Iraq and those responsible for establishing government policy in relation to this population continue to rely on the April 2009 UNHCR Guidelines. Accordingly, the current UNHCR position on returns to Iraq also remains unchanged.⁵⁵

[Footnote 55] 55 UNHCR recommends that, unless volunteering for return, no Iraqi from the five Central Governorates and those belonging to the specific groups which have been identified to be at risk from the Southern Governorates and Al-Anbar, should be forcibly returned to Iraq until such time as there is substantial improvement in the security and human rights situation in the country. When considering return of persons originating from the Southern Governorates or Al-Anbar Governorate not found to be in need of international protection, UNHCR recommends that caution needs to be exercised with regard to the evolving security situation in given areas, as well as absorption capacity, availability of community support and services. UNHCR, in particular, advises against the return of persons to areas from which they do not originate [...]

➤ [Amnesty International, Iraq: Civilians under fire, April 2010](#)

[...] Returning despite the danger

[...] Muhsin, a former interpreter for the Multinational Force from Mosul, decided to return in February 2009 to see his family in Baghdad after he had spent two years in several European countries without his asylum claim having been accepted – although Iraqis who worked with the Multinational Force are considered to be at particular risk. On his arrival at Baghdad airport, security officers questioned him about his stay in Europe and why he had travelled to Baghdad instead of Mosul. He was beaten, threatened with detention and forced to hand over about US\$1,300 before he was released the next day. About a month later he was visited by police at his rented apartment in Baghdad and taken into custody. He was held at a detention centre in Baghdad for about a week where he was threatened with indefinite detention, beaten and subjected to other abuses. He was released after a US officer intervened on his behalf. In June 2009, he and his family fled Iraq.

[...] In February 2010 Iraqi VicePresident Tariq al-Hashemi urged European governments not to deport Iraqi asylum-seekers to Iraq until security and economic conditions had improved [...]

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APPENDIX

1. Useful sources to consult on the situation for internally displaced persons in Iraq

| Source | Type of source | Website's search function |
|--|---|---|
| Internal Displacement Monitoring Centre (IDMC) Iraq country page | <p>The IDMC is an international body which monitors conflict-induced internal displacement worldwide. Its country pages include:</p> <ul style="list-style-type: none"> ○ Statistics ○ Maps ○ Internal Displacement Profile ○ IDP News alert ○ Key documents; news and reports from other organisations on the situation and treatment of IDPs and returnees. ○ The Iraq Country Profile was last updated in October 2011 | <ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases (“...”) ○ It is not possible to search within particular time frames |
| Inter-Agency Information and Analysis Unit (IAU) | <p>The IAU is part of the Office of the Resident Coordinator/ Humanitarian Coordinator for Iraq. It provides analysis including:</p> <ul style="list-style-type: none"> ○ Humanitarian fact sheets (for e.g. on the Labour Force, Housing & Shelter) ○ Governorate Profiles <p>The IAU also has a database of publications from organisations including: UN institutions e.g. WHO, UNHABITAT, FAO, UNDP; Government of Iraq; and the World Bank; and has a Map Centre</p> | <ul style="list-style-type: none"> • Thematic pages including on: Education; Labour Force; Women; Baghdad; Children; Displacement • Simple search function which limits searches by: Document type; year of publication; and sector |
| Relief Web Iraq country page | <p>Relief Web is a database of reports from international and non-governmental organizations, governments, research institutions and the media for news, reports, press releases, appeals, policy documents, analysis and maps related to humanitarian emergencies worldwide. It provides:</p> <ul style="list-style-type: none"> ○ In-depth profiles, updates and reports on countries and disasters ○ Maps ○ Database of who's reporting | <ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases (“...”) ➤ Limits searches by: Country; source; theme; content format; feature; disaster type; vulnerable groups; published date (by month); language |
| IRIN News Iraq Country page | <p>A service of the UN Office for the Coordination of Humanitarian Affairs. It provides:</p> <ul style="list-style-type: none"> ➤ Humanitarian news and analysis by country and theme. | <ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) ○ Limits searches by Services; Country; Theme; Report Type ○ Searches within time frames (From: To) |

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| | | |
|--|---|---|
| AlertNet Iraq pages | <p>Humanitarian news site from Thomson Reuters providing information on natural disasters, conflicts, refugees, hunger, diseases and climate change. Country pages include sections on:</p> <ul style="list-style-type: none"> ○ Breaking news ○ Aid agency news feed ○ In detail ○ Timeline ○ Links ○ News | <ul style="list-style-type: none"> • Country page • Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword search ○ Searches limited by source; content partner; aid agency; country; topic; sub-topic; crisis and by time frame ○ Search results can be organised by date ○ Searches within time frames (From: To) ○ BOOLEAN searches (AND, OR, NOT, ALL) |
| The ICRC Iraq country page | <p>The International Committee of the Red Cross Iraq country page includes sections on:</p> <ul style="list-style-type: none"> ○ Latest News ○ Facts and Figures ○ Highlights ○ Reference Documents | <ul style="list-style-type: none"> • Country page • Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) • |
| UNHCR Iraq country page | <p>UNHCR country pages provide:</p> <ul style="list-style-type: none"> ○ Statistical snapshot ○ Latest news ○ UNHCR fundraising reports ○ Background, analysis and policy ○ Statistics ○ Maps ○ Operational Updates ○ Iraq Situation Protection Issues (including Eligibility Guidelines) | <ul style="list-style-type: none"> • Country page does not have a search function • UNHCR home page has an advanced search function which allows for : <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT, ALL) ○ Keyword by title ○ Limits searches by category, country of origin, country of asylum ○ Searches within time frames |

2. Useful sources to consult on the security situation in Iraq

| Source | Type of source | Website's search function |
|--|---|---|
| United Nations Mission for Iraq (UNAMI) | Key documents Include: <ul style="list-style-type: none"> ○ Security Council Resolutions ○ Secretary-General reports to the Security Council ○ UNAMI Human Rights Reports ○ Humanitarian updates ○ Press releases ○ Map centre | <ul style="list-style-type: none"> • No search function but the OHCHR Iraq website has an advanced search function which allows for searches by: <ul style="list-style-type: none"> ○ Phrase; ALL words; ANY words ○ Limits search by categories and date range |
| AlertNet Iraq pages | Humanitarian news site from Thomson Reuters providing information on natural disasters, conflicts, refugees, hunger, diseases and climate change. Its FACTBOX reports document daily security incidents by region. Country pages include sections on: <ul style="list-style-type: none"> ○ At a Glance ○ In detail ○ Timeline ○ Links ○ News | <ul style="list-style-type: none"> • Country page • Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword search ○ Searches limited by source; content partner; aid agency; country; topic; sub-topic; crisis and by time frame ○ Search results can be organised by date |
| Brookings Institution Iraq Index | The Iraq Index is a statistical compilation of economic, public opinion and security data. It provides updated information on various criteria, including crime, telephone and water service, troop fatalities, unemployment, Iraqi security forces, oil production, and coalition troop strength. (Brookings also tracks reconstruction and Security in Afghanistan and Pakistan) | <ul style="list-style-type: none"> • The Index is updated fortnightly |
| Relief Web Iraq country page | Relief Web is a database of reports from international and non-governmental organizations, governments, research institutions and the media for news, reports, press releases, appeals, policy documents, analysis and maps related to humanitarian emergencies worldwide. Provides: <ul style="list-style-type: none"> ○ In-depth profiles, updates and reports on countries and disasters ○ Maps ○ Database of who's reporting | <ul style="list-style-type: none"> • Country and thematic pages • Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("...") ➤ Limits searches by: Country; source; theme; content format; feature; disaster type; vulnerable groups; published date (by month); language |
| Radio Free Liberty/Radio Europe Iraq pages | Radio Free Europe/Radio Liberty reports the news in 21 countries where a free press is banned by the government or not fully established. The Iraq country pages provides information in chronological order on: <ul style="list-style-type: none"> ○ Latest news ○ Features & Commentary | <ul style="list-style-type: none"> • Simple search function which allows for keyword searches and searches by phrases ("...") only • Allows to search within time frames |

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| | | |
|--|---|---|
| | | <ul style="list-style-type: none"> Limits searches by section |
| Institute for War and Peace Reporting Iraq pages | The Institute for War and Peace Reporting is registered charity providing international news with the intention of giving a voice to people at the frontlines of conflict, crisis and change. The Iraq country pages provide recent news. | <ul style="list-style-type: none"> Simple search function which allows for keyword searches and searches by phrases ("...") only Filters searches by year |
| Aswat al-Iraq | Aswat al-Iraq is an independent Iraqi news agency with contributions from a network of Iraqi correspondents spread throughout the country and from three independent Iraqi newspapers. It provides news by governorate and by theme including on: politics; security; economy; and civil society | <ul style="list-style-type: none"> Simple search function which allows for keyword searches only Governorate news is ordered in reverse chronological order |
| Centre for Strategic and International Studies | Statistical report on ongoing violence (history and sources of violence; casualties among the civilian population and security forces; ethnic and sectarian divisions; impact on minority communities; dissatisfaction with basic services as a potential cause of civil unrest) published 06/02/2012 | N.A. |