



AUSTRIAN RED CROSS

ACCORD

Austrian Centre for Country of Origin
& Asylum Research and Documentation



COUNTRY REPORT IRAQ

11th EUROPEAN

COUNTRY OF ORIGIN INFORMATION SEMINAR

VIENNA, 21 – 22 JUNE 2007

REPORT PUBLISHED: NOVEMBER 2007

Co-ordinated by



Refugee Documentation Centre Ireland • Hungarian Helsinki Committee • Dutch Council for Refugees
Informationsverbund Asyl • Asociación Comisión Católica Española de Migración • Forum Réfugiés
Polish Helsinki Foundation for Human Rights • The Human Rights League • Italian Council for Refugees
Ministry of the Interior of Croatia – Department for Foreigners and Asylum • Ministry of the Interior of
Slovenia – Asylum Section • Ministry of the Interior Spain – Dirección General de Política Interior,
Subdirección General de Asilo • Ministry of the Interior Latvia – Office of Citizenship and Migration
Affairs • Ministry of the Interior Romania – National Refugee Office • Office for Repatriation and Aliens
Poland • Romanian National Council for Refugees • Society of Citizens Assisting Migrants

Co-funded by



The report is based on the presentations during the 11th European Country of Origin Information Seminar on 21-22 June 2007 in Vienna, as well as on the written notes provided by Mrs **Gudrun Harrer** and Mrs **Gabriela Wengert**. The final report was prepared by ACCORD and cleared with the respective experts.

A hard copy of the full report (Iraq & Afghanistan) is available.

Disclaimer: The views and opinions stated in the report do not necessarily reflect the views of the organizers of the seminar. This paper is not and does not purport to be fully exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum.

The statements in the report do not represent an opinion of the Austrian Red Cross on the political situation in a country.

November 2007

Editor: Barbara Svec (ACCORD)

Iraq Country Profile

Country name:

Conventional long form: Republic of Iraq

Conventional short form: Iraq

Local long form: Al Jumhuriyah al Iraqiyah

Local short form: Al Iraq



Capital: Baghdad

Area: 437,072 sq km

Population: 27,499,638 (July 2007 est.)

Ethnic Groups: Arab 75%-80%, Kurdish 15%-20%, Turkoman, Assyrian or other 5%

Religions: Muslim 97% (Shi'a 60%-65%, Sunni 32%-37%), Christian or other 3%

Languages: Arabic, Kurdish (official in Kurdish regions), Assyrian, Armenian

Divisions: 18 governorates (muhafazat, singular - muhafazah) and one region.

Governorates: Al Anbar, Al Basrah, Al Muthanna, Al Qadisiyah, An Najaf, Arbil, As Sulaymaniyah, At Ta'mim, Babil, Baghdad, Dahuk, Dhi Qar, Diyala, Karbala', Maysan, Ninawa, Salah ad Din, Wasit.

Regional government: Kurdistan Regional Government (KRG).

Executive branch:

Chief of state: President Jalal TALABANI (since 6 April 2005); Vice Presidents Adil ABD AL-MAHDI and Tariq al-HASHIMI (since 22 April 2006); the President and Vice Presidents comprise the Presidency Council

Head of government: Prime Minister Nuri al-MALIKI (since 20 May 2006); Deputy Prime Ministers Barham SALIH and Salam al-ZUBAI (since 20 May 2006)

Website of the Iraqi government: <http://www.iraqigovernment.org/>

Cabinet: 37 ministers appointed by the Presidency Council, plus Prime Minister Nuri al-MALIKI, and Deputy Prime Ministers Barham SALIH and Salam al-ZUBAI

Elections: held 15 December 2005 to elect a 275-member Council of Representatives; the Council of Representatives elected the Presidency Council and approved the Prime Minister

Legislative branch:

Bicameral Council of Representatives (consisting of 275 members elected by a closed-list, proportional representation system) and a Federation Council (membership not established and authorities undefined)

Elections: held 15 December 2005 to elect a 275-member Council of Representatives

Election results: Council of Representatives - percent of vote by party - Unified Iraqi Alliance 41%, Kurdistan Alliance 22%, Tawafuq Coalition 15%, Iraqi National List 8%, Iraqi Front for National Dialogue 4%, other 10%; number of seats by party - Unified Iraqi Alliance 128, Kurdistan Alliance 53, Tawafuq Coalition 44, Iraqi National List 25, Iraqi Front for National Dialogue 11, other 14

Website of the Iraqi parliament: <http://www.irqparliament.com/>

Judicial branch:

The Iraqi Constitution calls for the Federal Judicial Authority, comprised of the Higher Juridical Council, Supreme Federal Court, Federal Court of Cassation, Public Prosecution Department, Judiciary Oversight Commission and other federal courts that are regulated in accordance with the law.

Main political parties (including their leaders):

- Assyrian Democratic Movement (ZOWAA) [Yunadim Kanna]; www.zowaa.org
- Badr Organization [Hadi al-Amiri]
- Constitutional Monarchy Movement (CMM) [Sharif Ali Bin al-Husayn]; www.iraqcmm.org
- Da'wa al-Islamiyya Party [Ibrahim al-Jafari]; www.islamicdawaparty.com
- General Conference of Iraqi People [Adnan al-Dulaymi]
- Independent Iraqi Alliance (IIA) [Falah al-Naqib]
- Iraqi Communist Party (ICP) [Hamid al-Musa]; www.iraqcp.org
- Iraqi Front for National Dialogue [Salih al-Mutlaq]
- Iraqi Hizballah [Karim Mahmud al-Muhammadawi]
- Iraqi Independent Democrats (IID) [Adnan Pachachi, Mahdi al-Hafiz]
- Iraqi Islamic Party (IIP) [Tariq al-Hashimi]; www.iraqiparty.com
- Iraqi National Accord (INA) [Ayad Allawi]; www.wifaq.com
- Iraqi National Congress (INC) [Ahmad Chalabi]; www.inciraq.com
- Iraqi National Council for Dialogue (INCD) [Khalaf Ulayan al-Khalifawi al-Dulaymi]
- Iraqi National Unity Movement (INUM) [Ahmad al-Kubaysi]
- Islamic Action Organization (IAO) [Ayatollah Muhammad al-Mudarrisi]
- Jama'at al Fadilah (JAF) [Muhammad Ali al-Yaqubi]
- Kurdistan Democratic Party (KDP) [Masud Barzani]; www.kdp.pp.se
- Kurdistan Islamic Union [Salah ad-Din Muhammad Baha al-Din]; www.kurdiu.org
- National Reconciliation and Liberation Party [Mishan al-Jabburi]
- Patriotic Union of Kurdistan (PUK) [Jalal Talabani]; www.puk.org
- Sadrist Trend [Muqtada al-Sadr] (not an organized political party, but it fields independent candidates affiliated with Muqtada al-Sadr)
- Supreme Islamic Iraqi Council (SIIC), former Supreme Council for the Islamic Revolution in Iraq (SCIRI) [Abd al-Aziz al-Hakim]; www.almejlis.org

The Kurdistan Alliance, Iraqi National List, Tawafuq Coalition, Iraqi Front for National Dialogue, and Unified Iraqi Alliance were only electoral slates consisting of the representatives from the various Iraqi political parties.

Social and economic data:

Age structure: 0-14 years: 39.4% (male 5,509,736 / female 5,338,722), 15-64 years: 57.6% (male 8,018,841 / female 7,812,611), 65 years and over: 3% (male 386,321 / female 433,407) (2007 est.)

Population growth rate: 2.618% (2007 est.)

Life expectancy at birth: total population: 69.31 years, male: 68.04 years, female: 70.65 years (2007 est.)

GDP (purchasing power parity): \$87.9 billion (2006 est.) / per capita: \$1,900 (2006 est.)

GDP - real growth rate: 1.9% (2006 est.)

Currency (code): New Iraqi dinar (NID) as of 22 January 2004

Sources:

CIA World Factbook: Iraq, last updated: 14 November 2007

<https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>

Political Parties of the World, 6th edition (edited by Bogdan Szajkowski), London: John Harper Publishing, 2005

US Department of State: Background Note: Iraq, June 2007

<http://www.state.gov/r/pa/ei/bgn/6804.htm>

Selected weblinks:

Governments on the WWW: Iraq

<http://www.gksoft.com/govt/en/iq.html>

International Crisis Group – Iraq

<http://www.crisisgroup.org/home/index.cfm?id=2436&l=1>

ReliefWeb – Iraq

<http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=3&cc=iraq>

ecoi.net: Iraq

All documents: <http://www.ecoi.net/iraq>

Focus Country Iraq – Topics & Issues: <http://www.ecoi.net/iraq/topics-and-issues>

UNHCR Refworld: Iraq

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=IRQ>

United Nations Assistance Mission for Iraq (UNAMI)

<http://www.uniraq.org/>

NGO Coordination Committee in Iraq (NCCI)

<http://www.ncciraq.org/>

Internal Displacement Monitoring Centre (IDMC) – Iraq

<http://www.internal-displacement.org/countries/iraq>

Selected reports:

Amnesty International (AI): "Annual Report 2007", 23 May 2007

<http://thereport.amnesty.org/eng/Regions/Middle-East-and-North-Africa/Iraq>

Freedom House (FH): "Freedom in the World 2006", June 2007

http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2007&country=7197&pf

Human Rights Watch (HRW): "World report 2007", January 2007

<http://hrw.org/wr2k7/pdfs/iraq.pdf>

UK Home Office: "Country Report – April 2007", 30 April 2007

http://www.ecoi.net/file_upload/432_1179913890_iraq-110507.doc

United Nations Assistance Mission for Iraq: "Human Rights Report (1 April - 30 June 2007)", October 2007

<http://www.uniraq.org/FileLib/misc/HR%20Report%20Apr%20Jun%202007%20EN.pdf>

United Nations High Commissioner for Refugees (UNHCR): "UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-seekers", (published on UNHCR Refworld), August 2007

[http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ)

[bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ)

US Department of State (USDOS): "Country Report on Human Rights Practices 2006", 6 March 2007

<http://www.state.gov/g/drl/rls/hrrpt/2006/78853.htm>

US Department of State (USDOS): "International Religious Freedom Report 2007", 14 September 2007

<http://www.state.gov/g/drl/rls/irf/2007/90211.htm>



Map No. 3835 Rev. 4 UNITED NATIONS
January 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations (UN): Iraq – Administrative Map, January 2004
<http://www.un.org/Depts/Cartographic/map/profile/iraq.pdf>

Table of Contents

1.	Introduction	65
2.	Political, Humanitarian and Security Situation	65
2.1.	Political Actors and Developments.....	65
2.2.	Islamization	69
2.3.	The Role of Militia Groups	69
2.4.	The Role of Tribal Structures	70
2.5.	General Living Conditions.....	70
2.6.	Situation in Central and Southern Iraq.....	71
2.7.	Situation in Areas under Control of the Kurdish Regional Government (KRG).....	72
3.	Actors of Persecution	73
3.1.	The State as Perpetrator	73
3.2.	Insurgent Groups	74
3.3.	Iraqi Security Forces and Shi'ite Militias.....	75
3.4.	Criminal Groups.....	75
3.5.	Kurdish Armed Forces, Security and Intelligence	77
3.6.	Family, Community, Tribe	77
4.	Groups at Risk	77
4.1.	Persecution Grounds.....	77
4.2.	Religious Groups	78
4.2.1.	Sectarian Violence Between Sunnis and Shi'ites.....	78
4.2.2.	Non-Muslim Religious Groups	80
4.3.	Ethnic Groups	83
4.3.1.	Minorities in Ethnically Mixed Areas.....	83
4.3.2.	Palestinians	84
4.3.3.	Roma (Kawliyah).....	84
4.3.4.	Faili Kurds.....	85
4.4.	Actual or Perceived Supporters of the Former Regime and/or the Insurgency	85
4.4.1.	Sunni Arabs	85
4.4.2.	Members and Associates of the Ba'ath Party and the Former Regime.....	86
4.5.	Sympathizers of the US-Led Invasion or the International Military Presence and Persons Associated with the Current Iraqi Government.....	87
4.6.	Actual or Perceived Opponents of the Ruling Parties in the Region of Kurdistan and Areas under De Facto Control of the KRG.....	89
4.7.	Certain Professions	89
4.8.	Women.....	91
4.9.	Sexual Orientation	92
4.10.	Persons Accused of 'Un-Islamic' Behaviour	92
5.	Availability of Protection	93
6.	UNHCR Position on International Protection Needs of Iraqis outside Iraq	94
7.	Internal Flight or Relocation Alternative	96
7.1.	Central and Southern Iraq.....	96
7.2.	Three Northern Governorates.....	98

Abbreviations

AMS	Association of Muslim Scholars
CCCI	Central Criminal Court of Iraq
COR	Council of Representatives
CPA	Coalition Provisional Authority
CPATT	Civilian Police Assistance Training Team
CRC	Constitutional Review Committee
CSIS	Center for Strategic and International Studies
IDPs	Internally displaced persons
IIP	Iraqi Islamic Party
IOM	International Organization for Migration
IRIN	Integrated Regional Information Network
ISF	Iraqi Security Forces
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
MNF	Multi-National Forces
NCCI	NGO Coordination Committee in Iraq
NGO	Non-Governmental Organization
PDS	Public Distribution System
PJAK	Party for a Free Life in Kurdistan
PKK	Kurdistan Workers' Party
PSA	Production Sharing Agreement
PUK	Patriotic Union of Kurdistan
SCIRI	Supreme Council For Islamic Revolution in Iraq
SIIC	Supreme Islamic Iraqi Council
UIA	United Iraqi Alliance
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNAMI HRO	United Nations Assistance Mission for Iraq, Human Rights Office
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
US	United States
USIP	United States Institute of Peace
WFP	World Food Programme

Gudrun Harrer and Gabriela Wengert

Presentation at the 11th European Country of Origin Information Seminar
Vienna, 21-22 June 2007
Report published in November 2007

Mrs. Gudrun HARRER works as a journalist and was Austrian special envoy to Baghdad between January and June 2006. Mrs. Gabriela WENGERT is Protection Officer with the UNHCR Iraq Operation Unit in Amman.

1. Introduction

“In the most significant displacement in the Middle East since the dramatic events of 1948, one in eight Iraqis have been driven from their homes. Some 1.9 million Iraqis are currently displaced inside the country and up to 2 million others have fled abroad.”

(UN High Commissioner for Refugees, António Guterres, opening speech of the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries, 17 April 2007)

Gabriela Wengert

The fall of Saddam Hussein’s regime ended an era, which had been marked by extensive human rights violations. For many Iraqi refugees the regime change raised their hopes of a possible return to their home country. However, due to the deteriorating security situation, increasing sectarianism and due to the lack of reconstruction and basic services, returns have not only come to a standstill, but actually have followed a reversed trend, with renewed displacement of Iraqis both within and outside of Iraq. In June 2007, the United Nations High Commissioner for Refugees (UNHCR) announced that the number of refugees in the world, for the first time since 2002, was again on the rise.¹ This development is largely due to the situation in Iraq. At present, we talk about two million internally displaced persons (IDPs) in Iraq and 2.2 million Iraqi refugees staying mainly in the neighbouring countries Jordan and Syria.

2. Political, Humanitarian and Security Situation

2.1. Political Actors and Developments

Gudrun Harrer

The 15 December 2005 legislative elections in Iraq concluded the political process as foreseen by UN resolutions after the US-led invasion of Iraq in 2003. The elections provided the basis for the formation, in May 2006, of the first constitutionally elected government. This political

¹ UN High Commissioner for Refugees (UNHCR): “UNHCR: refugee numbers up for the first time in five years”, 19 June 2007

<http://www.unhcr.org/news/NEWS/4676a5694.html> (accessed 26 November 2007)

process, however, had been flawed from the beginning, being geared, especially regarding the time table, sometimes more to the internal political needs of the US than to the Iraqi realities. The hasty constitutional process during 2005 brought about a highly decentralized constitution, in a traditionally centralized country without any experience with federalism. The constitution was adopted by referendum in October 2005 and is rejected by most Arab Sunnis. It shows technical contradictions that make certain provisions unworkable: for example the drafters “forgot” to give the Iraqi federal government the power to collect taxes. Moreover, some aspects of the text tend to strengthen centrifugal forces that threaten the territorial unity of the country.

The election results of January 2005 and December 2005 emphasized the deep sectarian and territorial lines along which the Iraqi society is currently divided. The elections were then followed by a months long government formation process which wasted political momentum and created a deadlock and political vacuum in which the already deplorable security situation and living conditions of Iraq further deteriorated.

In the elections of December 2005, the Shi’ite coalition United Iraqi Alliance UIA won 41.2 percent of the votes, or 128 seats of the parliament’s 275 seats, followed by the Kurdish Democratic Patriotic Alliance of Kurdistan with 21.7 percent and 53 seats (consisting of Masoud Barzani’s Kurdistan Democratic Party/KDP and Jalal Talabani’s Patriotic Union of Kurdistan/PUK). The third group, the Sunni party bloc Tawafuq, won 15,1 percent and 44 seats.

The international community subsequently pressured the victorious Shi’ite coalition to form a **government of national unity** that would include Arab Sunnis, who had earlier boycotted the political process but partly participated in the December elections. The hypothesis behind this international effort was obvious: it was hoped that the inclusion of Sunnis in the government – even if the powerful AMS (Association of Muslim Scholars) did not join the political mainstream – would dry up the support for the Sunni-led insurgency and close the gap between the seemingly successful political process and the realities on the ground.

Thus in May 2006 a Shi’ite-led coalition government was formed which, beside the Kurds, included the Sunni party bloc, Tawafuq, led by the important Iraqi Islamic Party (IIP) of the present Vice President Tariq al-Hashimi. The coalition also included the fourth strongest bloc, the secular non-sectarian Iraqi List of Iyad Allawi, which has 8 percent, 25 seats, in the parliament. Non-sectarian, non-religious and secular parties were the real losers of the 2005 December elections. The results showed that they did not have any support in the Iraqi population.

The most important parties in the victorious UIA were the former SCIRI (Supreme Council of Islamic Revolution in Iraq) of Abdul Aziz al-Hakim, recently renamed the Supreme Iraqi Islamic Council SIIC; the Shi’ite Dawa Party of Ibrahim Jafari, to which Prime Minister Nuri al-Maliki belongs; and the Sadrists of Muqtada al-Sadr, who stays outside mainstream politics himself but has the support of the poor Shi’ite masses. The Dawa party also has an “Iraqi” branch (as opposed to the “international” Dawa) which runs independently for elections. The Fadila party is of some importance in the south, especially in Basra, as is the Iraqi Hizbollah in the Marshes.²

² Fadhila left the UIA in 2006.

Despite the inclusion of the Sunni forces in the Iraqi government, the Sunni insurgency did not die down in 2006. Indeed, Sunni politicians who participated in the political process became increasingly targeted. Vice President Tariq al-Hashimi, for example, lost two of his brothers and one sister in attacks. Built on a minimal consensus, the Iraqi government turned out to be extremely fragile and weak. Ministries were bestowed on political groups like fiefdoms and often function as such, generating not service for the citizens but power and money for single groups. If the prime minister, Nuri Jawad al-Maliki (UIA) decided to act against one of the ministers, he risked the collapse of the whole government. Tawafuq has repeatedly threatened to withdraw its ministers from the government, the Sadrist trend within the UIA (the group of the Shi'ite leader Muqtada al-Sadr) has already done so twice. Also the parliament (COR, Council of Representatives) is highly divided. Tensions and splits within the UIA, which is comprised of 20 Islamic groups, are further destabilizing.³

The first priority of the Iraqi government is restoring security, which includes the demobilization of militias and the demilitarization of the society, in conjunction with political steps for national reconciliation. Next in importance for the government and the COR (Council of Representatives) are these three pressing political issues: the hydro-carbon law; the amendment (attenuation) of the deba'athification law; and the Constitutional Review. The **hydro-carbon law**, which regulates the regional and federal responsibilities for the oil and gas resources plus the distribution of the oil revenues, passed the cabinet some months ago in the form of an uncompleted draft. But after the draft's completion, new quarrels erupted. The Kurds complain that the draft law impairs their constitutional rights. As a matter of fact there are some contradictions between the highly federal constitution and the draft law's rather centralized administration of the oil and gas resources and their revenues. Ideally, the drafting of this law should have been coordinated with a constitutional review. Wealth sharing is one of the most pressing issues, especially for the Sunnis who live in provinces without oil resources. Here a national consensus is needed. Crude oil export revenues account for 93 percent of forecast revenues in the 2007 Iraqi Budget.

Also the **deba'athification law amendment** has been held up for months. Prime Minister Nuri al-Maliki promised a new law as long as one year ago, during his – failed – June 2006 "National Reconciliation Initiative". By penalizing not only the four highest ranks of the Ba'ath party, but also their families, the existing law has marginalized and alienated large parts of the Iraqi population. However, there is strong opposition, in some Kurdish and in Shi'ite circles, to a substantial attenuation of the law. The Sunnis not only ask for the amendment of the deba'athification law, but for a quite far-reaching amnesty for people who were involved in acts of insurgency.

The **Constitutional Review** is prescribed by the Iraqi constitution itself in Article 142, which was added to appease the Arab Sunnis before the October 2005 referendum. The process was supposed to start immediately following the convening of the new Iraqi parliament, the Council of Representatives (COR), after the elections, but was postponed – partly because the US did not support the review at that time. Only after the above mentioned contradictions between

³ In summer 2007 the Iraqi national unity government fell apart: Tawafuq left, accusing Prime Minister Nuri al-Maliki of ignoring the political needs of the Sunnis (however Tarik al-Hashimi stayed on as Vice President). The Iraqi list left the government and split, a part of the members accuse party leader Iyad Allawi of collusion with the old Ba'athists. Furthermore the Shi'ite UIA split: The Sadr ministers left the government and the party bloc in the parliament. The remaining government parties (SIIC, Dawa, KDP, PUK) formed a "moderate bloc" constituting of Shi'ites and Kurds, at the same time the conflict between the Shi'ite-led government in Baghdad and the Kurdish Regional Government (KRG) in Erbil hardened.

the constitution and a functioning oil legislation became apparent, did the US become interested in the review process, and asked UNAMI (UN Assistance Mission in Iraq), which had been pushed aside during the final phase of the constitutional process in 2005, for assistance. An Iraqi Constitutional Review Committee (CRC) took up its work in November 2006 and completed its report at the end of May 2007. The report still has to be officially presented.⁴ The Committee did not reach a consensus on all issues – specifically on Article 140 (disputed territories) and Article 73 (powers of the Presidency). Nor did it address all the points recommended by UNAMI. For example, the abolition of Article 41, which regulates the personal status, has not been considered. Organizations like UNESCO, UNIFEM, and UNICEF claim that this law should be dropped for the sake of women and minorities.⁵ This issue has not been addressed, as the Arab Islamists, Sunnis as well as Shi'ites, do not oppose the law.

However, according to UNAMI, the report contains a number of proposed amendments which, if adopted, could represent a major breakthrough both from the standpoint of a functional Iraqi state and in achieving a national reconciliation.⁶ Most important, it “repairs” the oil and gas related provisions by establishing a clear constitutional principle for the federal government in the collection and equitable distribution of oil and gas revenues. The review’s proposed amendments also would finally give the power of taxation to the Iraqi state. However, the Iraqi constitution still would remain one of the most decentralized of the world, and it remains to be seen whether any negotiated political agreement can improve the security situation. Furthermore, even if the Constitutional Review is accepted by all parties, it will have to be presented to the Iraqis in a new referendum. This will bring new logistical and security challenges. These challenges will also have to be tackled if the planned provincial elections are held.

It is important to stress that reconciliation is something you would talk about in a post-war or post-conflict situation. Actually, Iraq is still in the midst of a conflict situation and we don’t know if we have seen the worst yet.

Overall, the poor performance of the government causes persistent rumours of a possible coup, with US backing, in favour of a strongman. Often mentioned in these rumours is the first (appointed) prime minister of the post-Saddam-era, Iyad Allawi, a secular Shi'ite. However, for the moment this scenario still seems quite unlikely. The “success” of the political process is the only PR asset the US has in Iraq, and an abolition of the first “democratically elected” Iraqi government would be a political disaster. However, there is a growing tendency in US politics to blame the Iraqis themselves for the failure of the transition from despotism to democracy saying that “they are not up to the task”. The US could sooner or later use this argument to justify drastic interventions in Iraqi politics.

Gabriela Wengert

Great hopes have been pinned on the political process and the so-called reconciliation process. In particular it was envisaged that these efforts would be a turning point, leading to a normalization of the political and security situation. UNHCR had hoped that the political

⁴ It was postponed until December 2007.

⁵ United Nations Assistance Mission for Iraq (UNAMI): “UNAMI OCS Commentary on the Constitutional Review Committee’s Draft Report”, (published on Forum of Federations), without date, p. 2. http://www.forumfed.org/pubs/UNAMI_OCS_ResponseENG.pdf (accessed 26 November 2007)

⁶ *Ibid.*, p. 1.

process would enable it to address displacement issues and allow refugees who were displaced by the former regime's policy to return to Iraq and to join the reconstruction of the country. However, not only the political process, but also our hopes regarding the return of displaced persons to Iraq turned out to be overly optimistic.

2.2. Islamization

Gudrun Harrer

In Iraq, the influence and social role of non-Islamic and secular groups has considerably declined in the last two decades. The common belief, that Iraq under Saddam Hussein was secular, is a misconception. The Islamization of Iraq already started after the Iranian revolution and continued during the war between Iran and Iraq, when Saddam Hussein had to make up for his lack of religious legitimacy. For example he started to use terms with a religious connotation. The war in 1991 was already declared a *jihad* . During the sanction time, the people suffered a lot. Consequently, they turned to religion as the only source of consolation available to a society deprived of public debate and democracy.

In 2003, after the fall of the regime of Saddam Hussein, Iraqi Shi'ite institutions filled the (political) vacuum.

Islamization seems to be the only point Shi'ites and Sunnis agree upon. Curricula in schools are Islamized. Also, many female members of parliament have an Islamic agenda.

There is also a misperception that Kurdistan is a secular place without Islamists. However, the only Iraqi terrorist group which presently tries to take roots in Europe is the Kurdish group Ansar al-Islam. At the elections one Kurdish Islamist party received about 5 percent of the Kurdish votes, which is a lot for an electorate which is used to vote along tribal affiliation lines.

Today in Erbil, women will not be killed for not wearing the *Hijab* , but only few women can be seen without it.

2.3. The Role of Militia Groups

Gudrun Harrer

All Iraqi parties, groups, tribes, institutions and prominent politicians have their "security", some, or most of them, in the form of full fledged militias. Strictly speaking, even the Kurdish *Peshmerga* fit that category, but this characterization is rejected by the Kurds. President Jalal Talabani, the Kurds and SCIRI define as "militias" armed groups which came into being after the fall of Saddam Hussein's regime in April 2003. This definition would exclude the Badr brigades, SCIRI's armed branch, which was founded in the 1980s with Iranian help, and renamed and redefined itself as a political "organization" and participated in the elections. However, Badr fighters are regularly involved in armed clashes with the Mahdi Army, the militias belonging (sometimes only by their own claim) to Muqtada al-Sadr.

While militias contribute immensely to insecurity in Iraq, they are very hard to overcome in the current situation of civil war, as they are the only institutions that can provide security

under certain circumstances for a certain group of people. For example, usually neighbourhoods with strong militias are in a much better shape than others, as militias can protect the reconstruction work and thereby a certain infrastructure is maintained.

Right now, the US army provides weapons to some Sunni tribes. These tribes, which were part of the insurgency or at least opposed to the government, are now fighting al-Qaida in their region. They do so for different reasons. First of all, the ideology of al-Qaida is foreign to Iraq, even though in the 1990s, Saddam Hussein had allowed Wahabi mission in Iraq and the brutality of al-Qaida is rejected by most Iraqis and also by parts of the insurgency. Second, al-Qaida had won too much influence in some areas and now the tribes are fighting to get their power back. However, although these tribes are fighting al-Qaida with money and weapons provided by the US and the Shi'ite-led government in Baghdad (and, as it seems, quite successfully), this does not automatically mean that they will support the government. Thereby the US could be arming groups which on the long run might fight against the government again. There are already reports of crimes committed against Shi'ites by these new Sunni tribal militias, for example preventing Shi'ites who had fled from al-Qaida from returning to the pacified areas.

2.4. The Role of Tribal Structures

Guðrun Harrer

Regarding the role of tribal structures, there are certain parallels to Islamization. In the 1970s, with his modernization programme, Saddam Hussein pushed back the tribal powers. But pre-modern tribal social structures were already regaining influence throughout the 1990s, partly through the political tactics of Saddam Hussein (who had to counterbalance other groups), and partly by the weakening of the state during that period. Saddam's family had lost some of its power, so he started to strengthen tribal structures again. Before 2003, he re-installed some of their judicial powers and returned land which had been taken away from them.

Against the background of a failing state, it is obvious that alternative existing and functional structures which provide security and employment, gain importance. Every Iraqi has different affiliations and among those, tribal and religious affiliations are the most important ones.

2.5. General Living Conditions

Guðrun Harrer

The absence of government, the corruption at all levels of what government there is, and the difficult security situation cause an **on-going deterioration of the living and economic conditions** of the majority of Iraqis. Provision of basic services like electricity, water and fuel has not met even the minimal needs of the population. But many Iraqis regard their biggest problem to be the overwhelming crime and criminal violence. According to Toby Dodge this violence, dominating post-regime-change Iraq, has driven the rise in sectarian identity politics.⁷ As another result of the violence, social life has practically broken down.

⁷ Dodge Toby: "State Collapse and the Rise of Identity Politics", in: Bouillon Markus E.; Malone David M.; Rowswell Ben: "Iraq: Preventing a New Generation of Conflict", Lynne Rienner Publications, May 2007

Gabriela Wengert

The **public food distribution system** is a leftover from the sanction time. It was introduced in order to soften the consequences of the harsh economic sanctions during the 1990s until 2003. It was continued after 2003, the Minister of Trade being in charge of the distribution of monthly food rations. On principle, every family and person has a right to receive these food rations. However, largely due to the insecurity in the country, but also due to mismanagement and corruption, the monthly food rations are usually not complete. They are often delayed, certain goods are always missing.

A major problem is that people often do not have access to their rations, because they have been displaced within the country. According to the World Food Programme (WFP), 15 percent of Iraq's population is food-insecure despite the public food distribution, meaning, that they are at risk of starvation. If the food distribution was to be stopped, an additional 30 percent of the population would be food-insecure.⁸ While the food distribution was always meant as supplement to the usual food purchases of families, it has in fact become the major source, and at times, the only source for people's access to food.

2.6. Situation in Central and Southern Iraq

Gudrun Harrer

Shi'ite infighting characterizes the violence in the South. This violence is often a simple reflection of economic and criminal interests – for example, for control of resources, transport routes, and smuggling. It is therefore little better than "warlordism". The groups define themselves along tribal lines, even if they profess adherence to certain religious or political leaders, like Muqtada al-Sadr. The Shi'a-dominated provinces in the South have also witnessed a surge of pro-regionalisation movements, which reflect the increasing distance between the government in Baghdad and the local populations. SCIRI (now SIIC) insisted that the constitutional text should include the right for the formation of semi-autonomous regions in the South (following the Kurdish pattern in the North). But instead of capitalizing on its distance from the centre of the Sunni insurgency and of the Shi'a-Sunni civil war, and developing a regional consensus administration, the South has deteriorated in both security and services.

Parts of West and Central Iraq with their presence of foreign Sunni Islamic fighters remain war zones between insurgency and US and Iraqi forces. There are regular reports about fighting between tribes and extremist Wahhabi groups like al-Qaida.⁹ However, as already has been mentioned, for these tribes fighting al-Qaida does not necessarily mean they are supporting the Iraqi government. But Maliki is trying to reach out to these tribal chiefs.

⁸ World Food Programme (WFP), Iraq Country Office/Central Organization for Statistics & Information Technology (COSIT): "Food Security and Vulnerability Analysis in Iraq", (published on NGO Coordination Committee in Iraq), May 2006, p. 2.

http://www.ncciraq.org/IMG/pdf_Food_Security_and_Vulnerabi.pdf (accessed 26 November 2007)

⁹ There has been progress starting in summer 2007.

2.7. Situation in Areas under Control of the Kurdish Regional Government (KRG)

Gudrun Harrer

As already has been mentioned regarding the South, a fundamental reality of Iraq are the forces of decentralization. In this context, the specific status of the Kurdish Regional Government (KRG) administering Dahuk, Erbil and Sulaymaniya is recognized by the constitution. In January 2006, the **KDP** (Kurdish Democratic Party of Massud Barzani, who is Kurdish Regional President) and the **PUK** (Patriotic Union of Kurdistan of Jalal Talabani, now President of Iraq) signed an agreement to formally **merge the administrations of the two regional governments** into a single one, with its capital in Erbil. This is a daunting modernization project: it involves partially dissolving the tribal lines along which the Kurds have been historically organized.

The Kurdish region is enjoying a **relatively better security situation** than the rest of Iraq. This has benefited its economy. However, absorption capacity is limited because of a lack of technical knowledge and managerial skills. Dissatisfaction with the current Kurdish leadership is mounting due to corruption, nepotism and the deterioration of the living conditions of the poorest sectors of society. Despite the fact that the atmosphere seems rather more liberal in Kurdistan, space for a true democratic debate, outside the two dominant political parties, remains narrow.

Certainly future relations of the KRG with the central government in Baghdad will not be easy. Particularly contentious, besides the control and management of oil fields and oil revenues¹⁰ and the Kurdish share of the national budget, are the **issues of Kirkuk and of the border between Kurdish and Arab Iraq**. The contest for control over these border areas is basically a conflict between Iraq's large Kurdish and Sunni Arab communities. However, the minority communities in the contested areas fear being crushed, should open violence break out. Only the Turkmen, Iraq's third largest ethnic community, can count on some outside support because Turkey, or more precisely the Turkish army, sees itself as their protectors. But this brings a dangerous external element into an already volatile situation.

At the moment, no clearly defined border between Central Iraq and the Kurdish controlled Northern Iraq exists. The draft constitution for the Kurdistan Region that was published in 2006 clearly delineates the extent of Kurdish territorial claims, which are very far reaching. There is a huge discrepancy between the Kurdish wishes and what the Arabs are willing to concede. Iraq's constitution outlines a process for solving the issue of the disputed territories, including Kirkuk, and the definition of the borders by a referendum. Article 140 of the constitution states that this referendum must be conducted by 31 December 2007. But according to the constitution normalization, a census and a return to the pre-Saddam Governorate borders have to be implemented prior to the referendum. There are efforts in course to persuade the Kurdish authorities to agree to a postponement of the referendum. The necessary pre-referendum steps have not taken place, and the international community has legitimate fears that a "hostile" referendum and Kurdish integration of the disputed areas

¹⁰ The KRG adopted its own law in summer 2007 and started to sign oil contracts, also PSA (Production Sharing Agreements) with international oil firms. The oil ministry in Baghdad calls these contracts "illegal" by Iraqi law.

without regional consensus could create a new Kurdish-Arab conflict that could last for years or generations to come.¹¹

Gabriela Wengert

The security situation is different in the three Northern Governorates as compared to Central and Southern Iraq. It is relatively calm and stable, we do not speak of a situation of generalized violence. However, a number of factors may lead to a deterioration of the comparatively stable situation in the North:

- the situation in the disputed areas
- the presence of fighters of the Kurdistan Workers' Party (PKK) and of the Party for a Free Life in Kurdistan (PJAK) (the latter is a Kurdish-Iranian group opposing the Iranian government) also adds a regional dimension of potential conflict
- an increasing presence of Kurdish Islamists, mainly off-shoots of Ansar al-Islam
- a spillover of the conflict from Central Iraq into the Kurdish area
- the growing dissatisfaction of the population with their government and its inability to provide water, fuel, and electricity.

3. Actors of Persecution

3.1. The State as Perpetrator

Gudrun Harrer

Crime and terrorism have Iraq in their grip, but the state itself or state authorities – and not only the militia-infiltrated police – are often the perpetrators. The poor human rights record of the Iraqi authorities is the more troubling because an adherence to the rule of law by state actors is at the core of good governance.

The legality and **conditions of detention** in Iraq as well as **mistreatment of detainees** in detention centres under control of the Iraqi authorities is an issue of concern. Mistreatment of detainees risks turning mere terror suspects into real terrorists. According to UNAMI there were 37,600 people detained in Iraq at the end of March 2007 (however, almost 18,000, nearly half of them, were in the facilities of the Multi-National Forces, MNF).¹² Emergency regulations authorize arrests without warrants and detention without time limits for pre-trial interrogation. According to the Human Rights Report of UNAMI from March 2007, there are verbal commitments by officials that human rights standards will be respected during the implementation of the new security plan.¹³ However, this has not been the case in the past, and there are legitimate doubts about the present and the future. A positive development is that joint Iraqi/MNF inspections of detention facilities under Iraqi government authority were

¹¹ By autumn 2007 the Kurdish leadership seemed to have accepted a postponement of the referendum but had difficulties to sell it to the grass roots.

¹² UN Assistance Mission for Iraq (UNAMI): "Human Rights Report (1 January - 31 March 2007)", March 2007, p. 21.

<http://www.uniraq.org/FileLib/misc/HR%20Report%20Jan%20Mar%202007%20EN.pdf> (accessed 26 November 2007)

¹³ *Ibid.*, p. 22.

resumed in January – they had been suspended in June 2006 when an MNF inspection at a pre-trial facility in Baghdad revealed systematic and widespread torture and ill-treatment of detainees by (Shi'ite) Ministry of Interior personnel. A common Shi'ite explanation for the failure of the government in the public security sector is that the Americans "prevent them the government) from establishing order", that is, by the government's own means which certainly would not meet even minimal human rights standards.

Iraq in 2004 reintroduced the **death penalty** and since then has applied it with increasing frequency. As UNAMI notes in its Human Rights Report from March 2007, "the new emergency regulations also provide that suspects accused of offences including murder, rape, theft, abduction, the destruction of private and public property and other crimes would be punished in accordance with the 2005 anti-terror law, which provides the death penalty for all crimes listed".¹⁴ Up to February 2007 85 death sentences had been carried out. According to UNAMI, the Central Criminal Court (CCCI) and other criminal courts in Iraq consistently fail to meet minimum fair trial standards. Proceedings, even at complex trials, are typically brief, as are the deliberations, even if they result in sentences of life imprisonment or in the death penalty.¹⁵

3.2. Insurgent Groups

Gabriela Wengert

Sunni Arabs form the backbone of the Iraqi insurgency. Insurgent groups are mainly active in the mixed areas and the so-called Sunni triangle. They include a range of different actors with diverse backgrounds, including former Ba'athists, former army and intelligence officers, indigenous and foreign Islamists as well as Iraqi nationalists, fighting what they consider to be an occupation by foreign forces.

These persons share certain common goals, such as kicking out the MNF from Iraq and their aim to undermine the political process. However, they do have ideological disputes on other areas: whether or not Iraq should be an Islamic state, whether or not they should at some point be included in the political process, whether or not they would make use of a possible amnesty offer that is given to them. Also the question whether they should target other Iraqis, in particular the Shi'ite population, is a major issue of dispute among those heterogeneous insurgent groups.

Insurgent groups very frequently target the Multi-National Forces (MNF), the Iraqi Security Forces (ISF), members of the Iraqi government or administration, Shi'ites at large, religious minorities as well as the educated elite in the country. There is also a certain level of infiltration of the ISF, especially the Iraqi army, by Sunni insurgents. It is unclear to what extent insurgent groups are linked to certain Sunni political parties, such as the Iraq Islamic Party or the Association of Muslim Scholars, especially in terms of financial support.

¹⁴ Ibid.

¹⁵ Ibid., p. 25.

3.3. Iraqi Security Forces and Shi'ite Militias

Gabriela Wengert

The Iraqi Security Forces (ISF) and Shi'ite militias are other actors responsible for violence in Iraq. It is almost impossible to distinguish between them, in their case the lines between state and non-state actors are blurred. Much of the violence in Iraq has been attributed to two rival Shi'ite militias, the Badr Organization and the Mahdi Army. Both have increasingly infiltrated the ISF. They mainly target Sunni Arabs, particularly former members of the Ba'ath party and the regime of Saddam Hussein as well as persons with alleged un-Islamic behaviour. They often agitate in the form of death squads and have been held responsible for kidnappings, torture, extra-judicial killings and forced displacement. Until now, despite the commitment by the Iraqi government, there has been little effort to actually purge the ISF or to crack down on militias.

Gudrun Harrer

Under the government of Prime Minister Ibrahim Jafari, the Interior Ministry, which supervises police forces has been itself heavily infiltrated by Shi'ite militias. In a report for the USIP (U.S. Institute for Peace), Robert Perito describes how, practically under the eyes of the US Civilian Police Advisory Training Team (CPATT), the Ministry was "taken over" by Shi'ite Badr militias.¹⁶ The former Interior Minister had to leave his office in the new government – but he is Finance Minister now and continues to control the Interior Ministry's budget and police salaries. Part of the problem was that the US, or at least the US army, tended to see the police not as a community-oriented law enforcement service but as a counter-insurgency force. Consequently parts of the Iraqi civil police have become auxiliary forces for the military – thus leaving the Iraqi population unprotected.

In 2006 there was a surge in human rights violations by the police and special forces, in apparent collusion with the militias. Militias are involved in the abduction, torturing and killing of individuals whose bodies are then dumped in the streets, sometimes dozens a day. Many of these bodies are not identifiable because they have been so badly mutilated by torture. There are accounts of terrible scenes in morgues when members of different families quarrel over dead bodies. In Baghdad tattoo studios offer the service of tattooing the customer's name and address on their torso for easier identification – it must be the torso, because the limbs of the dead bodies are often missing.

3.4. Criminal Groups

Gabriela Wengert

In Iraq, it is often very difficult to distinguish between common criminals and other groups, like insurgents and militias, acting on religious or political motives. All these actors are engaged in criminal activities, such as kidnappings, extra-judicial killings, trafficking in weapons, drugs and

¹⁶ Perito Robert: "Reforming the Iraqi Interior Ministry, Police, and Facilities Protection Service", (published on United States Institute of Peace), February 2007
http://www.usip.org/pubs/usipeace_briefings/2007/0207_iraqi_interior_ministry.html#top (accessed 26 November 2007)

oil. Certain criminals commit crimes on behalf of insurgents or militias. Furthermore, criminal groups have infiltrated the Iraqi Security Forces (ISF).

If an asylum seeker from Iraq claims that he had been kidnapped, this kidnapping should not be solely qualified as a criminal act with no link to one of the 1951 convention grounds. I would like to emphasize that the motives for such acts are often blurred. It should certainly not be the burden of the asylum seeker to prove that an abduction was more than just a criminal act, but was based on some sectarian or other motive. For the kidnapped person it is almost impossible to identify who was the perpetrator and for what purpose the kidnapping was done. Therefore this should not as such undermine the credibility of an asylum seeker's claim. As mentioned before, actors use criminal acts also in order to finance themselves, to gain political influence or for propaganda reasons. The Iraqi security forces are largely infiltrated. Therefore it is really impossible to distinguish between common criminal acts and sectarian violence and between state and non-state actors. Even when doctors or other professionals with a higher income are targeted, there might still be other, non-criminal motives for the act. With respect to persons who are targeted because of their wealth or because they have been working in a profession which is meant to bring money, the convention ground of the membership in a particular social group might come into play. In cases, where it is not completely clear, whether they can be linked to the 1951 convention grounds, decision-makers should probably give the benefit of the doubt if otherwise the claimant's credibility has been established.

Guðrun Harrer

The overlapping motives of violence - sectarian motives mixed with crime - are a very important point to consider. Every criminal gang is more or less forced by "political correctness" to give itself an Islamic name. It seems that criminal groups sometimes even fall to their own lies and think they are Islamic. On the other hand, money generated by criminal activities is used for financing political violence. It is therefore not possible to separate these motives.

„During my time in Baghdad, one of my best friends who worked in the International Zone was kidnapped and released after paying a ransom of 100.000 dollars. I had a long conversation with him about who the abductors were. His kidnappers belonged to a Sunni group and they told him: "You are a Sunni, so you are allowed to pay. If you were a Shi'ite, we would kill you immediately." They stressed the fact that he was working in the International Zone, so they considered him a traitor, which put him at a higher risk. My friend told me the kidnappers were 19, 20 year old individuals who could hardly express themselves properly, members of these one or two lost Iraqi generations, de-culturalized and brutal."

Guðrun Harrer

Once you have been a target of a kidnapping and paid a ransom, another criminal group may be very interested in you. They think that if you paid once you might be able to pay twice.

Joining the insurgency is also a kind of business. We heard that people can earn 50 dollars for planting roadside bombs. So, in a country with 60 percent unemployment, violence is also just a means to get money. This is true for Sunnis as well as Shi'ites.

3.5. Kurdish Armed Forces, Security and Intelligence

Gabriela Wengert

In areas under control of the Kurdish authorities, i.e. the three Northern Governorates, and areas which are under Kurdish de facto control (particularly parts of the Governorates of Kirkuk, Mosul and Diyala), the Kurdish armed forces, security and intelligence have been held responsible for arbitrary arrests, incommunicado detentions and torture of political opponents, including perceived Islamists and members of ethnic and religious minorities. This is particularly true for the disputed areas. There have been reports of the arrest, torture and detention of Arabs and Turkmen on terrorism allegations and of their transferral to the three Northern Governorates – without arrest warrants or any access to lawyers. They are reportedly being held in centres of the Kurdish security agencies without ever being charged. The treatment of journalists in the Kurdish region is also of major concern and has been described in UNAMI's human rights reports. Several journalists who had been critical or had been perceived as critical of the ruling parties were arrested and sometimes detained for prolonged periods of time.¹⁷

3.6. Family, Community, Tribe

Gabriela Wengert

Another, non-state, actor are families, tribes and communities. They are held responsible for acts of persecution or violence against their own members, e.g. in form of honour killings and blood feuds.

4. Groups at Risk

4.1. Persecution Grounds

Gabriela Wengert

Motives for violence and persecution in Iraq are multilayered and often overlapping. They encompass in particular **religion and political opinion**. Kidnappings, torture, killings, forced displacements, as well as suicide attacks and other indiscriminate attacks are often carried out for political or sectarian reasons. If, for example, a Shi'ite militia fires mortars into a mainly Sunni neighbourhood, this act cannot be considered as indiscriminate violence targeting the population as such, but is very much linked to sectarian grounds, targeting a certain segment of the population.

Religious and political killings can often not be clearly separated from each other. The religious background of a person may actually devise to believe that this person holds certain political opinions. For example, Shi'ites in general are considered as being supportive of the Iraqi

¹⁷ UNAMI, March 2007, p. 11-13;

see also: UNAMI: "Human Rights Report (1 April – 30 June 2007)", October 2007, p. 12.

<http://www.uniraq.org/FileLib/misc/HR%20Report%20Apr%20Jun%202007%20EN.pdf> (accessed 26 November 2007)

government and the presence of the MNF, while Sunnis are often considered as having supported the former regime of Saddam Hussein or being linked, today, to the Sunni-dominated insurgency.

Other factors that come into play are **race or nationality**. This is especially true for minorities, particularly the Kurds, the Yazidis, which are at times considered as Kurds, the Turkmen and the Roma.

The **membership in a particular social group** is also an important factor, particularly with regard to persons who are considered as not following certain Islamic rules or traditions, be it women who have broken certain traditional rules, be it homosexuals. Persons who violated certain norms by behaving or dressing in an “un-Islamic” way have been targeted. Certain professions may also fall under this category.

Criminal motives may also play an important role. Many actors practising violence in Iraq may have political objectives, whereas at the same time they are engaged in criminal activities.

4.2. Religious Groups

4.2.1. *Sectarian Violence Between Sunnis and Shi'ites*

Gabriela Wengert

The sectarian conflict between Sunnis and Shi'ites which erupted at full scale after the Samarra bombing in 2006, is at the forefront of violence in Iraq, including suicide attacks, (mass) kidnappings, torture, extrajudicial killings, and forced displacement. Sectarian violence is mainly prevailing in mixed areas, particularly in Baghdad, Mosul, Diyala, Salahaddin, and Babel.

Sunni armed groups are held responsible for attacks and suicide attacks on the Shi'ite-dominated Iraqi Security Forces, on Shi'ite mosques and religious leaders, but also on Shi'ite civilians at large. Often the targets are markets or other public places where Shi'ites gather. Also, Shi'ite pilgrims travelling to the holy city of Najaf during Shi'ite festivals have been targeted.

Shi'ite militias mainly operate in the form of death squads, targeting Sunnis. They carry out indiscriminate attacks on Sunni neighbourhoods, particularly in Baghdad.

Criminal groups may work hand in hand with both Sunni and Shi'ite armed groups.

Persons may also be targeted by their own sect if they are suspected of helping or siding with the other group and are therefore seen as traitors. This may affect persons who are not willing to join an insurgency group or who are not willing to support the militias in control of their neighbourhood.

Access to medical assistance has become very discriminatory, particularly in Baghdad. Because the Ministry of Health is in the hands of the Shi'ite group of Muqtada al-Sadr, persons belonging to the “wrong sect” face tremendous difficulties in getting access to medical assistance. A number of Sunnis who have been injured or who are sick do not seek help at

public hospitals out of fear, due to previous incidents of persons being killed for their religious affiliation on the spot or in their hospital beds.

According to estimates by the Iraqi government, two million out of 6.5 million marriages registered in Iraq are **mixed marriages**. Persons in mixed Sunni-Shi'ite marriages may end up not being able to find safety in any area of Iraq. They either have the possibility to split, a "solution" often imposed on them by their own families, or they have to leave the country because there is no area within the Iraqi territory where they would be left alone.

Gudrun Harrer

Sectarian tension and violence between Sunna and Shi'a had been a reality after 2003, but increased to unprecedented levels after the bombing of the Shi'ite Samarra mosque in February 2006. Organized Shi'ite militias, sometimes joined by Shi'ite mobs, reacted to the assault by attacking Sunni mosques, institutions, and individuals throughout the country. If there were any doubts about the nature of the conflict in Iraq before, Samarra ended them: it ignited a full-scale civil war. Sunni terrorist attacks against civilians and the Iraqi Security Forces (ISF) were responded to with revenge and tit-for-tat killings by Shi'a militias. Particularly troublesome was the infiltration of these militias into the ISF which became obvious after Samarra, and the impunity with which they operated outside the control of the government and their respective political leaderships.

Another trend accelerated by the Samarra mosque bombing has been the **displacement of hundreds of thousands of Iraqis, Shi'ites and Sunnis alike**, within the country, besides the continuous stream of refugees from Iraq into neighbouring states. An assessment by the International Organization for Migration in Iraq (IOM) lists about 700,000 individuals displaced from Central and Southern Iraq during the year following the Samarra bombing.¹⁸ This makes about two million IDPs from 2003 until summer 2007. This figure, however, seems to be a very conservative estimate, because many displaced persons do not live in camps, but stay with their families.

"What also happened in 2006, is a change of narratives. To give an example: In 2005, during a Shi'ite festival, about one thousand people were killed in a mass panic on the bridge between Adhamiya and Kadhimiya. The narrative was that Shi'ites in their desperation jumped from the bridge and were saved by Sunnis on the other, Sunni, side of the river. The whole incident was also perceived and recounted as an example of Sunni-Shi'ite solidarity. Today, the narrative is completely different. Sunnis on the other side of the bridge, in the Sunni quarters, deny that they have ever helped Shi'ites. This incident is completely abolished from their common history."

Gudrun Harrer

According to Toby Dodge¹⁹, faced with the collapse of the state, Iraqis turned to groups which can "quickly build coercive capacity" – which mean tribes or religious groups backed by their respective militias. The open question is if the resulting sectarian violence has become self-sustaining or if it will fade away if the state starts to function again.

¹⁸ For current figures, please see: International Organization for Migration (IOM) in Iraq: The Internally Displaced Persons Programme (IDP) <http://www.iom-iraq.net/idp.html>

¹⁹ Dodge Toby: State Collapse and the Rise of Identity Politics, in: Bouillon Markus E.; Malone David M.; Rowswell Ben: Iraq: Preventing a New Generation of Conflict, Lynne Rienner Publications, May 2007

Ethnic-confessional cleansing does happen. This tendency started in 2004 and worsened with the elections in January 2005 and again in 2006. In Baghdad, for example, inhabitants from poor quarters with a mainly Shi'ite population started to drive the Christians out, who were not welcome any more. With the exception of some of its central areas, Baghdad today is a town divided into confessionally homogenous quarters. It is, however, doubtful that sectarian violence can be avoided by separating the different confessions. While the North-East of Baghdad is Shi'ite and the South-West Sunni, the location of historic neighbourhoods like the Shi'ite Kadhimiya and the Sunni Adhamiya in the "wrong" confessional surroundings does not permit a full separation of confessional groups in Baghdad, with the hope that this might diminish the sectarian violence.

4.2.2. *Non-Muslim Religious Groups*

General information

Gabriela Wengert

Non-Muslim religious groups, mainly the **Christians**, the **Sabaeen-Mandaeans**, the **Yazidis** and some smaller groups, the **Baha'i**, the **Kaka'i** and the **Jews**, have come under increasing pressure in this current climate of violence in Iraq. They have been subject to disproportionate numbers of attacks and harassment since 2003, including intimidation campaigns, *fatwas*, threats to leave the area or to convert to Islam. Furthermore, they have faced destruction of property, including religious sites, kidnappings, rape, forced conversions, and the assassination of religious leaders and other individuals. They are considered as softer targets than other groups, because they usually have no tribe, militia or political party that would be in support of them or would be capable of supporting them on a political level.

Attacks appear to occur on the basis of mixed grounds, including religion as one of the motives. Members of non-Muslim minorities may be considered as infidels, as non-believers. They may be targeted for not dressing or behaving in what allegedly should be the Islamic way. Non-Muslims may be working in professions which are considered un-Islamic, such as selling alcohol or music, dancing and also prostitution.

Religious minorities may also be targeted on ethnic grounds, e.g. the Yazidis and Kaka'i, who are often considered to be ethnic Kurds, or on the basis of their perceived political opinion. Very often, minorities are considered as having been supportive of the US-led invasion or the Iraqi government.

Non-Muslim minorities may also be targeted on the basis of their perceived wealth. Sabaeen-Mandaeans, for example, traditionally occupy the sector of jewellery or work as gold smiths. Christians are usually considered to be better educated and therefore might have a better income than others. This might also put them at a higher risk or add to other factors for which they are targeted. According to UNAMI, kidnappings by criminal gangs have revealed a sectarian dimension.²⁰ So again, it is very difficult to differentiate if an act of violence was a common criminal act or whether there was a ground linked to the 1951 refugee convention.

²⁰ UN Assistance Mission for Iraq (UNAMI): "Human Rights Report (1 July - 31 August 2006)", August 2006, p. 2, see also p. 9.

In the current climate, freedom of worship is largely restricted. It has to be assessed on a case-by-case basis whether discrimination on religious grounds might actually in itself, or together with other factors, amount to persecution.

Gudrun Harrer

Even if religious freedom is guaranteed by the Iraqi constitution, **apostates** from Iraq are not protected by law, and would not survive even if they had legal protection on paper.

Christians

Gabriela Wengert

As there has not been an objective census in Iraq for decades, it is almost impossible to quantify the current number of Christians living in the country. We know that certainly a large number of Christians have fled Iraq. They have mainly gone to neighbouring countries, or further afield, because a lot of Christians have family links to places all over the world. Many others have fled within Iraq, **mainly to the three Northern Governorates**. Particularly Baghdad, which used to have a large Christian community, and Basra have been basically emptied of Christians. Also in Mosul City, the insurgency is very strong and puts Christians under pressure.

Christians in the **three Northern Governorates** live in a relatively secure situation. They may face some discrimination, but we would not say that the Kurdish authorities are persecuting Christians in the three Northern Governorates as such.

Some Christians move to towns in the Ninewa Plains. They find a certain level of security there, because these areas are disputed areas and are de facto under control of the Kurdish authorities. The relationship between Christians and the Kurdish authorities or Kurdish parties **in the disputed areas** is rather complex. There have been calls for a new Governorate, "Assyria", in the Ninewa Plains in line with Article 121 of the Constitution, which guarantees administrative, political, cultural and educational rights for ethnic minorities. This Governorate should be for Assyrians but also other minorities of Iraq such as the Shabak and Yazidis. Some prominent Assyrian figures have promoted this idea, also abroad, of creating this kind of security area or "safe haven" for Christians and other minorities. It does not seem very realistic that this will happen, and even if it happens, it is unclear where this area would belong to, whether it would be incorporated into the Kurdish areas or whether it would remain under official central government jurisdiction (which is the case at the moment).

Gudrun Harrer

According to a paper on the development of the Christian population, which I was given by a priest, before 2003, 45 percent of Iraqi Christians lived in Baghdad. Now it is 10 percent. 50 percent of Christians lived in Mosul. The current figure is three percent. Most Christians who decide to stay in Iraq move to the Kurdish areas where they are still accepted. It seems like Arab Iraq is being cleared of Christians.

<http://www.uniraq.org/documents/HR%20Report%20July%20August%202006%20EN.pdf> (accessed 26 November 2007)

Kaka’i

Gabriela Wengert

The Kaka’i (*Ahl al-Haq*), a distinct religious group, are usually referred to as Kurds. They live in the disputed areas, mainly around Kirkuk. The Kaka’i are not considered as “People of the Book”, which would provide them, in theory, with tolerance and protection by Islam. Since the fall of the former regime, they have often been labelled as “infidels”, as not being Muslims, and persecuted on this account by religious extremists. They may also be targeted on the basis of their Kurdish ethnicity.

Baha’i

Gabriela Wengert

The Baha’i face numerous problems because a law of 1975 foresaw that the civil status records, which contain all information relevant to the civil status of Iraqi persons such as birth, marriage, divorce, etc., can no longer indicate “Baha’i” as religion. Instead, one of the three Abrahamic religions, i.e. Islam, Christianity or Judaism, had to be indicated. Therefore a Baha’i would not be able to register as a Baha’i. If s/he did not register, s/he had no access to documentation. Otherwise, s/he would have had to call him- or herself a Muslim, for example. This problem also affected other groups, such as Yazidis, but since the fall of the former regime the problem only persists for Baha’i. Today, a Yazidi can register as a Yazidi, while Baha’i still face problems with regard to documentation, even though there have allegedly been efforts to resolve this problem.

Gudrun Harrer

The Baha’i are really an excluded group. Even under Saddam’s regime, they were the only forbidden religious group. I think the Iraqi government is trying to resolve the legal status of the Baha’i, but it will be extremely difficult for this Islamist government of Prime Minister Maliki to grant them any kind of formal status.²¹

Jews

Gabriela Wengert

With the fall of the former regime, the living conditions of the few Jews left in Iraq worsened drastically and most have left the country, leaving but a few members. The International Religious Freedom Report 2006 noted that according to the head of the Christian and Other Religions Endowment, the Jewish population had “*dwindled to less than fifteen persons in the Baghdad area*”.²² In an informal meeting between UNAMI HRO and a representative of the Jewish community in Iraq, it was confirmed that only a few members remain in the country.²³

²¹ According to the Iraqi government, the right of Baha’is to obtain documents was already restored in March 2007. There was no formal communication about this step, obviously in order to avoid criticism by Islamists.

²² US Department of State (USDOS): “International Religious Freedom Report 2006 – Iraq”, 15 September 2006, Section III.

<http://www.state.gov/g/drl/rls/irf/2006/71422.htm> (accessed 26 November 2007)

²³ United Nations Assistance Mission for Iraq (UNAMI): “Human Rights Report (1 March - 30 April 2006)”, April 2006, p. 9.

4.3. Ethnic Groups

4.3.1. Minorities in Ethnically Mixed Areas

Gabriela Wengert

In the **disputed areas**, ethnic tensions have been increasing, especially since mid-2006. They are related to a planned referendum on the status of these areas, a step which could lead to an escalation of the conflict. Two groups, Arabs and Kurds, constitute the majority of the population. However, smaller groups such as Turkmen, Christians, Yazidis and Shabak also live in these ethnically mixed areas.

There have been targeted attacks against members and infrastructure of all these ethnic communities, including party offices as well as political leaders and individuals. Turkmen, Arabs, Christians, and Shabak claim that they have been discriminated against and they speak of arbitrary arrests and a forced changing of demographics in these areas by the Kurds. They have also reported incidents of violence. Furthermore they claim that they were politically marginalized as a consequence of the election process, where simply not enough ballots had been made available to them. There are concerns about the ongoing “Kurdification” in Kirkuk and the Ninewa Plains as ethnic minorities claim harassment and forced assimilation by the Kurds. According to the Center for Strategic and International Studies (CSIS), the Kurdish parties “present the threat of soft ethnic cleansing in the area of Kirkuk”.²⁴ Also UNAMI reported that minorities were under pressure by the Kurdish authorities in the disputed areas.²⁵

Sunni insurgents and Al-Qaida have allegedly been trying to stir up further ethnic tensions in this part of Iraq in order to increase the violence between Kurds and Arabs.

Gudrun Harrer

While it is true that there are predominantly Shiite, Sunni and Kurdish areas, about 40 percent of the Iraqi population lives in mixed areas along the borders of these widely homogenous confessional or ethnic “plates”. The minorities living in those areas, where the Arab and the Kurdish “plates” meet, are most endangered, as there is the threat of a future Arab-Kurdish conflict. In a dispute between these two strong groups, minorities might be crushed in a way. Moreover, in case of a conflict, the Christian and Arab refugee population will not be very welcome in Kurdistan.

<http://www.uniraq.org/documents/HR%20Report%20Mar%20Apr%2006%20EN.PDF> (accessed 26 November 2007)

²⁴ Anthony H. Cordesman: “Iraq’s Evolving Insurgency and the Risk of Civil War”, (published on Center for Strategic and International Studies), Working Draft, revised 26 April 2006, p. xii.

http://www.csis.org/media/csis/pubs/060424_iraqinsurgprpt.pdf (accessed 26 November 2007)

²⁵ In early 2007, the UNAMI Human Rights Office said “(T)hey [religious minorities] face increasing threats, intimidations and detentions, often in KRG facilities run by Kurdish intelligence and security forces. This has particular implications for the overall stability of the city, especially in the course of 2007;” UNAMI: “Human Rights Report (1 November - 31 December 2006), December 2006, p. 3-4; see also p. 24.

<http://www.uniraq.org/FileLib/misc/HR%20Report%20Nov%20Dec%2006%20EN.pdf> (accessed 26 November 2007)

Lately there have been episodes of Kurdish violence against Yazidis; but it seems that these incidents happened in the context of a feud over a woman.

4.3.2. *Palestinians*

Gabriela Wengert

The 15,000 Iraqi Palestinians belong to the most vulnerable groups in Iraq. Being mainly located in Baghdad, they do not have any alternative place to go to. Palestinians have been singled out by Shi'ite militias for having supported the former government or supporting the insurgency. There have been targeted attacks on mainly Palestinian neighbourhoods, for example by mortar, or attacks on individual Palestinians, including death threats, abductions and killings. Palestinians often refrain from seeking medical assistance out of fear of being targeted while in medical care.

What we see is that the Palestinian community in Baghdad is basically trying to leave the country. Many Palestinians are stuck at the borders to Syria and Jordan. They do not possess Iraqi citizenship because Palestinians were not granted Iraqi citizenship by the former regime of Saddam Hussein, but a number of them received Iraqi travel documents. We also know that some Palestinians tried to leave with forged documents. Leaving the country also entails risks for them as many have not been admitted to neighbouring countries and got stuck in camps in the border areas.

In general, it cannot be said that Palestinians would be safe if they would move to areas with a Sunni majority, as they have no links to the local communities, which nowadays is of outmost importance.

Gudrun Harrer

Many Palestinians try to leave the country. They are considered as collaborators of the old regime. Immediately after the fall of the regime, some revenge killings of Palestinians took place, but in 2006, the pressure on and crimes against Palestinians increased considerably. According to statistics, since 2003, 200 Palestinians have been killed.

4.3.3. *Roma (Kawliyah)*

Gabriela Wengert

The Roma community in Iraq is called the Kawliyah. Although these people received a certain level of protection, they have already suffered under the former regime. Since the fall of the regime of Saddam Hussein, members of the Kawliyah community have increasingly been targeted by conservative local communities and Shi'ite militias. There have been incidents of forced displacement, attacks on and the destruction of villages. The Kawliyah are targeted because of their allegedly un-Islamic social norms and professions. They are also considered to have received preferential treatment by the former regime and to have supported the Ba'athists and the current Sunni insurgency.

4.3.4. *Faili Kurds*

Gudrun Harrer

The Faili Kurds are Shi'ites and ethnically the same group as the Lures (also Loors) in Iran. They were one of the groups which were deported under the regime of Saddam Hussein. Most Faili Kurds side with the Shi'ite United Iraqi Alliance, therefore they are well appreciated on a Shi'ite national level.

Gabriela Wengert

On the basis of the transitional administrative law and the new constitution, Faili Kurds and other people who have been denationalized, have a right to get their Iraqi nationality back. This is also reflected in the **new nationality law** which was issued in March 2006. This means that every Faili Kurd who, mainly during the 1980s, has been taken away his passport and identity documentation and was deported from Iraq, should automatically be considered an Iraqi again. There have been members of this cabinet and the previous one which were members of the Faili Kurds. Therefore on a political level, there should not be any problems regarding the re-issuance of documents. It is, however, unclear, how the Faili Kurds can get back a nationality certificate, passport or ID card on a local level. Some Governorates have processes in place in order to reissue these documents. In other Governorates, applicants may submit the required documents and then the process leads nowhere.

I talked about two groups which may be at risk of violence – the Shi'ites and the Kurds. The Faili Kurds somehow incorporate both of these – at first sight contradictory – characteristics. They are Kurds, but not Sunnis, and then they are Shi'ites, but not Arabs.

4.4. Actual or Perceived Supporters of the Former Regime and/or the Insurgency

4.4.1. *Sunni Arabs*

Gabriela Wengert

The Sunni Arabs, who have dominated the former regime and are now the backbone of the insurgency, suffer from indiscriminate arrest campaigns by the Iraqi Security Forces. With regard to the Baghdad Security Plan which was launched in February 2007, UNAMI has raised concerns about mass arrests of Sunnis, often conducted without arrest warrants and without any pre-trial guarantees.²⁶ Also, there is always the concern of torture in mainly unofficial detention centres of the Ministry of Interior. There have been some high-profile cases which have been documented by UNAMI.²⁷ Sunni Arabs are also targeted for abduction, torture and extra-judicial killings by Shi'ite militias.

²⁶ UNAMI, March 2007, p. 4.

²⁷ UNAMI, December 2006, p. 19.

4.4.2. *Members and Associates of the Ba'ath Party and the Former Regime*

Gabriela Wengert

It appears that there has been an increase in the persecution of members of the Ba'ath Party and the former regime since 2005, when the Shi'ite political party took power in Iraq. Former **Ba'ath party members** have suffered from harassment, intimidation, and physical violence, including both systematic and individual assassinations. Shi'ite militias, particularly the Mahdi Army and the Badr Organization, operate with so-called hit lists, which are based on documentation such as membership lists, they gained by looting former Ba'ath Party offices or offices of the former intelligence services in 2003. It appears that these lists provide the basis for targeting certain members of the former regime.

There have also been **individual revenge killings**, for example by families who have lost a family member or who have suffered other forms of human rights violations by the former regime. Revenge killings seem to be increasing as people are in general not satisfied with the way members of the former regime or of the former intelligence and security services are brought to justice. The lack of accountability for crimes committed under the previous regime might encourage people to take the law into their own hands and to take revenge against persons they hold responsible for human rights violations in the past.

We have seen cases, where very **low-level Ba'ath party members** have been targeted. This often happens on a neighbourhood level. This also affects teachers and professors, who had very often joined the party not for ideological reasons, but out of the mere necessity to start or to further their career. If a former Ba'ath party member without a particular senior rank in the party or a high position in the security service is identified in his neighbourhood as, for example, very cruel torturer or as someone who reported people to the security services, families who were victims of the former regime may take revenge.

Generally, Arab Sunnis at large are considered to have supported the former regime. There have been attacks on other groups which have been considered as having been supportive of the former regime, such as the Roma/Kawliyah and Palestinians living in Iraq. Artists may also be targeted, for example, if they are known to have served Saddam Hussein by painting portraits of him.

In cases of members and associates of the Ba'ath Party and the former regime, it is also necessary to consider possible exclusion for acts they may have been involved in under the former regime.

Gudrun Harrer

Already in 2003, revenge killings against former Ba'athists or people working for the former regime took place. In 2006, three years after the fall of the Ba'ath regime, all of a sudden actions against people who had supposedly been involved with the former regime increased. For example, in the Baghdad neighbourhood of Yarmouk, a classical neighbourhood of army veterans, killings of people who had fought against Iran in the Iran-Iraq war, took place. These killings were part of a new pattern of persecution which evolved in 2006 and also affected many Palestinians.

There are also cases of persecution of former Ba'athists, where the Ba'ath party membership is more or less a justification for violence against people their neighbours want to get rid of. For example, in a Shi'ite neighbourhood, neighbours might be after a person's possessions and then the Ba'ath party membership provides a welcome pretext.

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

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. At least 84 killings of humanitarian workers have been documented since 2003 (according to

NCCI)²⁸, the majority of them being Iraqis. This is due to the fact that most organizations have to rely on Iraqi local staff. Other aid workers have been kidnapped, arrested, or injured. They are often perceived as supporting the “occupation” or of furthering “Western” ideas, such as democracy or human rights. They are also considered as foreign spies which is a left over from the former regime, as Saddam Hussein always tried to portray NGOs as spy-agencies. Also the fact that the country suffered for many years from the UN sanctions did not help to create a positive image of the UN or humanitarian organizations within the Iraqi population and may actually add to the risk for people working for these organizations.

Also Kurds are generally considered as being supporters of the invasion or the MNF’s presence in Iraq. The Kurds in particular have been allies of the US and the other allied forces. They have been fully involved in the political process. In addition, they have worked towards very controversial goals, including the referendum on the disputed areas or issues related to federalism. They are also said to have links with Israel. Accordingly, there have been regular attacks on KDP and PUK offices, Kurdish representatives and Kurdish civilians. Kurds, who are living in minority areas, particularly in Baghdad or al-Anbar Governorate, have suffered from forced displacement.

Other groups, such as Shi’ites, Yazidis, Christians, Roma, and Jews might suffer from the same type of perception, being seen as supporters of the invasion or the MNF. This might add to other grounds, such as religion or ethnicity.

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.

“People who work in the International Zone do everything to keep it secret. To give an example: I had a secretary. Nobody in her neighbourhood knew that she worked for the Austrian Embassy. Once it happened that her neighbour was outside when she wanted to leave the house to go to work and he offered her a lift. She said, “I am going to my mother” and could not have said otherwise. He therefore brought her to her mother, who was very surprised about the visit.”

Gudrun Harrer

²⁸ NGO Coordination Committee in Iraq (NCCI): “NCCI Weekly Highlight”, 11 January 2007 http://www.ncciraq.org/IMG/pdf_NCCI_Weekly_Highlight_-_Issue_48_-_07-01-11.pdf (accessed 26 November 2007)

4.6. Actual or Perceived Opponents of the Ruling Parties in the Region of Kurdistan and Areas under De Facto Control of the KRG

Gabriela Wengert

In the Region of Kurdistan and in the areas under de facto control of the Kurdistan Regional Government (KRG), **Arabs** have come under pressure. They have been victims of threats, harassment, arbitrary arrests and detentions.

(Perceived) members of Islamist armed groups, such as Ansar al-Islam, have also suffered from arbitrary arrests, incommunicado or prolonged detention, and torture. In cases of members of Islamist armed groups, it has to be taken into consideration whether the exclusion clauses (Article 1F) of the 1951 convention apply.

In the Region of Kurdistan, there are also cases of arbitrary arrests or detentions of persons opposing the ruling parties, e.g. by participating in demonstrations or by writing critical articles.

Gudrun Harrer

There is limited space for criticism and for public debate, and you should not voice your dissatisfaction too loudly. In the Kurdish region, lots of journalists face problems, if they criticise corruption and nepotism.

To give another example: During my stay in Iraq, in 2006, the people of Halabja became increasingly upset with the Kurdish government, having the impression that the government did not do anything for them. At the commemorial of the 18th anniversary of the Halabja gas attacks, the population of Halabja held a huge anti-government demonstration. The protesters even burnt the Halabja museum. The Kurdish security forces reacted by shooting, some people were killed.

4.7. Certain Professions

Gabriela Wengert

Targeted attacks against professionals across Central and Southern Iraq, including **academics, professors, teachers and students**, have increased. Attacks include verbal harassment, threats, kidnappings, physical attacks, and assassinations. According to the Ministry of Higher Education, 185 professors have been killed since 2003.²⁹ Consequently, many others have left the country or are trying to leave. This development has a major impact on the delivery of education services in Iraq, leading the Ministry of Higher Education to warn of a collapse of the education system. Many schools are de facto closed or hold only irregular classes because of a lack of security.

²⁹ Azzaman: "185 professors killed since U.S. invasion (author: Hayfaa Radhi)", 1 February 2007 <http://www.azzaman.com/english/index.asp?fname=news%5C2007-02-01%5Ckurd.htm> (accessed 26 November 2007)

Journalists and media workers are one of the most frequently targeted groups. According to the International Federation of Journalists, more than 10 percent of Iraq's active journalists' community has been killed.³⁰

Artists, including singers and painters, have been regularly targeted. The Integrated Regional Information Network (IRIN) reported last year that almost all singers had fled Iraq and that at least 75 were killed.³¹ According to a report by UNAMI, other artists are considering to leave the country out of fear for their lives.³² Singing and playing music may be seen as "un-Islamic". Other singers have been considered as being "Western", because they sing English songs instead of traditional Arabic songs.

Doctors and medical personnel have also been targeted. The International Red Cross said in January 2007 that half of the 34 000 registered doctors in Iraq had left the country, while hundreds had been killed.³³ These attacks certainly further exacerbate the ongoing health crisis in Iraq, in addition to the already existing lack of doctors, particularly specialists, as well as the lack of equipment and medicines. Many hospitals are in a poor condition and have not been renovated for many years.

Judges and lawyers are also a target. According to UNAMI, the independence of Iraq's judiciary is compromised by consistent attacks and killings of judges and lawyers and by attacks on court houses.³⁴ At particular risk appear to be those lawyers who are involved in high-profile trials against senior officials of the former regime. The same can be said regarding judges working on cases which involve crime, corruption, terrorism and militia activities – they may be at particular risk. Working on sensitive family matters, such as "honour killings", may also put a lawyer at risk.

Athletes and sport officials have also been targeted. According to IRIN, it was reported that at least 70 athletes have been killed since 2003.³⁵

Numerous motives lie behind attacks on certain groups of professionals. Journalists could be perceived as supporting the political process or the Iraqi government. For example, a journalist working for Al-Sabah, a state-owned media outlet, might be targeted because of being seen as a mouthpiece of the Iraqi government. Attacking certain professions or the elite of the country may also be a means of spreading terror among the Iraqi population, as these acts undermine the confidence of the Iraqi population in the ability of the Iraqi government to protect its citizens.

³⁰ International Federation of Journalists (IFJ): "Iraqi Journalists Call on United Nations to Act over Media "Nightmare"", 19 December 2006

<http://www.ifj.org/default.asp?index=4490&Language=EN> (accessed 26 November 2007)

³¹ Integrated Regional Information Network (IRIN): „Singing "the devil's music" will get you killed", 23 November 2006

<http://www.irinnews.org/report.aspx?reportid=61962> (accessed 26 November 2007)

³² UNAMI, December 2006, p. 15.

³³ Integrated Regional Information Network (IRIN): "Baghdad hospitals in crisis as they lack security and drugs, say specialists", 28 January 2007

<http://www.irinnews.org/report.aspx?reportid=65825> (accessed 26 November 2007)

³⁴ UNAMI, December 2006, p. 3, 15.

³⁵ Integrated Regional Information Network (IRIN): "Athletes targeted for sectarian, religious reasons", 8 June 2006

<http://www.irinnews.org/report.aspx?reportid=26984> (accessed 26 November 2007)

The perceived support of the US invasion may also be a reason for attacking professionals. For example, journalists in Mosul received threat letters for allegedly deliberately underreporting MNF casualties. Others have been targeted for siding with the insurgency or with Shi'ite militias.

Other professionals have been targeted for their Western ideas or their "un-Islamic" behaviour. For example, human rights defenders have been targeted for promoting "Western" concepts such as democracy or human rights. Journalists working for international media have been accused of supporting Western ideas. Artists have been targeted for painting what is considered un-Islamic. Also athletes have been threatened or killed for wearing shorts.

The sectarian violence might also take its toll on members of certain professions. A person might simply belong to the wrong sect. For example, journalists may be accused of siding with one sect or the other. Sunni or Shi'ite insurgents have targeted athletes of the respective other religious group.

Previous membership in the Ba'ath Party may come into play for certain persons. Professors, teachers, doctors have largely been members of the former Ba'ath Party in order to be able to pursue their careers. There are also attacks on artists who served Saddam Hussein, for example by painting a portrait of him or making a song about him. The perceived wealth of doctors or professors might also put them at risk.

Gudrun Harrer

All professionals – **medical and justice personnel, university and school teachers, journalists, artists, personnel of public institutions** – are targeted with the clear goal of destabilizing the new Iraqi state by destroying the human resources that could make it work. This goes for every occupation which tends to sustain the Iraqi state, e.g. a director of an electricity company.

Journalists are killed on a daily basis. This holds true for journalists in general and not only for those who write in favour of Iraq's occupation by US and international forces.

4.8. Women

Gabriela Wengert

Since the fall of the former regime, the security, economic and human rights situation of women has sharply deteriorated and continues to worsen. Women face abduction, rape, murder, forced prostitution, trafficking, and pressure to conform to strict Islamic dress and morality codes. All this certainly limits their freedom of movement and their access to basic services, including education, the access to employment, the access to health services, and the ability to participate in public life. Women, particularly in Central Iraq, fear abduction and rape, if they simply leave the house. Forced prostitution and trafficking, particularly to neighbouring countries, are increasing. Women have also been killed for sectarian reasons.

"Honour killings" have generally been on the rise, including in the three Northern Governorates. In Central and Southern Iraq, a murder related to an honour issue may be

treated and punished leniently by law. In the three Northern Governorates, the penal code considers an “honour killing” as a common murder without foreseeing any lenient punishment for it. Nevertheless, “honour killings” in Northern Iraq continue to occur and seem to occur at an increasing rate. Local authorities may not be able to protect women from their families. According to the Kurdistan Regional Government’s Ministry of Human Rights³⁶, hundreds of women burn themselves, which is an indication that many “honour killings” are actually concealed as either accidents or suicides.

Other harmful traditional practices continue to occur in Iraq, including early and forced marriages. In some areas of Northern Iraq, cases of female genital mutilation have been documented.

Gudrun Harrer

The fact that most sectarian killings are directed against men has led to the phenomenon that mainly women venture out and even work, as they do not want their men and sons to go out. It is tragic that this kind of empowerment of women does not have an impact on the Iraqi society. Women work, make money, move around, and then they go home and are killed by their brothers, because they have spoken with the neighbour.

4.9. Sexual Orientation

Gabriela Wengert

Persons who hold a different sexual orientation have been at an increasing risk of abuse and harassment. They have certainly already faced problems under the former regime, as the traditional society does not condone homosexual acts. Since the fall of the Ba’ath regime, persons of different sexual orientation have been directly targeted particularly by Shi’ite militia. The latter are even said to hold extra-judicial courts to try homosexuals or persons accused of being homosexuals. Cases of kidnappings and extra-judicial killings, including “honour killings” by the own family, have been reported. The weak status of homosexual persons may actually make them vulnerable to forced prostitution.

Gudrun Harrer

There is a witch hunt against homosexuals of both sexes, who are threatened and murdered. Particularly tragic are the cases of male minors who are forced into prostitution by the economic needs of their families and then assassinated. Sometimes families are forced to kill a homosexual family member.

4.10. Persons Accused of ‘Un-Islamic’ Behaviour

Gabriela Wengert

With a stricter interpretation and resurgence of Islamic values and traditions, persons accused of un-Islamic behaviour may be at risk of discrimination, threats, kidnappings, mutilation, and

³⁶ UNAMI, December 2006, p. 11.

killings by both Sunni and Shi'ite militias. Attacks may be linked to "non-Islamic" dress, activities, sports or professions, such as selling alcohol.

Gudrun Harrer

The strong Islamization of society puts everyone at high risk who does not want to give up his or her Western life style or who commits violations against what are considered "Islamic" morals. Everything perceived as "Western style" is highly suspicious. Women are particularly targeted if they violate dress codes. There have also been cases of threats against women driving cars.

I spoke to women who were harassed or attacked in the streets of Baghdad and I asked them whether the perpetrators were Sunnite or Shi'ite. They said that both groups were responsible for attacks.

Also men are harassed if they look too Western. Men are often targeted as athletes practicing "Western" sports. The whole Iraqi national Tae Kwon Do team was abducted and assassinated. Another example: during my time in Iraq, a tennis teacher was murdered because of his profession and because, playing tennis, he wore short trousers.

5. Availability of Protection

Gabriela Wengert

With regard to the **availability of protection** in Iraq, it is generally understood that the **Iraqi Security Forces** are not able to protect Iraqi citizens. Instead, the ISF themselves are a major target of attacks by insurgents. They are infiltrated and collaborate with armed groups, i.e. other perpetrators of violence, so that their independence is highly questionable. Therefore it is not surprising that persons facing risks or threats, e.g. by a Shi'ite militia, are not likely to turn to the Iraqi police as they cannot know whether the police would be collaborating with the Shi'ite militia.

In general, the ISF, particularly the police, lack investigative capacities, training and equipment, and they continue to be highly dependent on the MNF. Also, the **judiciary** is not able to provide protection for persons at risk. It lacks staff, training and equipment. Moreover, judges and lawyers themselves are at risk of being targeted.

Very recently, on 18 June 2007, the Foreign Policy magazine and the Fund for Peace released a list of failed states in the world; Iraq was identified the second most unstable country in the world in 2007.³⁷

Generally, it can be said that most human rights violations in Iraq continue to be committed with **impunity**. UNHCR therefore concludes that in Central and Southern Iraq, state protection is generally not available. UNHCR does also not consider that tribal protection, protection by political forces, political parties or even the MNF would be available. These groups are not

³⁷ Foreign Policy: "The Failed State Index 2007", 18 June 2007
http://www.foreignpolicy.com/story/cms.php?story_id=3865 (accessed on 26 November 2007)

able to provide protection. In certain cases “protection” by these groups would even be detrimental to the person’s rights.

For example, given the failure of state structures, tribal mediation is increasingly referred to. It might, however, lead to further human rights violations. For example, a woman who maintains an illicit relationship or who is planning to marry someone she is not supposed to marry risks to be killed by her family. In trying to solve such issues the compensation package agreed upon by the concerned tribes might very well be against the interests or rights of the woman, e.g. by forcing her to marry someone she does not wish to marry.

Guðrun Harrer

Today Iraq has the features of a **failed state** in civil war. It is completely unable to fulfil its obligations towards its citizens by providing security, education, health services, infrastructure, economic opportunities, and the rule of law. The state is completely unable to impose its monopoly on the use of force, a key definition of a successful state. The state does not control its territory and its borders, and is unable to protect its citizens from criminal violence: common criminality and organized crime in the form of kidnappings, theft and extortion make life hell for many Iraqis.

Rule of law, or at a more primitive level, of “law and order”, is perhaps the single most important issue in Iraq after 2003. The outside actors appreciated this problem too late. The failure of the US army to intervene when looting started after the fall of the regime in April 2003 set the tone for what was to follow. The first message the Iraqis got in the first hours and days of freedom was the total absence of law. In the case of Iraq this message was particularly sensitive. “Order vs. chaos” is an important aspect of the Sunni-Shi’ite antagonism. One of the goals of the Sunni insurgency was to prove to Iraqis – and to the US – that Shi’ites are simply incapable of ruling and keeping order.

Tribes and political parties are usually not able to provide adequate protection against terrorism.

6. UNHCR Position on International Protection Needs of Iraqis outside Iraq

Gabriela Wengert

UNHCR has issued its advisory in December 2006, outlining the international protection needs of Iraqis.³⁸ In view of the current situation in Central and Southern Iraq, UNHCR considers Iraqi asylum-seekers from these areas to be in need of international protection. The regional description of Central and Southern Iraq here includes all areas of Iraq except for the three Northern Governorates of Sulaimaniyah, Erbil and Dahuk. UNHCR recommends that Iraqi

³⁸ United Nations High Commissioner for Refugees (UNHCR): “UNHCR Return Advisory and Position on International Protection Needs of Iraqis Outside Iraq”, (published on UNHCR Refworld), 18 December 2006 (Corr., April 2007)
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=46371aa72> (accessed 26 November 2007)

asylum seekers from Southern and Central Iraq should be favourably considered as refugees.

Applicants who do not meet the 1951 conventional criteria may nevertheless be in need of international protection, because their safety and freedom has been threatened by generalized violence. UNHCR has therefore recommended that, where an Iraqi from South or Central Iraq is not recognized as a refugee under the 1951 convention criteria, international protection should be afforded through the application of an extended refugee definition, or otherwise through a complementary form of protection, unless one of the exclusion criteria mentioned in the 1951 convention is applicable.

With regard to Iraqis originating from Northern Iraq, i.e. the three Northern Governorates of Sulaimaniyah, Erbil and Dahuk, UNHCR has taken a differentiated approach given the fact that the area is relatively calm and stable compared with other parts of Iraq. UNHCR recommends that asylum claims should be assessed in fair and efficient asylum procedures based on the refugee criteria of the 1951 convention taking into account the individual merits of the claim. However, this has to be seen in an evolving situation, where many political factors and the general situation in Iraq might change.

A **prima facie approach** has been introduced by UNHCR in the neighbouring countries of Iraq, mainly in Jordan and Syria with large numbers of Iraqi refugees (1.4 million Iraqi refugees in Syria and some 750 000 in Jordan). This decision has been made on the basis that already many or most Iraqis from Central and Southern Iraq are suffering from persecution or generalized violence. Also for practical reasons it is impossible to conduct a refugee determination on such a large scale. Therefore Iraqis that approach UNHCR will be registered after a short registration interview and issued a refugee certificate.

There may be groups in Iraq which have a heightened risk of being targeted by persecution or violence. However, UNHCR did not call for a prima facie approach for certain groups, as it would be discriminatory to provide a certain group with an easier way of recognition or a higher level of protection, for example to single out Christians and not Sunnis. Not to mention, that this step may even increase the risk for this particular group.

UNHCR is soon to issue the its Eligibility Guidelines regarding Iraqi asylum seekers³⁹, which will replace the Eligibility Guidelines issued in October 2005. This document will outline the major groups at risk and identify the main actors involved in practising violence. It will, among other things, also look at issues such as the internal flight alternative and exclusion considerations.

³⁹ UNHCR's International Protection Guidelines regarding Iraqi asylum seekers were published in August 2007; for further information please refer to: UN High Commissioner for Refugees (UNHCR): "UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-seekers", (published on UNHCR Refworld), August 2007

[http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ)

[bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46deb05557&skip=&category=POLICY&coi=IRQ) (accessed 26 November 2007)

7. Internal Flight or Relocation Alternative

7.1. Central and Southern Iraq

Gabriela Wengert

In general, UNHCR does not consider that there is an internal flight alternative in any part of Central and Southern Iraq for persons who face persecution or generalized violence. An internal relocation is considered neither relevant nor reasonable, as security throughout Central and Southern Iraq is highly volatile and attacks, which have been described earlier, occur in all parts of Central and Southern Iraq. In addition, actors practising violence are able to pursue their victims in all parts of Central and Southern Iraq.

It is particularly important to keep in mind that Iraq has more than two million internally displaced persons and their number is increasing on a daily basis. Therefore the idea of requesting every Iraqi to first go and see if there is another part within Iraq where he or she could find security and a reasonable way of living is almost absurd.

Travelling in general is considered unsafe, with frequent incidents of roadside bombings, armed conflicts between the MNF and insurgents, and a high level of criminality, such as car-jacking and robbery. Also buses and bus stations, for example in Baghdad, have come under frequent attacks because they are considered as soft targets. Also, the sectarian violence makes travelling within Iraq very difficult, as certain areas are under control of either Shi'ite or Sunni groups. For example, if a person wants to travel from Baghdad up to the North, in the direction of Mosul, he or she will have to use a road leading from Baghdad to Balad, which is under control of Shi'ite militias. So it is basically a no-go area for Sunnis up to Balad, because these Shi'ite militias have checkpoints. There are also official checkpoints by Iraqi Security Forces, which might be infiltrated by militias. Therefore, a Sunni person who tries to travel on that road is at risk, if identified as Sunni. From Balad up to Mosul the road is under control of the Sunni insurgent groups, so it might actually be a no-go area for Shi'ites.

More and more Governorates in Iraq impose restrictions on entry and residency for persons moving within the country. Currently, at least ten out of the 18 Governorates of Iraq have imposed restrictions on the ability of internally displaced persons to move to these areas or to settle there. These restrictions may be related to security concerns or to the fact that the local infrastructure is not able to absorb more persons. These measures may also be a result of political and demographic considerations.

For example, the entry to Fallujah or the Governorates of Karbala and Basra is restricted to families who can prove that they originate from these areas. Other persons will not be able to enter or may, if they have already entered, be at risk of being expelled from the Governorate.

In the Governorate of Najaf, IDPs not originating from the city of Najaf are not allowed to enter the city. They have to settle in the outskirts or in the suburbs of Najaf City, where services may not be available or where local communities may not be very welcoming of new persons moving in.

Also, the Southern Governorates of **Thi-Qar** and **Muthanna** have imposed restrictions. Persons wishing to settle in these areas need a sponsor who is a local government employee. This means that IDPs must have certain connections to the respective Governorate in order to be able to meet this requirement. Otherwise, they will not be registered and may therefore not be able to access services.

In the **Governorate of Kirkuk**, the authorities are very reluctant to register people who do not originate from Kirkuk, because IDPs might change the demographic set-up in this area. Regarding an internal flight alternative to the **disputed areas**, it has to be considered, that the movement of internally displaced persons to the disputed areas may have a bearing on the demography of these areas. It is highly controversial to request a person to relocate to a “disputed area” given the ongoing and possibly escalating conflict over these areas’ status.

All restrictions on entry and residence which are in place may change at any time, but the trend is that restrictions are getting stricter.

Persons relocating within Central and Southern Iraq may face problems regarding their access to basic services. Of particular concern is the **access of IDPs to the public food distribution system**. The majority of Iraqis are highly dependent on food rations in order to meet their basic needs. In principle, a person is entitled to transfer his/her food registration to the place of displacement. In reality, according to a figure of the World Food Programme from April 2007, 47 percent of IDPs do not have access to the public food distribution. There are several reasons for this situation. Very often people are required to return to the place of origin in order to de-register and then to transfer the registration to the place of displacement. This may, however, not be possible for security or economic reasons.⁴⁰

Political and demographic considerations may also come into play. As the voter registration has been based on the Public Distribution System (PDS), the ration cards hold political weight, meaning that a person is able to participate in an election or referendum based on his/her food registration. Because of this link, the food distribution process is highly politicized. Therefore, persons moving to Kirkuk are not able to transfer their ration cards there, because this would enable them to participate in the referendum which is to take place in Kirkuk. The same is true for the three Northern Governorates, where the local authorities are not interested in having, for example, Arabs to transfer their food rations, because then they would be able to vote. The UN is trying to de-link the voter registration and the food registration.

The above considerations have led UNHCR to the conclusion that there is **no internal flight alternative in Central or Southern Iraq** as it is considered neither relevant nor reasonable.

⁴⁰ Cluster F: “Internally Displaced Persons in Iraq – Update”, (published on NGO Coordination Committee in Iraq), 23 May 2007, p. 6-7.
http://www.ncciraq.org/IMG/doc_Cluster_F_-_Update_on_IDPs_-_23May07.doc (accessed 26 November 2007)

7.2. Three Northern Governorates

Gabriela Wengert

UNHCR's definition of Northern Iraq includes the three Northern Governorates of Sulaimaniyah, Erbil and Dahuk. All areas further South, which are claimed by the Kurdish authorities, are so-called "disputed areas" the status of which is unclear. Any population movement into these particular areas may have major political and security consequences. Therefore UNHCR does not consider an internal flight alternative valid with regard to any area south of the three Northern Governorates.

Considerable numbers of Iraqis have relocated to the three Northern Governorates, in particular since the Samarra bombing of 2006. Most of them are Kurds and Christians originating from these areas and, to a lesser extent, Arabs (Shi'ites as well as Sunnis). Also some Turkmen have moved to the three Northern Governorates. However, many other IDPs face difficulties or are prevented from finding protection in the three Northern Governorates for multiple reasons. Either they are not permitted to enter the three Northern Governorates or they are not able to legalize their stay there. They might face continued persecution or undue hardships to make their livings.

When looking at the relevance analysis, it needs to be closely examined whether the area of relocation would be practically, safely and legally accessible to the individual. As mentioned before, travelling in Iraq is highly dangerous. At the border between Central Iraq and Northern Iraq, the Kurdish *Peshmerga* have established checkpoints, controlling all entries to the Kurdistan Region.

Entry and residency restrictions which were introduced by the local authorities constitute one of the major obstacles preventing persons from relocating to the three Northern Governorates. They vary in all three Governorates. And even if a person is able to enter the Northern Governorates, he or she might still face problems to legalize his or her stay.

In the Governorate of **Sulaimaniyah**, a person does not need to have a sponsor in order to be able to enter, but a sponsor is needed in order to be able to legally reside there. A sponsor is a person who originates from and has a residence in the relevant Governorate and who basically guarantees that the relocating person does not pose a security risk. We have seen some cases where persons have been deported from Sulaimaniyah back into Central Iraq, because they had no sponsor and had not legalized their stay with the authorities. Persons from the disputed areas, especially from Kirkuk, are not allowed to enter the Governorate of Sulaimaniyah or to reside there.

Every person entering or relocating to **Erbil** needs a sponsor. In addition, the person has to establish that he or she faces persecution in his or her place of origin or that he or she has certain political links to Erbil, which would ease the process.

For entering **Dahuk**, single men need a sponsor. They also have to establish that they face persecution or that they have political links to the Governorate. The fulfilment of above requirements might prove very difficult for persons who do not originate from these Governorates.

All applicants will have to undergo **security screenings** and only if it is considered by the authorities that they do not pose a security risk, they will be allowed to remain. The permit to stay is usually valid for three to six months and may be extended. During their stay, persons from Central and Southern Iraq remain under surveillance. If in the meantime they are considered a security risk, they will not be allowed to remain. The Kurdish authorities are very vigilant and scared of a spillover of the violence from Central Iraq, particularly from Kirkuk and Mosul. They are also deeply concerned over the infiltration of insurgents. Therefore Arabs and especially Arab males are under particular scrutiny by the Kurdish authorities.

It also has to be assessed whether the person would find protection by relocating or whether he or she might still be at risk of serious harm by moving to another area. It has to be considered that not all persons moving to the Northern Governorates are out of reach of those groups which are targeting them. That may, for example, be true for women who are fleeing "honour killings" and whose families may follow them up to the North, or for persons involved in blood feuds. Also persons with a high profile may be at risk, because they may still be identified by their persecutors, even if they have relocated.

Also it must be assessed whether the relocating person would receive protection by the local authorities in the three Northern Governorates. For example, the authorities will usually not be willing to provide protection to former Ba'athists or members of the former regime.

As part of the reasonableness analysis, it has to be assessed whether the claimant would be able to lead a relatively normal life without facing undue hardships. A distinction has to be made between persons who legally reside in the three Northern Governorates and persons who do not legally reside there. In principle, persons who have legalized their stay should have access to services like education, they would be allowed to work, to rent an apartment and they should also have access to the public distribution system. However, it must be taken into consideration that already some 700.000 internally displaced persons live in the three Northern Governorates, which puts a high pressure on the local infrastructure and services. There is a lack of fuel, water and electricity. Rents have been soaring; even Kurds living there might struggle to pay their rents, which have gone up tremendously over the last couple of years. A very simple apartment in the Kurdish region may easily cost about 400 dollars. Particularly for internally displaced persons, this is a major factor of concern, as they may not be able to meet these high costs.

In addition, there is a shortage of Arabic schools, of importance for those Arabs who try to relocate to the North. They may not be able to send their children to school because of language problems and the lack of sufficient schools teaching in Arabic. Several new schools have been opened in all three Governorates, but their capacities do not meet the needs of Arab IDPs in the North who usually do not have knowledge of the Kurdish language. Unemployment in general is very high and the situation has further worsened due to the large number of persons relocating to the North.

Persons, who are not legally staying, are not able to rent an apartment or to check in to a hotel, as real estate agents, apartment owners and hotels have to inform the security if they are renting out an apartment or room to a person who is not originating from the North. Furthermore, they do not have access to their food rations and are not allowed to work. In Sulaimaniyah and Dahuk, they are also not able to access public education and health systems.

As a consequence, persons who do not legally reside in the Northern Governorates may face many difficulties to make their daily living.

Due to the importance of social, tribal and political networks, which have been discussed earlier, **persons without family or political links in the North** may find it impossible to find employment or housing. This is particularly true for **single women and female heads of household**, who also for cultural reasons usually need a family to support them. There is a very large number of female-headed households in Central and Southern Iraq. It would usually not be reasonable to request them to move to the three Northern Governorates, where it might be very difficult for these women to sustain themselves.

Persons originating from the disputed areas face additional problems in accessing and legalizing their stay in the three Northern Governorates for political and demographic reasons. Persons originating from Kirkuk or Khanaqeen are usually denied access to the Governorate of Sulaimaniyah. They are not able to legalize their stay, if, for some reason, they manage to get into Sulaimaniyah Governorate. Also persons from Mosul face problems when relocating to the Governorate of Dahuk, the one closest to it. They are usually able to enter it and to stay there, but they are discriminated against with regard to access to services. For example, a person from Mosul would normally not be able to transfer his/her food ration card to the Governorate for demographic reasons.

In addition, non-Kurdish persons, particularly Arabs, usually do not speak the language nor are familiar with Kurdish customs and traditions, making it difficult for them to integrate into Kurdish societies. According to UNAMI, Arab IDPs in the three Northern Governorates suffer from discrimination and are given the least assistance by the Kurdish authorities due to security fears.⁴¹

So all in all, despite the fact that numbers of persons have been able to find a certain level of protection in the North, it has to be concluded that many others have not been able to do so, be it that they have not been admitted or are still targeted, have difficulties to access basic services and may therefore face undue hardships. To summarize it, a relocation to the Northern Governorates may not be viable for persons who do not have any family, community, political or business links to the three Northern Governorates, because they may not be able to find a sponsor, which is a prerequisite for an entry and legal residence. Former Ba'athists or members of the former security and intelligence services may not find protection because the Kurdish authorities would not be willing to probably even admit them, and even if they would be able to enter, there would be not much willingness on the part of the authorities to protect them. Arab males, in general, are suspected of supporting the insurgency and terrorism; this is also seen in Dahuk, where single males need to have a sponsor. Persons from the disputed areas might be denied entry or face problems to access services. Persons with a high profile, women fleeing honour killings or persons fleeing tribal conflicts might still be at reach of their persecutors. And generally, single women and female heads of household face undue hardship, because access to employment is limited for them, except for very qualified professionals.

⁴¹ UNAMI, December 2006, p. 17-18 and 20

Gudrun Harrer

Kurdistan, which has the constitutional right and the national incentive to reverse the "Arabization" policy of Saddam Hussein, today has to struggle with a big influx of refugees from all over Iraq. Especially Arab professionals try to start a new life in Kurdistan, where they find better security and employment opportunities. It seems that Kurdistan lacks professionals, therefore professionals such as doctors and engineers were quite welcome for a certain time. Most persons moving from Arab areas to Kurdistan are well educated and have contacts and good relationships to Kurds. They are therefore able to find employment and are then quite well accepted. Very poor Shi'ites from Basra, for example, would not think of moving to Kurdistan.

However, hostility against non-Kurdish refugees is increasing, and voices calling for the regulation of Arab immigration into Kurdistan are growing louder. One year ago, there was a debate in Kurdistan to restrict immigration, which was met with an outcry from other parts of Iraq. The Kurds were accused of behaving as if they were no longer a part of Iraq. There is a gap between the political pragmatism of the Kurdish leadership and the Kurdish grassroots, who favour the full independence of Kurdistan from Arab Iraq. As much as Kurdish assistance to Arab Iraqi refugees must be commended, there is no doubt that the current situation could eventually result in more friction and violence.