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Guidelines Relating to the Eligibility of Iraqi Asylum-Seekers October 2005

I. Introduction

1. This paper is intended to provide background information and general guidelines for facilitating the determination of a need for international protection of Iraqi asylum-seekers. Given the current state of general insecurity and lawlessness throughout Iraq and the fact that new groups may be targeted, it is by no means exhaustive and is not intended to be used as a rigid formula: each and every individual case must be assessed on its own merits by applying the appropriate eligibility criteria. Although this paper focuses mostly on the period between the handover of sovereignty in June 2004 and the end of July 2005, certain topics and their corresponding references are nevertheless shown in their historical context where this adds to a fuller understanding of the general situation in Iraq.

2. Despite the fall of the former regime, widespread civil strife and persecution related to the grounds listed in the 1951 *Convention relating to the Status of Refugees* ('1951 Convention') nevertheless continues in today's Iraq. Given the atrocious forms of persecution suffered by some individuals under the former regime, when determining refugee status under the 1951 Convention it will be necessary to take compelling reasons arising from past persecution and current international protection needs into consideration. This is particularly important as long as the climate of daily violence continues to prevent the authorities from providing effective national protection. It is also important because certain groups are targeted on the basis of real or perceived political affiliation, ethnic or religious background or membership in a particular social group.

II. General Situation and Political Developments

3. Up until the invasion of Iraq in March 2003 by the US-led Coalition Forces, Saddam Hussein's ruling Ba'ath party was one of the strongest and most severe state regimes in the region. The use of brutal force and repressive policies deprived the Iraqi people of the exercise of many basic human rights. It created a climate of fear and oppression under which the punishment meted out to anyone suspected of not agreeing with or supporting the regime ranged from interrogation to imprisonment, torture, disappearances and even death. The fear created by this system was nevertheless effective in deterring criminality and hence ensuring the general (albeit superficial) security of the population. The system, although corrupt, also controlled

and met most basic daily needs in Iraq, although there were many shortages. These needs included, *inter alia*, health services, education, water, electricity and sanitation services.

4. Since the collapse of the former regime Iraq has been plagued by violence, including car bombings, kidnappings and assassinations. The fall of the former Government in April 2003 signalled the collapse of the Iraqi state apparatus. Since that time, daily life in Iraq (with the exception, to some extent, of the three Northern Governorates of Dohuk, Sulaymaniyah and Erbil) has essentially been governed by an extremely precarious security situation due to the activities of various insurgent groups. The loyalties of the insurgents lie with various sources of power, but they share a common aversion to the presence of foreign troops in Iraq, particularly the Americans. The general chaos created by the invasion and subsequent toppling of the former Government provided fertile space for many organized armed groups to resist the occupation and target any perceived collaborators through the use of violence, often with total impunity. Furthermore, the dismantling of the Iraqi army and security forces has, further, created a security 'gap' in the country which the current authorities are unable to fill as members of the new Iraqi Security Forces (ISF) – and especially new recruits – are among the prime targets of the insurgents. Despite efforts to reform and rebuild the ISF, they are not yet capable of independently fighting the insurgency and rely heavily on the presence of the Multinational Forces (MNF). The MNF have committed to not withdraw from Iraq before the ISF are able to 'stand on their own feet'. While re-establishing security remains a priority for the Iraqi authorities, tangible improvements in security will likely require much more time and further political initiatives.

5. As a result of the situation described above, Iraq is currently faced with the following problems, among others:¹

- high civilian death tolls due to continuing armed attacks on MNF/ISF and deliberate attacks on the Iraqi civilian population, often intended to cause large numbers of casualties;
- displacement of the civilian population due to ongoing armed hostilities, mainly in the Centre but also in other areas (e.g. the Governorate of Mosul in the North);
- waning public confidence in the ability of the Iraqi Transitional Government (ITG) and the Transitional National Assembly (TNA) to improve the situation;
- a high criminality rate;
- the lack of a properly functioning judicial system and a continued need for judicial reform;
- weakness of local security system (police forces) resulting in impunity for crimes committed;

¹ IRIN, 'IRAQ: Living conditions still poor,' 16 May 2005, http://www.irinnews.org/report.asp?ReportID=47141&SelectRegion=Middle_East&SelectCountry=IR; *ibid.*, IRAQ: Focus on increase in kidnappings, 11 April 2005, http://www.irinnews.org/report.asp?ReportID=46576&SelectRegion=Middle_East; UNDP, *Iraq Living Conditions Survey, Analytical Report*, April 2005, <http://www.iq.undp.org/ILCS/PDF/Analytical%20Report%20-%20English.pdf>.

- slow reconstruction and a lack or instable supply of proper health, education, water, electricity and other social facilities; significant housing shortage;
- the impossibility, due to the security situation, for many people to enjoy basic human rights ranging from the right to life to freedom of speech, religion (for members of religious minorities), association, etc.;
- rampant unemployment;
- a continuous trend of kidnapping;
- widespread corruption undermining confidence in the authorities and hampering reconstruction.

Emergency Law

6. An Iraqi National Intelligence Service was set up in April 2004 which reports directly to the Prime Minister. However, in June 2004, the (then) interim Prime Minister announced a major re-organization of the ISF. As part of this re-organization, an additional agency called General Security Directorate was created, and given the responsibility of clamping down on the insurgency.

7. On 7 July, 2004, the Iraqi Interim Government (IIG) passed the *Order for Safeguarding National Security* (Order 1 of 2004) which consists of 13 articles referring to the state of emergency, and measures that can be taken during such a state. These include searches, arrest and detention, interference with correspondence, the confiscation of property and weapons, and restrictions on freedom of movement, association and commercial activities. The Order gives the interim Prime Minister the power to declare martial law for up to sixty days, beyond which period such a state can only be prolonged with the approval of the Presidency Council. The Order also empowers the Prime Minister to impose curfews, order the closure of roads, sea-lanes and airspace, declare restrictions or bans on public gatherings, order the surveillance of electronic and other communications, and gives him wide powers to search property and detain suspects. The Order stipulates that no person can be arrested except upon the issuance of arrest warrants from the judicial authorities, and that the persons in question should be brought before an investigative judge within twenty-four hours. Only in 'extreme exigent circumstances' does the law permit arrests or searches without a warrant, although the parameters of this clause have not been elaborated upon in the law.

8. Article 1 of the *Public Safety Law* allows for the declaration of a state of emergency 'upon exposure of the people of Iraq to a danger of grave proportions, threatening the lives of individuals and emanating from an ongoing campaign of violence by any number of people, for the purpose of preventing the establishment of a broad-based government in Iraq, or to hinder the peaceful participation of all Iraqis in the political process or for any other purpose'. On 7 November 2004, the Prime Minister declared a state of emergency for a period of sixty days ahead of the military intervention in Fallujah. This state of emergency was extended during the elections which took place in January 2005. To date, the Emergency law is still in place.

For further details on the current security situation and the Law, please refer to the UNHCR Country of Origin Information Paper - Iraq of September 2005, hereinafter referred to as 'COI paper'.

III. Legal Framework

9. Under the former regime, Iraq became a party to the following international human rights instruments which are, therefore, binding upon the successive Iraqi governments. The instruments and their date of signature are as follows:

- *The International Covenant on Civil and Political Rights* (23 March 1976);
- *The International Covenant on Economic, Social and Cultural Rights* (3 January 1976);
- *The International Convention for the Elimination of All Forms of Racial Discrimination* (13 February 1970);
- *The Convention on the Elimination of All Forms of Discrimination against Women* (12 September 1986);
- *The Convention on the Rights of the Child* (15 July 1994).

Iraq has neither signed nor ratified the 1951 *Convention* or the 1967 *Protocol*. The (then) established IIG had indicated its intention to accede to these instruments. *For further details on Iraq's legal framework, please refer to the COI paper.*

IV. The Human Rights Situation

10. Despite the fall of the former Government, the human rights situation in Iraq continues to be grave. It is characterized by, *inter alia*:

- acts of terrorism directed against the Iraqi population and the MNF/ISF
- the large number of people who have been detained by the MNF/ISF and who remain in detention without due process of law,
- the various ways in which civilians have been and continue to be adversely affected by the insecure situation in Iraq. This includes the extensive loss of life and the many disturbing reports in the media during 2004 and 2005² about acts committed by members of the MNF/ISF that are contrary to humanitarian law and international human rights law.

11. Although many Iraqis no longer face legal obstacles to the exercise of a range of human rights and have begun to make use of their new freedoms (a fact which is reflected by the steadily growing Iraqi civil society), the precarious security situation is nevertheless a major obstacle to the full enjoyment of these rights.

12. In its report of 4 June 2004,³ the United Nations Office of the High Commissioner for Human Rights made the following recommendations to the IIG:

The Iraqi Interim Government should rapidly announce the designation of an Iraqi Legal and Judicial Reform Commission to recommend immediate reform to Iraqi laws that violate international human rights standards and where there is an absence of law, make provision for due process protections in accordance with its

² UNHCR, COI paper.

³ Commission on Human Rights, Report of the High Commissioner for Human Rights and Follow-Up to the World Conference on Human Rights: The Present Situation of Human Rights in Iraq, 9 June 2004, <http://daccessdds.un.org/doc/UNDOC/GEN/G04/146/40/PDF/G0414640.pdf?OpenElement>.

international obligations. In any event, since laws have not been substantially reformed since the 1960's, the Commission should undertake long term reform of the legal framework to ensure that certain egregious provisions of the Iraqi Penal Code, suspended by order of the Coalition Provisional Authority (CPA), are eliminated and that the separation of the Judiciary into an independent branch of government, as reflected by CPA order and the Transitional Administrative Law (TAL), is maintained.

In its approach to transitional justice, the Iraqi Interim Government should develop a strategy for addressing the legacy of brutal authoritarian rule and massive human rights abuses in Iraq. Such a strategy must be centred on the population's needs, attitudes and perceptions of transitional justice. Only effective and meaningful consultation with legal actors and the public at large will ensure a process that is considered legitimate. This process must address such issues as past human rights abuses, justice and accountability mechanisms and non-judicial measures such as vetting, truth seeking and reparations in a holistic, coordinated and coherent manner.

The Iraqi Interim Government may wish to undertake a review of the Iraqi Special Tribunal Statute so as to ensure that the criminal justice process complies with international fair trial standards, and that recent developments in international criminal law are taken into account.

It would be important to consider the need to establish an Iraqi Truth and Reconciliation Commission.

The Iraqi Interim Government should designate a Reparations Commission to develop a reparations program.

Given the continuing violence, the Iraqi Interim Government will need to develop adequate mechanisms so as to ensure the effective security of legal actors, defendants, victims and witnesses.

The Iraqi Interim Government should name the members of the independent Iraqi National Human Rights Commission as soon as possible.

The Iraqi Interim Government should also designate the Iraqi Human Rights Ombudsman as soon as possible.

The Iraqi Interim Government should consider and take steps to support Iraqi civil society organizations for the promotion and protection of human rights. This task could be facilitated by the Iraqi Ministry of Human Rights, with international assistance.

The Iraqi Ministry of Human Rights should be given all support nationally and internationally to help it discharge its responsibilities for the promotion and protection of human rights in Iraq.

An International Fund for Human Rights Education in Iraq should be established and supported.

There must be accountability for human rights in conflict situations and in the struggle against terrorism. The letter and spirit of international human rights and humanitarian law must be upheld. It is an imperative duty on all involved.

13. To date, the Iraqi authorities have taken a number of measures along these lines which require further monitoring from a human rights perspective. One such measure is the previously mentioned July 2004 Order (*see para. 6 and 7 of the main document above*).

14. As part of the declared intention to crack down on violent crime, the IIG re-introduced the death penalty through Order No. 3 of 8 August 2004. This Order foresees capital punishment for certain crimes affecting internal state security, public safety, attacks on means of transportation, premeditated murder, drug trafficking and abduction. Several days prior to the re-introduction of the death penalty, an amnesty was declared which lasted until mid-September 2004. Order No. 2/2004 excludes those found guilty of murder, abduction, rape, robbery, and harming or destroying public or private assets from the terms of the amnesty. The amnesty covers a range of offences linked to the possession of weapons and explosive devices. Crimes punishable by death include acts such as the failure to inform authorities about the planning or financing of terrorism or other acts of violence, participation with terrorist groups in acts intended to undermine internal state security or public welfare and property, and the giving of refuge to persons sought by the judicial authorities for terrorist or violent crimes or in connection with crimes perpetrated by the former Iraqi regime. The Amnesty also limits those benefiting from its terms to Iraqi nationals who committed the crimes in question between 1 May 2003 and the date the law came into force. *For further details on today's human rights situation in Iraq, please refer to the COI paper.*

A. The Criminal Justice System

15. Since the fall of the former regime, the judicial system in Iraq has remained largely unchanged, and while the Iraqi courts gradually began working again in June 2003, they are still relying on an outdated and problematic legal framework.⁴

16. Thirty years of marginalization of the judicial system by the introduction of Revolutionary, Special and National Security Courts led to a weakened system in which corruption, torture and other abuses were endemic. The first steps have now been taken towards the necessary institutional reform. The Revolutionary, Special and National Security Courts were abolished by CPA Order No. 2.⁵ The CPA further introduced preliminary reforms such as the establishment of the Judicial Review Committee, which has undertaken the necessary vetting of judges and prosecutors,⁶ and the re-establishment of the Council of Judges, which supervises the judicial and prosecutorial system and investigates allegations of professional misconduct and incompetence.⁷ The Transitional Administrative Law (TAL) enshrines the independence of the judiciary from the executive branch (including the Ministry of

⁴ The judicial set-up in the three Northern Governorates of Iraq remains exclusively under the control of the Kurdistan Regional Government (KRG).

⁵ CPA, Order No. 2, *Dissolution of Entities*, Annex, 23 August 2003, <http://www.iraqcoalition.org/regulations/index.html#Regulations>.

⁶ CPA, Order No. 15, *Establishment of the Judicial Review Committee*, 23 June 2003, http://www.iraqcoalition.org/regulations/20030623_CPAORD_15_Establishment_of_the_Judicial_Review_Committee.pdf.

⁷ CPA, Order No. 35, *Re-establishment of the Council of Judges*, 13 September 2003, http://www.iraqcoalition.org/regulations/20030921_CPAORD35.pdf.

Justice).⁸ The reform process is in its infancy however, and the ongoing insecurity is taking a toll on the process. High numbers of arrests are overstressing the justice system, a problem further exacerbated by the lack of trained staff.⁹ Corruption also remains a problem in the judiciary. *(For additional information on the Iraqi judicial and criminal justice system, please refer to the COI paper).*

17. The *Penal Code* of 1969 (as amended by CPA Order No. 7¹⁰) is being used to adjudicate and prosecute cases before the ordinary criminal courts in Baghdad. In July 2003, the CPA set up the Central Criminal Court of Iraq (CCCI)¹¹ with the authority to prosecute cases involving serious felonies such as terrorism, organized crime, governmental corruption, acts intended to destabilize democratic institutions or processes, and violence based on race, nationality, ethnicity or religion. The court also has jurisdiction over cases involving suspects arrested and charged in accordance with the July Order 1 (see para.7).

18. There are reports that in many instances, defendants have been detained without judicial warrants and have had no access to defence counsel. In many cases, pre-trial detention has been very long and there are reports of torture and ill-treatment during detention in order to extract confessions. However, there are also cases where the courts have appointed lawyers to defendants during the court proceedings. Finally, the Iraqi Evidence Law and the degree to which documents are shared between the prosecution and defence counsels do not meet international standards for a fair trial. *(For further details on the violation of rules of due process, please refer to the COI paper).*

B. Actors of Persecution

19. Given the present climate of violence in Iraq of which the ISF are themselves the victims and the lack of a properly functioning judicial system with which to bring accused individuals to trial, it is nearly impossible to accurately identify all the various actors currently involved in the perpetration of armed violence and persecutory acts in Iraq. Although some groups publicly declare responsibility for given acts, many other crimes are carried out on an individual basis by perpetrators who may or may not be affiliated with particular movements or groups. Nevertheless, the impossibility of victims identifying their actor of persecution should not, in UNHCR's view, lead to the rejection of a claim if a need for protection is determined. *For a comprehensive overview of some of the main groups which have to date been identified as perpetrating acts of armed violence in Iraq, please refer to the COI paper.*

⁸ Article 43(A) of the TAL.

⁹ Ahmed Kazem Al-Aaraji/Vice Chief Judge Baghdad/Al-Rasafa Court of Appeal, *Obstacles and Problems: Courthouse Infrastructures, Damaged Case Files, Accumulated Caseloads and Slow Conduct of Trials*, presented at World Bank-UNDP Conference on Iraq's legal system, October 2004, <http://www1.worldbank.org/publicsector/legal/iraq/2.doc>.

¹⁰ CPA, Order No. 7, *Penal Code*, 10 June 2003, http://www.iraqcoalition.org/regulations/20030610_CPAORD_7_Penal_Code.pdf.

¹¹ CPA, Order No. 13 (revised, amended), *The Central Criminal Court of Iraq*, 22 April 2004, http://www.iraqcoalition.org/regulations/20040422_CPAORD_13_Revised_Amended.pdf.

C. Persecution by State Actors

20. There are growing indications that state persecution (including arbitrary arrest and unlawful detention, torture and ill-treatment as well as extra-judicial executions) is taking place in Iraq, in particular by Shiite-dominated police commandos working under the authority of the Ministry of Interior who have been accused of deliberately targeting Sunnis considered to be supporting the insurgency. The Iraqi authorities have admitted such incidents, but are currently not able to stop them. *Please refer to the relevant parts in the COI paper for further information.*

V. Eligibility

A. Preliminary Remarks

21. Under the former regime, Iraqi asylum-seekers in camps in Syria, Saudi-Arabia and Iran, and Iraqis in Turkey who arrived during the first Gulf crisis and following the 1991 Iraqi uprising, were recognized by the respective Governments and UNHCR as refugees on a *prima facie* basis and on the basis of refugee status determination (RSD) interviews. Since the fall of the former regime, some 21,000 Iraqis – mainly from Iran but also Saudi-Arabia, Lebanon, Jordan and countries further afield – have returned to Iraq with the assistance of UNHCR. Spontaneous returns exceed UNHCR-facilitated returns by tenfold (by the end of 2004, some 230,000 persons had spontaneously returned).

22. Iraqis who fled to Lebanon, Jordan and Syria in the aftermath of the US-led invasion of Iraq currently benefit from protection on a temporary basis granted by the authorities of these countries, which in essence is no more than toleration of an extended leave to stay. The exact modalities are different in each country, but are similar in that they do not confer any rights or assistance to Iraqis seeking protection other than the temporary leave to stay which should, in principle, prevent the individual from being deported.

23. In Jordan and Syria, this amounts only to *de facto* temporary protection in the sense that the two host governments have merely remained tolerant and suspended the application of their respective laws regarding the stay of foreigners. This tolerant position is now changing, in particular given the immense pressure on public services and the limited perspectives for an end to the situation. Government estimates say that there were some 700,000 Iraqis in Syria and 350,000 - 500,000 Iraqis in Jordan by December 2004.

24. The status of Iraqi asylum-seekers outside the region varies from country to country. While many have benefited from some type of temporary protection to date, others have been detained or have been told that unless they choose to voluntarily repatriate within a certain deadline, any assistance provided will either be cut off or reduced to a bare minimum.

25. As a matter of principle, it should be stated that the main point of reference for status determination of Iraqis remains the 1951 *Convention* and its 1967 *Protocol*. It should also be kept in mind that determining the eligibility of Iraqi asylum-seekers

requires the careful balancing of the specific elements of each case and that the following paragraphs should be viewed comprehensively when determining whether an applicant's fear of persecution is well-founded. In view of the current security situation and panoply of non-state perpetrators in Iraq, many Iraqi cases may involve numerous claims of discrimination and threats which, when accumulated, may justify a claim to a well-founded fear of persecution on 'cumulative grounds'.

B. Categories of Asylum-Seekers from Iraq

26. Persons from Iraq who lodge an asylum application should be granted full access to preliminary screening procedures and, when deemed necessary on the basis of this screening process, to regular refugee status determination procedures for the examination of their applications on a case-by-case basis. When determining refugee status, the general situation briefly described above and in the COI paper should be taken into consideration. The following categories of persons are at particular risk in today's Iraq and require special attention in the pre-screening/determination process.

a. Members of ethnic and religious minorities

27. Religious minorities, including Christians and Mandaeans, represent approximately 3 percent of an estimated Iraqi population of 24 million. The fall of the former regime has seen an explosion of Islamist extremist movements and militias which target, among others, members of religious minorities. The latter have become the regular victims of discrimination, harassment, and at times persecution, with incidents ranging from intimidation and threats to the destruction of property, kidnapping and murder.

i) Iraqi Christians

28. Iraq's Christian population includes, among others, members of the Assyrian, Chaldean, Armenian and Catholic sects. Many Assyrian Christians originate from the Governorate of Ninewa, whose capital Mosul is the second largest city in Iraq. Other Assyrians, including some members of the Assyrian Democratic Party or sympathizers thereof, originate from Baghdad and its surroundings. Many of Iraq's other Christians originate from Basrah. Most Iraqi Christians claim fear of persecution from insurgent groups (e. g. Ansar Al-Sunna) and Islamic militias such as the Badr Organization or the Mehdi Army, which have substantial control of the streets in various major cities and towns. *(For more information on insurgent groups and militias, please refer to the COI paper.)*

29. Since the fall of the former regime, the largely secular environment that previously existed in Iraq has been seriously eroded. In 2004, there was a significant increase in the exodus of Iraqi Christians from Iraq to countries in the region (in particular Jordan and Syria) as well as further abroad. To date, Iraqi Christians continue to arrive in Syria and Jordan, however, in smaller numbers than in 2004. While much of the hardship and harassment they report that they face is symptomatic of the situation of general insecurity faced by all Iraqis in present-day Iraq, members of the Christian minority nevertheless appear to be particularly targeted. Iraqi Christians feel especially apprehensive about the overwhelming presence of extremist

Islamic groups and armed militias, whose display of intolerance towards non-Muslims has become a nearly daily feature in Iraq.¹²

30. Acts of violence reported by Christians and/or which appear to target Christians include bombings and other attacks on churches, the forcible closure of Christian-owned liquor shops by armed militias, serious or fatal attacks on shop owners and/or business persons involved in trading and selling alcohol, harassment, extortion, kidnapping and even torture of persons perceived as not respecting Islam (e.g. women who appear in public without a *hijab*, persons accused of not respecting the teachings of the Koran and persons refusing to convert to Islam).¹³ Others have been attacked because of a widespread belief among the insurgents that Christians assisted and supported the US invasion of Iraq and continue to support the presence of the MNF, as the MNF is composed of mainly Western Christian 'infidel' nations.¹⁴ (See also '*imputed political opinion*', below.) Others have been targeted for kidnapping against ransom based on the perception that Christians are generally more wealthy than others. Resentment towards Christians appears to be particularly vehement in the South and in the so-called Sunni triangle, where rising extremist attitudes are fuelling the trend towards a stricter interpretation of Islam.

31. While discriminatory acts against Christians do not always amount to persecution *per se*, the results of combined and continuous discriminatory measures must be assessed carefully in each case since they could amount to persecution on cumulative grounds. Particular consideration should be given to those cases where discrimination creates unreasonable obstacles, makes it impossible to earn a livelihood or enjoy socio-economic rights, or has created a climate of fear, insecurity or apprehension for the individual concerned.

ii) Sabean Mandaean

32. The Mandaean are a small religious group who follow John the Baptist and who have traditionally lived in Mesopotamia in the lower areas of the Tigris and Euphrates rivers between Iran and Iraq. As of 2003, it was estimated that there were between 50,000 and 60,000 Mandaean in Iraq,¹⁵ although the number today may be closer to 40,000 due to the large numbers of Mandaean who have left Iraq since the fall of the former regime. Since the Islamic conquest in the seventh century, the Mandaean have been the subject of much persecution by Muslim groups. This is largely because the Mandaean do not enjoy the *dhimmi* status of the Christian and Jewish communities, both of which are seen as fellow 'people of the book' (*Ahl Al Kitab*) who are to be protected and respected by the Muslim majority. Under the former regime, Mandaean in Iraq were often targeted by the *Mukhabarat* (secret

¹² The Washington Times, *Iraqi Christians fear Muslim Wrath*, 7 April 2004; see also Gary Leupp, Counterpunch, *Why Christians are moving to Syria*, 9 August 2004, <http://counterpunch.org/leupp08092004.html>; Reuters, *Iraq Christians flee bombs and head to Syria*, 26 Sep 2004, <http://www.lebanonwire.com/0409/04092702LW.asp>.

¹³ Elizabeth Kendall, World Evangelical Alliance, *Iraq: Christians and Mandaean - Cousins in Faith, United in Suffering*, 29 September 2003, http://www.worldevangelical.org/persecute/persec_iraq_29sep03.html.

¹⁴ Reuters, *3 Churches bombed, US deaths in Iraq mount*, 8 December 2004.

¹⁵ Mandaean Human Rights Committee, *Persecution of Mandaean in Iraq*, 13 January 2003, in: *The Persecution of Sabean Mandaean In Iraq and Iran*, Sabean Mandaean World Council, January 2003.

police) and their families threatened with physical harm if they did not produce generous financial contributions.¹⁶

33. Since the fall of the regime, the situation of Mandeans has further deteriorated, due in a large part to the general breakdown of law and order in Iraq that allows many Islamic extremist groups to carry out acts of violence towards various religious minorities with complete impunity. Within the last year, there have been several *fatwas* issued linking the Mandeans to *kuffar* or ‘star-worshippers’. These *fatwas* have provided Islamic fundamentalists with the religious justification for acts carried out against the Mandeans, and have accentuated the level of fear among the Mandaean community.¹⁷

34. Mandeans have also become regular targets of discrimination and persecution in the form of physical attacks, kidnappings, robbery, forced conversion to Islam, appropriation of property, extortion and threats.¹⁸ The incidence of kidnappings of Mandaean children and women is particularly high, likely because Mandeans are traditionally goldsmiths and are therefore perceived (often rightly so) as financially well-off. As a result, kidnappers tend to demand payment of very high ransoms within a very short period of time. Failure to pay the entire amount demanded or failure to pay within the required timeframe inevitably result in the kidnapped victim being killed by the kidnappers.¹⁹ Most women interviewed by UNHCR who were kidnapped had also been raped and otherwise ill-treated by their captors.²⁰ In addition, there are many reports of the same Mandaean families being targeted several times by extortionists and kidnappers, through the kidnapping of different family members. As in the case of Christian women, Mandaean women are also harassed and threatened if they do not cover themselves.²¹

35. Unlike most Iraqis, the Mandeans do not belong to tribal groupings. In the past, Mandeans were able to negotiate protection agreements with tribes by paying considerable sums of money. However, due to the present situation of general insecurity in Iraq, Mandeans can no longer count on this type of arrangement and are therefore extremely vulnerable.

¹⁶ Dr. Erica Hunter, University of Cambridge, *The Mandeans in Iraq*, 4 April 2004, pp. 2-3.

¹⁷ Ibid.

¹⁸ Amnesty International Australia, *Iraq-Country Information*, 17 May 2004, pp. 6-15, <http://www.amnesty.org.au/>; see also The Mandaean Society of America/Mandaean Human Rights Group, *The Sabian Mandeans Face a Critical Moment in their History*, March 2005, <http://mandaeunion.org/HMRG/HR%20report%202005.pdf>.

¹⁹ It could be argued that victims of kidnapping on the basis of their perceived wealth constitute a particular social group.

²⁰ Information provided by UNHCR Jordan.

²¹ Elizabeth Kendall, World Evangelical Alliance, *Iraq: Christians and Mandeans - Cousins in Faith, United in Suffering*, 29 September 2003, http://www.worldevangelical.org/persecute/persec_iraq_29sep03.html.

iii) Assyrians, Chaldeans,²² Turkmen, Kurds

36. The members of these communities are generally perceived by the various insurgent groups as the affiliates of foreign powers, and therefore may be discriminated against or persecuted. Given the fact that they are Christians, (*see above*), Assyrians and Chaldeans are largely considered to be supporters of the US due to their religion and their general political tendency to ally themselves with the West.²³

37. Within the context of today's Iraq, Kurds have also been accused of collaborating with the 'enemies of Iraq', which include the US, the UK and Israel among others. Several attacks against Kurds in Central Iraq have been reported.²⁴

38. The problems faced by Turkmen are mainly linked to the political situation in Kirkuk and the three Northern Governorates. Many Turkmen complain of being subjected to investigation and/or arrest by the Kurdish authorities in the three Northern Governorates for reasons related to the establishment of the organization known as 'The Turkmen community', which has sought to ensure the basic rights of this group.²⁵ Turkmen also report being threatened by Peshmerga fighters from the Kurdish Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), and claim that there is currently an attempt to implement policies that will systematically alter the demographic composition of areas where Turkmen have traditionally lived.

39. While each case must be considered on its own merits, the mere fact that an asylum-seeker is a member of a religious or ethnic minority does not in itself suffice to substantiate a claim of refugee status. Belonging to a certain group may enhance the risk of being persecuted, however, and claims in which the degree of harassment and discrimination may amount to persecution must be thoroughly and carefully examined.

²² Although Assyrians and Chaldeans are Christians and have been included under religious groups, many sources also consider them as belonging to a separate ethnic group; see, for example, Dr. Khoshaba Jasin, Assyrian International News Agency, *Democracy of the Ethnic Groups of Iraq*, 5 August 2004, <http://www.aina.org/guesteds/20040804214518.htm>; CIA, *The World Factbook, Iraq*, updated 14 June 2005, <http://www.cia.gov/cia/publications/factbook/geos/iz.html>.

²³ Elizabeth Kendall, World Evangelical Alliance, *Iraq: Christians and Mandeans - Cousins in Faith, United in Suffering*, 29 September 2003, http://www.worldevangelical.org/persecute/persec_iraq_29sep03.html.

²⁴ Institute for War and Peace Reporting, *Iraqi Crisis Report No. 90, Kurds Find Northern Resettlement Tough*, 15 November 2004, http://www.iwpr.net/index.pl?archive/irq/irq_90_3_eng.txt; IRIN, *IRAQ: Kurds continue to flee cities of Sunni triangle*, 5 October 2004, http://www.irinnews.org/report.asp?ReportID=43494&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ.

²⁵ Reuters, *Iraq: Arabs in Kirkuk say Kurds carry out mass arrests*, 15 June 2005, <http://www.notes.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/df7780efb3f2281285257021005cdb21?OpenDocument>; The Washington Post, *Kurdish Officials Sanction Abductions in Kirkuk*, 15 June 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/06/14/AR2005061401828.html>.

iv) Other religious groups (including Yezidis, Jews, etc.)

40. While the information available on other religious groups is scarce – in part because reports of incidents concerning these groups rarely reaches the public domain – it is highly likely that religious minorities other than those explicitly described in sections i)-iii) face problems similar to those faced by Christians and Mandaeans. The four main reasons for this are that these persons are not Muslims, their religion (as is the case for the Yezidis) may not qualify them as ‘people of the book’ (*Ahl Al-Kitab*), they are easily distinguished as ‘different’ from others, and they may (as is the case of the Jews) be suspected of collaborating with Israel.

41. As part of increasing tensions between Sunnis and Shiites, individuals may be targeted on the basis of their membership in either of these two sects. *(For further details on this issue, please refer to the section in the COI paper on tensions between the communities.)*

b. Imputed political opinion

i) Perceived sympathizers of the US-led invasion and or the international military presence in Iraq - Affiliates or employees of the former Coalition Provisional Authority (CPA), MNF or Iraqis employed by foreign contractors, the United Nations or other international organizations including NGOs.

42. Iraqis who previously worked for, presently work for, or have any type of association with the MNF or any other type of international organization or company are perceived by the insurgency as condoning and supporting the occupation of Iraq and have been indiscriminately targeted since the fall of the former regime.²⁶ Since there are no clear indicators regarding how insurgent groups choose their targets, the only distinguishing factor seems to be any type of affiliation, perceived or real, with the forces considered to be ‘occupiers’, although other factors such as an individual’s religion, ethnicity or gender may, in the eyes of perpetrators, constitute additional criteria for targeting specific persons.

43. Acts committed against employees or perceived supporters of the MNF or international organizations or companies may vary from verbal harassment and threats to individuals and their families to stop working for the ‘enemy’ to kidnapping, physical attacks and even murder. Neither the local authorities nor the MNF are capable of granting proper security to their respective local nationals and employees. *(For more detailed information on recent incidents affecting this group, please refer to Annex I of this document, ‘Civilians working with the MNF, international organizations, foreign companies’.)*

²⁶ International Herald Tribune, *Constant threat of death for people working with the Americans*, 16 February 2004, <http://www.eCOI.net/doc/en/IQ/content/5/7656-7703>.

ii) Iraqi Kurds

44. Iraqi Kurds are frequently perceived by insurgents as collaborators with or supporters of the invasion of Iraq and the presence of the MNF, which in turn is perceived as favouring the Kurds. Indeed, the MNF presence in and around the three Northern Governorates has been well-tolerated and even welcomed by the Kurdish authorities, as it has brought more respect and recognition to the Kurdish administration on a national and international level. A number of prominent Kurdish intellectuals and politicians have been the targets of harassment, attacks and assassinations over the last two years by Islamic extremists or groups, likely because of their perceived support for the foreign 'enemy'. The same applies to Kurdish members of the ISF and the Kurdish Peshmerga.²⁷

iii) Persons involved or suspected of being involved in the political process

45. A range of politicians, members of the Iraqi government or administration (extending down to the local level, such as members of Governorate Councils), known members of political parties involved in the political process and/or members of their families (e.g. Sunnis who are no longer boycotting the process), as well as civilians supporting the democratic process have been targeted by non-state agents in an aim to undermine the ongoing political process and democratization of the country. *(More detailed information on this group can be found in Annex II of this document, 'Persons involved in the democratic process in Iraq')*

iv) Members and associates of the Ba'ath Party and former regime (including the Revolutionary Council, National Assembly, members of the former judicial and prosecutorial system organs, the Iraqi National Army, Special Republican Guards and Republican Guards)

46. Under the former government's rule, the state, the armed forces and the security apparatus were dominated by the Ba'ath party, which as the President's party enjoyed special status within the regime. No special qualifications were required in order to become a member of the Ba'ath Party, and the regime consistently and systematically expanded the membership of the Ba'ath Party as a means to widen its control of the population. Members who were perceived by the government as having been particularly loyal received preferential treatment in all aspects of life.

47. Many senior ranking cadres within the Ba'ath Party built a career through dual membership in the Ba'ath Party and the Special Republican Guards, as chiefs of loyal tribes, as members of the intelligence and security forces, and so forth. These

²⁷ André Gerolymatos, The Globe and Mail, *Kurds: the key to Iraq*, 5 May 2005, <http://www.kurdmedia.com/reports.asp?id=2609>; see also The Washington Post, *At Least 16 Iraqis Killed in Suicide Car Bombing*, 21 June 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/06/20/AR2005062000108.html>; BBC, *Many dead in attacks across Iraq*, 20 June 2005, http://news.bbc.co.uk/2/hi/middle_east/4109908.stm; CNN, *Suicide bombing kills about 60 in Kurdish city*, 4 May 2005, <http://www.cnn.com/2005/WORLD/meast/05/04/iraq.main/>; The Washington Post, *Suicide Bomber Kills 47 in Mosul*, 11 March 2005, <http://www.washingtonpost.com/wp-dyn/articles/A23448-2005Mar10.html>.

individuals were generally assigned various tasks as senior officials of the Ba'ath Party at the levels of governorates, districts, sub-districts, cities and communes. Many were also implicated in policing activities with the army and security forces, the search for army deserters, and recruitment for paramilitary armed groups such as Jaish Al-Quds (The Jerusalem Army), the Fedayeen Saddam (Saddam's 'Men of Sacrifice') and the Ashbal Saddam (Saddam's Lion Cubs). Middle and senior level officers in these services were appointed only after a thorough screening by the senior leadership. Saddam Hussein's son Qusay was directly responsible for these services. Many senior officials of the above-mentioned entities were in the armed forces during the period when campaigns against segments of the Iraqi population were planned and executed. These include the 'Anfal' campaign which took place in Northern Iraq during the 1980s, the suppression of the 1991 and 1999 uprisings in Southern Iraq and the persecution of political opponents. While many may describe themselves as having simply worked in logistics or communications, association with groups such as the Fedayeen Saddam, the People's Army (Al-Jaish al Sh'abi), the Ba'ath militia or the Jaish Al-Quds clearly implies knowing of and condoning their activities.

48. Members and associates of the Ba'ath party and former regime have been the subject of attacks since the early days of the change of power in Iraq. While the level of affiliation or rank held within the Ba'ath party may sometimes be a determining factor regarding who is targeted, it is generally difficult to pinpoint exactly why a particular individual may be targeted. Low-ranking officials of the Ba'ath party have also been killed or otherwise attacked because of the activities they were involved in – for example a low-ranking member of a security organization who was known to have been a brutal torturer.

49. Persons who were previously members of the Ba'ath party may face harassment, intimidation and physical violence, including assassination. Many profess to have seen their name on various 'hit-lists' which they maintain are being circulated, and on which they are accused of many offenses. These offenses include engaging in broad-based discrimination and widespread terror, suppressing freedom of conscience, and condoning summary and arbitrary executions, torture, rape and sexual abuse during detention and enforced or involuntary disappearances.

50. CPA Order No. 1, *De-Ba'athification of Iraqi Society*,²⁸ was signed and went into effect on 5 May 2003. Under this Order, the Ba'ath Party was dissolved and senior party members (those in the upper tier, including members of the Regional Command, Branches, Sections and Groups) were officially removed from their positions and banned from any future employment in the public sector. In addition, they were evaluated for criminal conduct or threat to the security of the Coalition. Furthermore, all individuals in the top three layers of management in every government Ministry, related corporations, and other government institutions including universities and hospitals, were subject to interviews in order to assess their affiliation with the Ba'ath Party. Those determined to have been Ba'ath members were subject to investigation for criminal conduct and were removed from

²⁸ CPA, Order No. 1, *De-Ba'athification of Iraqi Society*, 16 May 2003, http://www.iraqcoalition.org/regulations/20030516_CPAORD_1_De-Ba_athification_of_Iraqi_Society_.pdf.

employment if found to be full party members.²⁹ The Supreme National DeBa'athification Commission was tasked to hear appeals from Ba'athists who were in the lowest ranks of the party's senior leadership. (*For a detailed description of the Ba'ath Party and its structure under the former regime, please refer to Annex III of this document*).

51. Thousands of former Ba'ath Party members in governmental establishments, universities and schools have lost their jobs as a result of the de-Ba'athification process,³⁰ irrespective of their level of association within the Party.³¹ Others claim that they are systematically targeted for assassination or extortion by Islamic militia parties, who nowadays dominate the ISF as well as Kurdish parties and the Peshmerga. Many attacks also appear to be the result of personal vendettas against members of the Ba'ath Party. In the case of attacks upon ex-Ba'ath members, the victim's religious affiliation (whether Sunni or Shi'a) does not appear to play a role in why particular individuals are singled out. The motivation behind these attacks may be both political (in opposition to those who supported the previous policies of the Ba'ath Party and the former regime) and personal (revenge for detention, torture or other treatment previously inflicted upon the perpetrator by his victim).

52. Nevertheless, while many Iraqis today suffer harassment³² as a result of their previous membership in the Ba'ath Party, this harassment may not necessarily reach the level of persecution. Furthermore, the individual profile (rank, level of association, etc.) and activities of former high-ranking Ba'ath Party members must be carefully examined with regard to the possible application of the exclusion clauses specified in Article 1F of the 1951 *Convention*.

53. The application of the exclusion clauses is particularly relevant in the case of persons who were involved in making executive and legislative decisions and who

²⁹ Ibid.

³⁰ While in principle, those dismissed were allowed to have their case reviewed by the Supreme National DeBa'athification Commission, there are allegations that during the time of the IIG, the DeBa'athification was not fully implemented and many former Ba'athists were actually brought back, in particular into the security forces, but also to others sectors (e.g. teachers); see for example The New York Times, *Allawi Presses Effort to Bring Back Ba'athists*, 13 October 2004, http://www.occupationwatch.org/headlines/archives/2005/03/allawi_presses.html; EducationNews.org, *Saddam's Teachers Return to the Classroom*, 4 May 2004, <http://www.educationnews.org/saddams-teachers-return-to-the-classroom.htm>. The current Shia-dominated ITG again aims at purging former Ba'athists from government and public life, see The Associated Press, *Baghdad resumes purging Saddam party members*, 11 May 2005, <http://www.iht.com/articles/2005/05/10/news/purge.php>; Guardian Unlimited, *US warns Iraq not to purge Arab soldiers*, 13 April 2005, <http://www.guardian.co.uk/Iraq/Story/0,2763,1458414,00.html>; The Washington Post, *Man Who May Lead Iraq Eyes Ex-Ba'athists*, 18 February 2005, <http://www.washingtonpost.com/wp-dyn/articles/A33043-2005Feb17.html?nav=hcmodule>.

³¹ Institute for War and Peace Reporting, *Iraqi Crisis Report No. 28, Militants may exploit Ba'ath despair*, 18 September 2003, http://www.iwpr.net/index.pl?archive/irq/irq_28_2_eng.txt.

³² Neue Zürcher Zeitung (in German), *Ba'athists working in media and cultural institutions lost their jobs and live in fear*, 3 February 2004; see also Frankfurter Allgemeine Zeitung (in German), *Basrah: Lists with undesirable persons*, 28 January 2004; Danish Immigration Service, *Joint British-Danish Fact Finding Mission to Damascus, Amman and Geneva on Conditions in Iraq / 1-13 July and 23 July 2003*, 18 August 2003, pp. 20, <http://www.udlst.dk/NR/rdonlyres/em4bgveyjmctihk3fkW5koyy6spur6xyfarfb2k3nkuhb25pm3g37i74zdn2b3fezxtv3avjmfzifq5eicnlbswbwutf/FF+Syrien+Jordan+-+IRAQ+2003.pdf>.

may have been closely personally associated with the policies of the former regime. Such categories of persons may include members of the former Revolutionary Command Council, the Council of Ministers, the National Assembly, the Iraqi Army, the Special Republican Guards, the Republican Guards, and the former regime's judicial system, among others.³³ When reviewing the cases of senior military and security officials, it is imperative to carefully assess the applicability of Article 1F of the 1951 *Convention*.

c. Imputed political opinion in the KRG-administered areas (three Northern Governorates [Sulaymaniyah, Dohuk and Erbil] as well as in areas of the Governorates of Kirkuk and Mosul)

i) Islamic groups opposed to the KDP/PUK

54. The Islamic groups in Northern Iraq have been deeply linked to the Islamic Brotherhood (Al-Ekhwan Al-Muslimin) although the *modus operandi* of the various bodies differs. While the armed groups, such as Ansar Al-Islam and Ansar Al-Sunna have different social values and political loyalties, they have all targeted Kurds from various walks of life due to the perceived collaboration of the Kurdish authorities with the West.³⁴ Such insurgent groups, which are considered by the ruling parties (PUK and KDP) in the region as a threat to stability, have failed in their militarized efforts to impose their rule in Northern Iraq but have nevertheless contributed to the climate of uncertainty and fear. The affiliates of these groups may be at risk of ill-treatment and or persecution at the hands of the Kurdish security forces due to the tough and intolerant stance taken against these groups and their members by the local authorities. Nevertheless, the claims of applicants from this category (especially of those belonging to armed groups) must be carefully examined, particularly as regards the applicability of the exclusion clauses.

ii) Other political opponents of the KDP or PUK

55. Both of the ruling parties have very little tolerance for political dissent. Individuals from an area controlled by one of the main parties who demonstrated or was suspected of affiliation with the other party were previously subject to harsh treatment and or persecution by the authorities in their places of residence. Although the offices of each party have now started to work in each other's region, mutual respect and tolerance between the two parties has yet to be fully demonstrated.

iii) Arabs

56. Arabs in the Governorates of Kirkuk and Mosul have reportedly been under serious restrictions and been pressured to leave the region, as the Kurdish

³³ UNHCR, *Guidelines on the Applicability of the Exclusion Clauses in Relation to Asylum Seekers From Iraq*, 24 April 2003.

³⁴ See Peyanmer.com website, 20 and 21 September 2004; see also SA, *Al-Qaeda group beheads hostages*, 19 September 2004, http://www.news24.com/News24/World/Iraq/0,,2-10-1460_1591775,00.html.

administration's ideals for a 'Kurdistan for Kurds' does not include the Arabs.³⁵ Some Arabs who were relocated to Kirkuk and Mosul from other parts of Iraq by the former regime have now been forcefully displaced within the area; some have returned to their previous places of origin due to communal pressure. This is especially true in the region of Kirkuk where the return of formerly displaced Kurds is encouraged and even supported by the Kurdish officials.³⁶ Following a number of security incidents in the three Northern Governorates,³⁷ the Kurdistan Regional Government closely watches the Arabs living in the areas under its control. Arabs are viewed as possible agents of Iraqi insurgency groups or as former Ba'athists. The Kurdish authorities appear to show little tolerance for persons who are not closely linked to either the Kurdish community or the major political parties. Within this context, Sunni Arabs may run a higher risk of being arbitrarily detained by Kurdish security forces, be it on the basis of an alleged Ba'athist past or suspected links to the insurgency. The same applies to a large extent to areas under the influence of the Kurdish parties, mainly Kurdish-dominated areas in the Governorates of Mosul and Kirkuk where Kurdish Peshmerga have taken over crucial security functions.

d. Membership in a particular social group³⁸

i) Academics, professionals, journalists, artists, doctors and medical personnel

57. Many highly educated professional men and women have been systematically harassed and persecuted at the hands of fundamentalist Islamic groups since the fall of the former regime.³⁹ According to Iraqi academic organizations, as of September

³⁵ IRIN, *IRAQ: Political IDPs on the rise in Diyala governorate*, 17 September 2004, http://www.irinnews.org/report.asp?ReportID=43222&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ; *ibid.*, *IRAQ: Focus on displacement in Kirkuk*, 23 September 2004, http://www.irinnews.org/report.asp?ReportID=43319&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ; The Mercury News, *Arabs are fleeing their villages in northern Iraq*, 16 February 2004, <http://www.eCOI.net/doc/en/IQ/content/5/7656-7704>; US News.com, *Trading Places - In northern Iraq, Arabs are displaced by Kurds reclaiming their ancestral lands*, 28 April 2003, <http://www.usnews.com/usnews/biz/interstitials/int.php?title=Trading%20Places%20&pageURL=http://www.usnews.com/usnews/news/articles/030428/28kurds.htm>.

³⁶ IRIN, *IRAQ: Ethnic tension on the rise in Kirkuk*, 17 March 2005, http://www.irinnews.org/report.asp?ReportID=46155&SelectRegion=Middle_East&SelectCountry=IRAQ; see also Human Rights Watch, *Claims in Conflict: Reversing ethnic cleansing in Northern Iraq*, August 2004, <http://hrw.org/reports/2004/iraq0804/iraq0804.pdf>; as well as op.cit. no. 12, Elizabeth Kendall.

³⁷ For example, the attack on a police recruitment centre in Erbil killing at least 11 people on 20 June 2005, see BBC, *Attack on Irbil police kills many*, 20 June 2005, http://news.bbc.co.uk/2/hi/middle_east/4109908.stm; the twin suicide bombings at the KDP and PUK offices in Erbil that killed 109 and wounded more than 200 on 1 February 2004, see Aljazeera, *UN assessment team prepares for Iraq*, 5 February 2004, <http://english.aljazeera.net/NR/exeres/350FB8C0-11C5-41A1-BC13-C493E891050B.htm?GUID={B515BA83-50C5-46C0-988B-A30ED26C86B0}>; or the suicide attack on a KDP office in Erbil on 4 May 2005, see Reuters, *Iraq's Ansar al-Sunna claims Arbil bombing*, 4 May 2005, <http://www.abc.net.au/news/newsitems/200505/s1360115.htm>.

³⁸ It should be noted that some of the groups previously dealt with above could equally fall under this Convention ground.

³⁹ Radio Free Europe/Radio Liberty, *Assassinations continue on Iraqi academics, political and religious leaders*, 25 July 2004, <http://www.eCOI.net/doc/en/IQ/content/5/7656-7703>; see also

2004, more than 200 university professors had been killed or kidnapped.⁴⁰ According to the Iraqi Union of University Lecturers, some 250 academics have been targets of assassinations; many others have been threatened, kidnapped or fled the country. Under the former regime, university professors were required to join the ruling Ba'ath Party, and the possibility that many of the attacks on university professors and personnel are linked to their former Ba'ath party membership cannot be ruled out. While the religious affiliations of victims does not appear to play a role – as both Shia and Sunni professionals have been targeted – it cannot be ruled out as an additional factor, especially in the case of Christian academics. (*For more in-depth information on the incidents concerning Iraqi academics, as well as doctors and medical personnel, please refer to Annexes IV and V of this document*).

58. The motivations behind attacks on academics and professionals appear to be mixed. Many professors, intellectuals and holders of senior posts such as heads of companies or associations have been compelled to leave their posts because of threats from insurgency groups regarding their perceived or suspected co-operation with the CPA, the MNF and other 'enemies' of Iraq. Many have also been targeted by groups accusing them of having been associates of the former regime, as well as for the wealth they are perceived to have due to their profession. There are numerous reports of interrogation, torture and killings by Islamic insurgency groups. Still others fear that due to their profiles and political activism under the past regime, they are or may be the target of retributions by opponents of the ex-regime.

59. Since the fall of the former regime, the continuing insecurity in Iraq has also taken its toll on journalists and media staff, many of whom have come under fire from insurgency groups throughout Iraq⁴¹ or have accidentally perished at the hands of the MNF. According to the *International Federation of Journalists* (IFJ), at least 85 journalists and media staff had been killed in Iraq as of May 2005. The majority of these (62) were Iraqi journalists. Journalists targeted by insurgents generally work for large news organizations that have, to varying degrees, voiced criticisms of the insurgency in Iraq or that are perceived as supportive of, or collaborating with the Iraqi Government or the United States.

60. In the three Northern Governorates, many individuals fear persecution from Islamic groups such as Jund Al-Islam and Ansar Al-Islam, and possibly other, smaller Islamist groups. In the rest of the country, journalists may be victims of attacks perpetrated by insurgent groups as well as by individuals who perceive them as working for or supporting the 'occupation' or otherwise betraying Iraq in some way. While it is well-known that the current Iraqi authorities are unable to provide protection to individuals, journalists in Northern Iraq also claim that they are unable to receive protection from the local PUK-KDP authorities, especially if they are or

International Herald Tribune, *Hundreds of killings - Assassins strike Iraqi professionals*, 9 February 2004, <http://www.eCOI.net/doc/en/IQ/content/5/7656-7703>.

⁴⁰ The Christian Science Monitor, *Iraq losing its best and brightest*, 21 September 2004, <http://www.csmonitor.com/2004/0921/p06s01-woiq.html>.

⁴¹ Reuters, *CHRONOLOGY-Journalists killed in Iraq*, 3 August 2005.

<http://www.alertnet.org/thenews/newsdesk/L03619033.htm>; see also IRIN, *IRAQ: Threats against journalists increase in the run up to elections*, 21 December 2004, http://www.irinnews.org/report.asp?ReportID=44752&SelectRegion=Middle_East&SelectCountry=IRAQ.

have been openly critical of the ruling parties. (*Please refer to Annex VI of this document for more information regarding the persecution of journalists and media personnel.*)

ii) **Women who have transgressed social mores or strict Islamic traditions**

61. Since the fall of the previous regime, the security situation of women has declined.⁴² In the Centre, women are particularly affected by the situation of lawlessness in Iraq, especially as concerns their freedom of movement due to the threat of kidnapping, limiting their access to education, employment, health, and so forth. Women have become common targets of a number of types of violent attacks including kidnapping, rape, forced prostitution, trafficking and murder.⁴³ Such acts may be perpetrated by party militias, Islamic extremist groups, or even individuals for ransom money, sexual abuse, exploitation, etc. Within the context of the Iraqi society, women continue to represent a 'softer' target than men, and therefore instances of attacks against women are high. Due to post-war insecurity, many are unable to leave their homes without a male family member to accompany them, and even then often to their own or their families' reluctance. Those who can afford it have abandoned public transportation and have begun hiring drivers to take them home.

62. In a society where a family's reputation is measured by the chastity of its female members, stories of abduction and rape create a great sense of fear in the minds of Iraqi women. Not only is there a threat of being sexually assaulted, women also fear the aftermath of such assaults. In fact, women who survive sexual assaults often end up being ostracized by their families and community. They are likely to be subjected to additional acts of violence from their own family members, particularly from their male relatives who perceive them as having brought shame on the family. Even if women have been raped, they may be murdered by her family in order to clear the family honour. There is an additional risk for women of becoming social outcasts.⁴⁴

63. Muslim and even Christian women are increasingly being encouraged and pressured to wear veils. Many Christian women have taken to wearing a veil simply to avoid drawing attention to themselves. In the aftermath of the war, certain Islamic groups have also taken positions at universities, hospitals and other institutions and ordered women to cover their heads and put on a scarf at all times, often threatening those who dare to show themselves in public places without a *hijab*.⁴⁵

⁴² Amnesty International, *Iraq: Decades of suffering, Now women deserve better*, 22 February 2005, [http://web.amnesty.org/library/pdf/MDE140012005ENGLISH/\\$File/MDE1400105.pdf](http://web.amnesty.org/library/pdf/MDE140012005ENGLISH/$File/MDE1400105.pdf).

⁴³ IRIN, *IRAQ: Focus on threats against progressive women*, 21 March 2005, <http://www.irinnews.org/print.asp?ReportID=46206>.

⁴⁴ UK Home Office Country Report, October 2004; see also UNHCR COI paper..

⁴⁵ See for example, Guardian Unlimited, *Female students in fear as Shias push for headscarves*, 29 March 2005, <http://www.commondreams.org/headlines05/0329-05.htm>; Guardian Unlimited, *Without veil*, 24 January 2005, <http://www.guardian.co.uk/g2/story/0,1396922,00.html>; on the situation in Mosul, see Institute for War and Peace Reporting, *Iraqi Crisis Report No. 131, Insurgents Impose Curbs on Women*, 5 July 2005, http://www.iwpr.net/index.pl?archive/irq/irq_131_1_eng.txt; on the situation in Basrah, see Los Angeles Times, *Islamic Law Controls the Streets of Basra*, 27 June 2005, http://www.occupationwatch.org/headlines/archives/2005/06/islamic_law_con.html and Guardian

64. In the North, despite the fact that a law now defines honour killings as murder, crimes of this type still take place and women who are, for example, victims of sexual aggression, are frequently ostracized by their family members in an attempt to preserve the family's honour. *(For further information on the situation of women in today's Iraq, including honour killings, please refer to the COI paper).*

iii) Males who have transgressed social mores or strict Islamic traditions

65. Since the fall from the former regime in 2003, there has been a marked increase in the number of commercial sex workers in Iraq, especially among teenagers. In addition to young women (see above), many young men, especially homosexual men, have been roped into the sex trade as a means of earning a living, often against their will. Homosexuality remains a religious crime punishable by death in Iraq. Thus, a family who discovers their son is homosexual (especially if he is working in the sex trade, whether by choice or because he was forced into it) will often prefer to kill him in order to preserve the family's honour.⁴⁶ There have also been reports of men being subjected to attacks and killings by Islamist groups or militias for their alleged non-Islamic behaviour (e.g. mingling with women in public, selling music or videos or providing 'Western' haircuts).⁴⁷

iv) Single women or female heads of households

66. This group is made up of women who have fled Iraq on their own or with their children because their family members or spouses were been killed, kidnapped or otherwise targeted, and because they risk or have already faced harassment or persecution themselves. Depending on the perpetrators, additional factors such as a woman's ethnicity or religion may put her at even greater risk. Women in this group are typically targets of kidnapping, rape or other forms of sexual harassment and abuse, including forced prostitution and human trafficking.⁴⁸ Women who do not benefit from any type of family network or tribal links to protect them are even more at risk and are likely to be prime targets for traffickers. Those who have no means of livelihood are further likely to fall prey to trafficking and prostitution in order to survive. *(For extensive information about the situation of women in Iraq, including transgression of social mores and honour killings, please refer to the COI paper.)*

situation in Basrah, see Los Angeles Times, *Islamic Law Controls the Streets of Basra*, 27 June 2005, http://www.occupationwatch.org/headlines/archives/2005/06/islamic_law_con.html and Guardian Unlimited, *Liberal Basra pushed to the right*, 13 June 2005, <http://www.guardian.co.uk/Iraq/Story/0,2763,1505112,00.html>.

⁴⁶ IRIN, *IRAQ: Focus on boys trapped in commercial sex trade*, 8 August 2005, http://www.irinnews.org/report.asp?ReportID=48485&SelectRegion=Middle_East.

⁴⁷ Jane's Intelligence Review, *Battle for Iraq lies in the south*, June 2005, pp. 14/15, <https://www.washingtoninstitute.org/opedsPDFs/42a88e53e11f1.pdf>; Post-Gazette, *Islamist militias patrolling Basrah*, 24 April 2005, <http://www.post-gazette.com/pg/05114/493468.stm>; Times Online, *Death at 'immoral' picnic in the park*, 23 March 2005, <http://www.timesonline.co.uk/article/0,,7374-1537512,00.html>.

⁴⁸ Information provided by UNIFEM in Amman, Jordan.

e. Victims of past persecution

67. UNHCR subscribes to the view that refugee status determination is both retrospective and prospective. It is retrospective in that it looks at what happened to the applicant in the past, and it is prospective in that it is normally the well-founded fear of being persecuted in the future that justifies the grant of refugee protection.

68. The weight to be accorded to an applicant's past experiences depends on a variety of factors, including the gravity of the harm suffered, whether the consequences of the harm are likely to endure, and, in light of such consequences, the extent to which current circumstances in the country of origin would be likely to mitigate or aggravate the applicant's fear of persecution. Where grave persecution in the past has had severe and lasting impact on the applicant, either physically and or psychologically, the applicant's fear of persecution would continue to be well-founded.

69. Such conditions could, for example, include ex-detainees, victims of torture, survivors or witnesses of violence against family members, including sexual violence.

C. Internal Flight or Relocation Alternative (IFA/IRA)

70. The question of whether an asylum-seeker fearing persecution in one part of a country has the possibility of finding safety in an alternative location inside the country is one which must be considered on a case-by-case basis, taking into account all the circumstances of each individual case and the situation in the country of origin.

71. The 1951 *Convention* does not require or even suggest that the fear of being persecuted need always extend to the *whole* territory of a refugee's country of origin. The concept of an internal flight or relocation alternative therefore refers to a specific area of the country where there is no risk of a well-founded fear of persecution and where, given the particular circumstances of the case, the individual could reasonably be expected to establish him/herself and live a normal life. Consequently, if internal flight or relocation is to be considered in the context of refugee status determination a particular area must be identified and the claimant provided with an adequate opportunity to respond.

72. In order to assess the possibility of applying the internal flight or relocation alternative within today's Iraq, it is necessary to assess in the individual case based on two main sets of analyses, namely whether internal relocation is 1) **relevant**, and 2) **reasonable**. These analyses may be undertaken on the basis of answers to the following sets of questions, as is outlined in UNHCR's Guidelines on this issue:⁴⁹

⁴⁹ UNHCR, *Guidelines on International Protection: the 'Internal Flight or Relocation Alternative' within the context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003.

73. The Relevance Analysis

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

b) An area is not an internal flight or relocation alternative if there are barriers to reaching the area which are not reasonably surmountable; hence the refugee claimant should not be required to encounter physical dangers en route to the area. In addition, if the claimant would have to pass through the original area of persecution in order to access the proposed areas, that area cannot be considered an internal flight or relocation alternative. The proposed area must also be legally accessible to the individual, meaning that he/she must have the legal right to travel there, as well as to enter and to remain.

c) *Is the agent of persecution a non-State agent?* Where the feared persecutors are national authorities, there is a presumption that they can act throughout the country, and therefore an internal flight or relocation alternative is not available. Where the claimant fears persecution by a non-State agent of persecution, the main inquiries should include an assessment of the ability of the persecutor to pursue the claimant in the proposed area, and the protection available to the claimant in that area from State authorities. As with questions involving State protection generally, the latter involves an evaluation of the ability and willingness of the State to protect the claimant from the harm feared.

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

74. The Reasonableness Analysis

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

b) The question of whether relocation is reasonable must be assessed both subjectively and objectively, taking into account the claimant's personal circumstances, the existence of past persecution, safety and security, respect for human rights, and possibility for economic survival in the proposed internal flight or relocation alternative.

d) As concerns the issue of safety and security, a claimant must be able to find safety and security and be free from danger and risk of injury. Such safety must be durable and not unpredictable.

75. Given the current security situation, the lack of effective protection and absorption capacities in Central and Southern Iraq as well as the risk of further aggravating already existent sectarian tensions within the Governorates of Mosul and

Kirkuk, UNHCR advises against the possibility of IFA/IRA in any of these areas as it is considered neither relevant nor reasonable.

76. The availability of IRA in the three Northern Governorates will depend on a variety of factors and needs to be assessed on a case-by-case basis. The major factor to be considered is whether the claimant would be allowed to enter and legally reside in the area of relocation and whether he/she has family, community and/or political links that would allow for his/her protection and economic survival and integration.

UNHCR's detailed position regarding the existence of an Internal Flight/Relocation Alternative within Iraq can be found in Annex VI of this document.

VI. The Return of Iraqis⁵⁰

77. To date, there has been no improvement in the security situation in most parts of Iraq. To the contrary, the most relevant indicators signal that the security situation generally deteriorated between January and August 2005 when compared to the same period last year. It is thus of serious concern to note that some States are considering the withdrawal of protection afforded generally to asylum-seekers from Iraq and that Convention and complementary protection recognition rates are, in some host countries, extremely low.

78. Despite the elections which took place in Iraq in January 2005, the Iraqi authorities are not yet able to provide residents with even a minimum of protection from violent attacks, including bombings specifically targeting civilians, nor guarantee them access to the basic services needed for a secure and stable life. In addition, it should be taken into consideration that premature returns could further exacerbate tensions between residents and returnees, thereby increasing insecurity.

79. Against this backdrop, UNHCR:

- Encourages governments to conduct refugee status determination for individuals who face serious protection problems within the country of asylum, who are in an uncertain, precarious situation or who are deemed to be especially vulnerable (e.g. single female heads of households without support, medical cases or victims of severe past persecution);
- Recommends that cases not be rejected simply on the basis of an internal flight or relocation alternative.⁵¹ As set forth in more detail in Annex VII of this document, relocation inside of Iraq is usually neither safe nor practical due to security risks, a lack of or inadequate basic services and/or logistical constraints. Moreover, as effective national protection is currently unavailable, no area can be considered safe, particularly for persons who do not originate from the place of proposed relocation. Relocation is therefore not likely to address threats of persecution or security risks.

⁵⁰ Within the context of the present section, the term "Iraqi" refers to both Iraqi nationals as well as former habitual residents of Iraq.

⁵¹ See aforementioned UNHCR, *Guidelines on International Protection: 'Internal Flight or Relocation Alternative'* particularly para. 7.

- Recommends, if an asylum-seeker from Southern or Central Iraq is not recognized as a refugee, that he/she be granted some form of complementary protection in keeping with international human rights principles until such time as an improvement in the security situation and the overall absorption capacity makes return feasible.
- In line with the above, asks States to postpone the introduction of measures which are intended to promote or induce voluntary returns for persons originating from Southern or Central Iraq, including for those who have been found not to be in need of international protection. This includes time-limited financial or other incentives and relates particularly to deterrent or punitive measures.
- Reiterates its request to States that, within the framework of international solidarity and burden-sharing, asylum-seekers from Iraq or whose former habitual residence was in Iraq should not be returned to other countries in the region regardless of their prior stay in or transit through these countries. While these countries have to date been generous in their tolerance of a large number of asylum-seekers from Iraq on their territories, the socio-political consequences of this large Iraqi presence are beginning to take their toll on the ability or willingness of authorities to continue extending protection to these persons.
- UNHCR strongly recommends to States that there be no forcible return of Iraqis to Central and Southern Iraq until such time as the necessary security conditions and absorption capacities for sustainable return are in place.

Specific Considerations for the Three Northern Governorates (Sulaymaniyah, Erbil and Dohuk)

80. Based on in-depth assessments over the last two years by UNHCR as well as other UN agencies and humanitarian organizations, UNHCR has concluded that a differentiated approach as regards returns to the three Northern Governorates could be envisioned. While security concerns persist in the three Northern Governorates and the economy is still fragile, acts of violence are far less frequent as compared to the rest of the country and a certain level of political stability has been achieved. Serious protection concerns remain however, especially for persons who do not originate from these areas.

UNHCR therefore:

- Believes that the promotion of voluntary returns of Iraqis originating from the three Northern Governorates is feasible, provided they have family and community links that can ensure their access to protection, housing and other basic services;

- Advises also that no persons be forcibly returned unless it has been ascertained that they have family, community or political links that can enable access to protection, housing, employment and basic services.
- Strongly encourages States not to forcibly return rejected asylum-seekers to the three Northern Governorates if they do not originate from there. Individuals who do not originate from the three Northern Governorates would most likely be denied entry to this area by the Kurdistan Regional Government (KRG). Even if they were admitted, they would nevertheless face substantial obstacles to obtaining physical protection, legal residence, accommodation and employment. In short, family, community or political links are necessary for residents of the three Northern Governorates to meet the basic norms of civil, political and socio-economic human rights and establish sustainable integration in the place of return.
- Encourages host countries considering forced returns of persons who have been found through fair procedures not to be in need of international protection, including new protection needs arising from recent developments, or not to have other compelling humanitarian grounds justifying stay,
 - to be sensitive to concerns of the Central Government as well as the KRG authorities who have repeatedly emphasized the destabilizing effect large numbers of forced returns would have on an already fragile situation as well as the lack of sufficient absorption capacity (and in particular shortage of housing). In particular, host countries are encouraged to provide assistance packages to the returnees and receiving communities;
 - to grant a reasonable period of time to the affected persons to avail themselves of different types of assistance offered for return by the host country following rejection of their asylum claims and be counselled of their options;
 - to ensure that return is to the place of origin only in order to provide the individual with a reasonable opportunity for durable re-integration in Iraq;
 - to ensure that any forcible returns be phased, conducted in an orderly manner and closely coordinated with the KRG authorities in order to take into account the limited absorption capacities in the three Northern Governorates.

VII. Repatriation

81. UNHCR will continue to inform potential voluntary returnees about the situation in Iraq and of the fact that, due to the lack of staff on the ground, UNHCR can only provide them with limited reintegration assistance in Iraq through its partners and has only a limited capacity to monitor returns. While UNHCR does not yet promote voluntary repatriation, the Office will continue to facilitate, in close

coordination with the Iraqi authorities and host governments, the return of individuals who voluntarily express their wish to return to Iraq despite and with full knowledge of the current conditions. To this end and where feasible, UNHCR shall continue to use its Voluntary Repatriation Form (VRF). At this stage, facilitation of return may consist of: providing information on the conditions in Iraq; registration of refugees for return and issuance of VRFs, transmitting requests for return to the Iraqi authorities for clearance, as well as other types of assistance such as transport, exit formalities and provision of limited reintegration assistance upon arrival.

Annex I

Civilians Working with the MNF, International Organizations, Foreign Companies

1. By mid July 2005, 204 foreign nationals had been taken hostage in the country since the US-led occupation began in 2003. 37 have been killed by their captors, but several have been released or have managed to escape, others are still being held or their status is unknown.⁵² Furthermore, although it remains virtually unreported by the international media, the harassment, kidnapping and killing of Iraqis has become commonplace. According to the former Iraqi Minister of Human Rights Bakhtiar Amin, 5,000 Iraqis have been kidnapped since the fall of the former regime, with many other such incidents going unreported.⁵³ At a particular risk are those working or perceived to be working with the MNF, international organizations or companies, as they are viewed as traitors and collaborators with the US military and the 'occupation'. Interpreters and drivers, who are often out on patrols with American soldiers, are exposed to a particularly high risk because of the highly public nature of their jobs. Many leave Iraq and seek refuge, mainly in neighbouring countries, to escape the threats.⁵⁴

2. Some incidents in which Iraqi civilians working with the MNF, international organizations or foreign companies have been deliberately targeted include the following (this list includes incidents from January - July 2005 and is not exhaustive):

- 31 July 2005: Gunmen opened fire on a group of cooks leaving a military base in Baqouba, killing one and wounding three.⁵⁵
- 31 July 2005: An Iraqi translator for the US military was shot dead by gunmen as he was leaving his house in Kirkuk.⁵⁶
- 30 July 2005: Insurgents attacked a minibus transporting Iraqi civilians working at an American base, killing three and critically wounding three in Baiji.⁵⁷
- 19 July 2005: Gunmen opened fire on a minibus carrying civilian workers from a US military base in Baqouba, killing at least 13 people.⁵⁸
- 17 July 2005: Bodies of two Iraqi contractors working with the US Army were found dead by a police patrol in Ramadi.⁵⁹

⁵² The Brookings Institution, *Iraq Index*, updated 14 July 2005, p. 13, <http://www.brookings.edu/fp/saban/iraq/index20050714.pdf>.

⁵³ Reuters, *Iraq insurgency has killed 6,000 civilians – govt*, 5 April 2005, <http://www.tiscali.co.uk/news/newswire.php/news/reuters/2005/04/05/topnews/iraqinsurgencyhaskilled6000civilians.html>.

⁵⁴ The New York Times, *Iraqi Ex-Employees of U.S. Face Death Threats or Exile*, 5 June 2005, <http://www.nytimes.com/2005/06/05/international/middleeast/05damascus.html>.

⁵⁵ Reuters, *Security incidents in Iraq, July 31*, 31 July 2005.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ BBC, *Iraqi gunmen target airbase staff*, 19 July 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4695543.stm.

⁵⁹ The Scotsman, *As fresh wave of violence hits Iraq, Reid hints at UK pullout*, 18 July 2005, <http://thescotsman.scotsman.com/index.cfm?id=1643082005>.

- 9 July 2005: A family of four was shot dead in the Northern town of Baiji when gunmen stormed their house. Residents said the man may have worked for a foreign company.⁶⁰
- 26 June 2005: 15 people died when a bomber attacked people queuing outside a military base in Kasak near the city of Mosul. Most of the dead were thought to be civilian labourers.⁶¹
- 11 June 2005: Gunmen attacked a busload of construction workers in Diyara, south of Baghdad, killing at least 11 and wounding three others. According to the local police, they were employed on various projects at US and Iraqi bases in the Baghdad area.⁶²
- 8 June 2005: An Iraqi interpreter working with US forces was gunned down in Baqouba.⁶³
- 4 June 2005: Razzouq Muhammad Ibrahim, an Iraqi contractor, was killed by insurgents north of Baghdad. He was in charge of renovating a mosque in Samarra.⁶⁴
- 23 May 2005: In a video posted on the internet, Jaish Ansar Al-Sunna claimed that it had shot dead a Jordanian and two Iraqi drivers working with US forces in Iraq.⁶⁵
- 17 May 2005: Jaish Ansar Al-Sunna said in an internet video that it had shot dead two Iraqis working for a subcontractor of a unit of the US company Halliburton.⁶⁶
- 11 May 2005: A car bombing killed 33 and wounded 80 people, mainly Shiite migrant workers, in Tikrit. Jaish Ansar Al-Sunna claimed responsibility for the attack, saying that the migrant labourers were working at nearby US bases and calling them 'apostates who sold their religion and became slaves and agents of the crusaders'.⁶⁷
- 18 April 2005: The abduction and killing of three Iraqis doing maintenance work at a US military base near Baghdad was reported by Ansar Al-Sunna.⁶⁸
- 17 April 2005: Seven Iraqi Kurdish civilians working at a US military base near Khanaqeen were killed.⁶⁹
- 9 April 2005: A convoy of the Trade Ministry travelling between Al-Kut and Baghdad was ambushed and four drivers were killed.⁷⁰

⁶⁰ Agencies, *US marines launch new raid on Iraq insurgents*, 9 July 2005, http://www.chinadaily.com.cn/english/doc/2005-07/09/content_458768.htm.

⁶¹ BBC, *Blasts hit Mosul security forces*, 26 June 2005, http://news.bbc.co.uk/2/hi/middle_east/4623507.stm.

⁶² Aljazeera, *Multiple attacks kill many in Iraq*, 11 June 2005, <http://english.aljazeera.net/NR/exeres/7B3106F2-318E-49D4-8736-E90B71500160.htm>.

⁶³ Agencies, *Iraq leaders want greater role for militias*, 9 June 2005, http://dailystar.com.lb/article.asp?edition_id=10&categ_id=2&article_id=15757.

⁶⁴ The New York Times, *Suicide Bomber Kills 10 at Iraq Gathering of Sufi Muslims on Day of Dozens of Deaths*, 4 June 2005, <http://www.nytimes.com/2005/06/04/international/middleeast/04iraq.html>.

⁶⁵ Reuters, *Militants say kill three Arab drivers in Iraq*, 23 May 2005.

⁶⁶ Reuters, *Group kills Iraqi hostages supplying U.S. forces*, 17 May 2005.

⁶⁷ Reuters, *Four suicide attacks kill at least 71*, 11 May 2005, <http://www.tiscali.co.uk/news/newswire.php/news/reuters/2005/05/11/topnews/foursuicideattackskillatleast71.html>.

⁶⁸ Aljazeera, *Group says it killed three Iraqis*, 18 April 2005, <http://english.aljazeera.net/NR/exeres/5F17128B-19D1-497F-ACCA-2B110316F43D.htm>.

⁶⁹ Ibid., *Aid worker killed in Iraq violence upsurge*, 17 April 2005, <http://english.aljazeera.net/NR/exeres/45C0FDC1-C83B-4B0A-A630-1D60F81E838A.htm>.

- 7 April 2005: 11 Iraqis working at a US military base in Ramadi were killed.⁷¹
- 5 April 2005: Jaish of Ansar al-Sunna said it shot dead Iraqi police officer Hussein Taha Qassim for 'spying' on insurgents.⁷²
- 4 April 2005: An Iraqi translator working for the US and Iraqi forces in Baqouba was attacked.⁷³
- 24 March 2005: Five women working as translators for the US military were killed in Baghdad.⁷⁴
- 25 March 2005: Five Iraqi cleaning women working at a US base in Rustumiyah southeast of Baghdad were killed.⁷⁵
- 18 March 2005: An Iraqi businessman working with the US military near Dujail was killed.⁷⁶
- 9 March 2005: A translator working for the US military in Kirkuk was killed.⁷⁷
- 3 March 2005: Two Iraqis working for a construction equipment company that supplies US contractors in Kirkuk were killed.⁷⁸
- 26 February 2005: Baghdad police found the corpse of an Iraqi woman, dressed in traditional black, with a sign that said 'spy' pinned to her chest.⁷⁹
- 18 February 2005: The bodies of four Iraqis who had been working at a US military base were found in Makhul, near Baiji.⁸⁰
- 13 February 2005: A translator working for Italian troops in Nasseriyah was killed.⁸¹
- 3 February 2005: Gunmen fired on a vehicle carrying Iraqi contractors to jobs at a US military base in Baqouba, killing two people.⁸²
- 25 January 2005: The son of an Iraqi translator working with US troops was killed in Baghdad.⁸³

⁷⁰ Ibid., *Attacks across Iraq kill many*, 9 April 2005, <http://english.aljazeera.net/NR/exeres/7E07BB10-0A06-46E7-BD83-ADEE107CF238.htm>.

⁷¹ ABC News Online, *11 bodies found in Ramadi*, 8 April 2005, <http://www.abc.net.au/news/newsitems/200504/s1340742.htm>.

⁷² Reuters, *Iraq militants say kill "spy"*, 5 April 2005.

⁷³ Aljazeera, *Car bombings continue in Baghdad*, 5 April 2005, <http://english.aljazeera.net/NR/exeres/7C205C5B-4452-4847-9D06-7223272BF331.htm>.

⁷⁴ CBC, *11 dead in Iraqi bombing, 5 translators killed*, 25 March 2005, <http://www.cbc.ca/story/world/national/2005/03/25/iraq-bombing050325.html>.

⁷⁵ Agence France-Presse, *General among 30 killed in Iraq shootings, car bombs*, 26 March 2005, <http://nation.com.pk/daily/mar-2005/26/index2.php>.

⁷⁶ Turkish Press, *Corpses of Iraqi businessman, soldier discovered*, 18 March 2005, <http://www.turkishpress.com/news.asp?id=39003>.

⁷⁷ UNAMI, *Iraqi Media Monitoring*, 10 March 2005, http://www.uniraq.org/documents/Iraqi%20media%20Monitoring_10%20March%202005.doc.

⁷⁸ Times Online, *US death toll in Iraq reaches 1,500*, 3 March 2005, http://www.timesonline.co.uk/article/0,,7374-1509108_2,00.html.

⁷⁹ Aljazeera, *Female "spy" found beheaded in Iraq*, 27 February 2005, http://www.aljazeera.com/me.asp?service_ID=7323.

⁸⁰ Agence France-Presse, *Forty dead in Iraq violence*, 18 February 2005, <http://www.buzztracker.org/2005/02/18/cache/469161.html>.

⁸¹ The Associated Press, *U.S. Soldier Killed in Iraq Fighting*, 12 February 2005, <http://www.wjla.com/news/stories/0205/206690.html>.

⁸² MSNBC News Services, *Deadliest attacks since Iraq election kill 29*, 4 February 2005, <http://www.msnbc.msn.com/id/6874656/>.

⁸³ CBS, *Family Reacts To Hostage Tape*, 25 January 2005, <http://cbsnews.cbs.com/stories/2005/01/26/iraq/main669371.shtml>.

- 8 January 2005: A translator working for the US military was beheaded in Baqouba.⁸⁴
- 6 January 2005: Three contractors working for the US military were gunned down in Amariyah west of Baghdad.⁸⁵
- 5 January 2005: The bodies of 18 Iraqis who had been working at a US military base were found in Mosul.⁸⁶

⁸⁴ The Washington Post, *Iraqis Die In Errant Bombing By U.S.*, 9 January 2005, <http://www.washingtonpost.com/wp-dyn/articles/A59325-2005Jan8.html>.

⁸⁵ Agence France-Presse, *48 dead as suicide blasts rock Iraq*, 6 January 2005, <http://nation.com.pk/daily/jan-2005/6/index9.php>.

⁸⁶ Ibid., *Bodies of 18 Iraqi workers found in Mosul*, 6 January 2005, <http://nation.com.pk/daily/jan-2005/6/latest.php>.

Annex II

Persons Involved in the Democratic Process in Iraq

1. A range of politicians, members of the government and administration as well as civilians supporting the democratic process have been targeted by non-state agents in an aim to undermine the ongoing political process and democratisation of Iraq. A campaign of intimidation was carried out by insurgent groups in an aim to disrupt the 30 January 2005 elections. Militant groups warned Iraqis against participating in the elections, be it as candidates, election workers or voters. A new wave of killings has been observed since the appointment of the new government on 28 April 2005, and again in light of the drafting of the Permanent Constitution.

2. Recent incidents in which persons involved in the political process (members of interim governments/administration, local authorities, political parties or their offices) have been deliberately targeted on the basis of their political or imputed political opinion include (this list includes incidents from January - July 2005 and is not exhaustive):

- 31 July 2005: Gunmen ambushed what was thought to be the convoy of Iraqi Deputy Prime Minister Ahmad Chalabi south of Baghdad, killing a guard. Ahmad Chalabi is said not to have been in the convoy.⁸⁷
- 30 July 2005: Gunmen opened fire on the convoy of Ibrahim Issawi, senior adviser to the Minister of Environment, killing one of his security guards and wounding three in Kufa.⁸⁸
- 30 July 2005: Sheikh Khalaf Al-Ilayan, a prominent Sunni leader of the Iraqi National Dialogue, escaped an assassination attempt in Baghdad. His bodyguard was wounded.⁸⁹
- 25 July 2005: The head of Samarra's local council, Taha Ahmed, was assassinated in Samarra along with one of his associates.⁹⁰
- 20 July 2005: Hussein Hameed Al-Darraj, vice-president of the Basra municipality, was shot dead by gunmen in Basra.⁹¹
- 19 July 2005: Gunmen shot dead two Sunni Arab members of the constitutional committee and an aide.⁹²
- 17 July 2005: Five members of the election commission were killed in a suicide car bomb attack outside one of its offices in Baghdad.⁹³

⁸⁷ BBC, *Iraq rebels die in border clash*, 31 July 2005,

http://news.bbc.co.uk/2/hi/middle_east/4732477.stm.

⁸⁸ Reuters, *Security incidents in Iraq*, July 31, 31 July 2005.

⁸⁹ Voice of America, *Iraqi Sunni Leader Escapes Assassination Attempt*, 30 July 2005,

<http://author.voanews.com/english/2005-07-30-voa20.cfm>.

⁹⁰ Reuters, *Security incidents in Iraq*, July 25, 25 July 2005.

⁹¹ Reuters, *Sunnis suspend work on constitution after killings*, 20 July 2005,

http://www.pbs.org/newshour/updates/iraq_07-20-05.html.

⁹² BBC, *Sunnis quit Iraq constitution body*, 21 July 2005,

http://newswww.bbc.net.uk/1/hi/world/middle_east/4704983.stm.

⁹³ Chicago Tribune, *Iraq charges Hussein*, 18 July 2005,

<http://www.chicagotribune.com/news/nationworld/chi-0507180217jul18,1,3161788.story?coll=chi-news-hed&ctrack=1&cset=true>.

- 10 July 2005: Ahmed Al-Sanifani, a KDP official, was assassinated in Mosul. The Islamist militant group Ansar Al-Sunna claimed responsibility.⁹⁴
- 4 July 2005: Gunmen killed Jarjees Mohammed Amin, a KDP member of a local council in Mosul.⁹⁵
- 28 June 2005: Dhari Al-Fayadh, a Shiite member of the Iraqi National Assembly and tribal leader of the Albu Amer, was killed in a suicide attack on his convoy in Baghdad. A statement posted on an internet site purportedly by Al-Qaeda in Iraq claimed responsibility for the killing.⁹⁶
- 25 June 2005: Fadhel Oda Lueibi, a member of the Municipal Council in Sadr City, was found dead a day after he was abducted.⁹⁷
- 8 June 2005: An attack was carried out on the car of Freydoun Abdel Qadir, a member of the Iraqi National Assembly and the Constitutional Committee. Abdel Qadir was not in the vehicle at the time, but two of his bodyguards were killed.⁹⁸
- 3 June 2005: Gunmen killed Sabah Qara Alton, a Turkmen member of the Kirkuk City Council. In the month preceding the assassination, leading officials in the Turkmen, Arab and Sunni communities had been assassinated in the city.⁹⁹
- 2 June 2005: A suicide bomber killed Hussein Alwan Al-Tamimi, Deputy Chief of Diyala Provincial Council, and three of his bodyguards. Al-Qaeda in Iraq claimed responsibility for the attack.¹⁰⁰
- 31 May 2005: Raja Nawaf, Governor of Al-Anbar Governorate, was killed during clashes between US forces and insurgents. He had been kidnapped by insurgents on 10 May 2005.¹⁰¹ A previous US-appointed Governor of Al-Anbar Governorate was forced to resign after insurgents had threatened to behead his three abducted sons.¹⁰²
- 30 May 2005: Gunmen killed Major General Ahmed Al-Barazanchi, the Director of Internal Affairs of Kirkuk Governorate and a former police chief.¹⁰³
- 27 May 2005: Gunmen shot dead Naif Sabhan Al-Jibouri, an Arab tribal leader and former member of Kirkuk's City Council. It was reported that Al-Jibouri's

⁹⁴ Reuters, *FACTBOX-Security incidents in Iraq*, 10 July 2005.

⁹⁵ CNN, *Attack on patrol kills 5 Iraqi troops*, 4 July 2005, <http://www.alertnet.org/thenews/newsdesk/MAC460271.htm>.

⁹⁶ Washington Post, *Shiite Lawmaker Killed In Car Bombing in Iraq*, 29 June 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/06/28/AR2005062800125.html>.

⁹⁷ The New York Times, *Suicide Car Bomb Kills 6 at Home of Iraqi Officer*, 26 June 2005, <http://www.nytimes.com/2005/06/26/international/middleeast/26iraq.long.html>.

⁹⁸ Reuters, *Iraq constitution official's bodyguards killed*, 8 June 2005, http://www.boston.com/news/world/middleeast/articles/2005/06/08/iraq_constitution_officials_bodyguards_killed?mode=PF.

⁹⁹ The New York Times, *Suicide Bomber Kills 10 at Iraq Gathering of Sufi Muslims on Day of Dozens of Deaths*, 4 June 2005, <http://www.nytimes.com/2005/06/04/international/middleeast/04iraq.html?>

¹⁰⁰ Ibid., *Insurgent Attacks in Iraq Kill at Least 33*, 3 June 2005, <http://www.nytimes.com/2005/06/03/international/middleeast/03iraq.html?>

¹⁰¹ BBC, *Abducted Iraq governor found dead*, 31 May 2005, http://news.bbc.co.uk/2/hi/middle_east/4595879.stm.

¹⁰² The New York Times, *Iraq Legislators Set Up Panel to Draft a Constitution*, 11 May 2005, <http://www.nytimes.com/2005/05/11/international/middleeast/11iraq.html?pagewanted=2>.

¹⁰³ Guardian Unlimited, *Family 'immensely proud' of killed soldier*, 30 May 2005, <http://www.guardian.co.uk/Iraq/Story/0,2763,1495566,00.html>.

good relationship with Kurdish officials on the council may have been the reason for his killing.¹⁰⁴

- 26 May 2005: Insurgents shot dead Thamer Ghaidan, a Director General in the Ministry of Industry and Minerals, in an ambush in Baghdad.¹⁰⁵
- 26 May 2005: Fakri Abed Al-Amari, member of the Al-Dawa Party, was assassinated at his brother's home in Qadisiya.¹⁰⁶
- 24 May 2005: Gunmen opened fire on a convoy carrying conservative Shiite legislator Salamah Al-Khafaji, one of the most prominent women in the Iraqi National Assembly. The lawmaker escaped unharmed, but four of her bodyguards were critically injured. Al-Khafaji also survived earlier assassination attempts in January 2005 and May 2004, which killed her 17-year-old son.¹⁰⁷
- 23 May 2005: Gunmen assassinated Wael Al-Rubaei, a top aide to Prime Minister Ibrahim Al-Jaafari's Cabinet, while he was on his way to work.¹⁰⁸
- 23 May 2005: A suicide truck bomb exploded outside the mayor's office in Tuz Khurmatu south of Kirkuk, killing at least five people and wounding 18. Among the dead was the brother of Mohammed Mahmoud Jigareti, a senior PUK official. Mr. Jigareti himself was wounded in the blast.¹⁰⁹
- 22 May 2005: Gunmen shot dead Ali Mousa Salman, Director General in the Ministry of Trade, as he was being driven to work in Baghdad.¹¹⁰
- 19 May 2005: Ali Hameed, a senior official in the Ministry of Oil, was killed in Baghdad.¹¹¹
- 18 May 2005: Salah Niyazi, an official from the Youth and Sport Ministry, was killed in Baghdad.¹¹²
- 17 May 2005: Alaa Al-Deen Wazir Al-Obeidi, a senior officer in the Prime Minister's anti-corruption agency, was shot in Baghdad as he drove to work.¹¹³
- 15 May 2005: Col. Jassam Mohammed Al-Lahibi, an Industry Ministry official, was killed along with his driver in western Baghdad.¹¹⁴
- 15 May 2005: Two suicide bombers attacked the convoy of Raad Rashid, the Governor of Diyala, and killed four policemen and two civilians.¹¹⁵

¹⁰⁴ Aljazeera, *Bombers strike Iraqi security forces*, 28 May 2005,

<http://english.aljazeera.net/NR/exeres/40E371FB-E336-4D81-93D6-36C75426E243.htm>.

¹⁰⁵ Ibid., *Security ring for Baghdad planned*, 27 May 2005,

<http://english.aljazeera.net/NR/exeres/E4632E94-7347-42D5-A602-CDA5A7F7E40F.htm>.

¹⁰⁶ Agencies, *Car bomb kills 3 in Baghdad; Shi'ite assassinated*, 26 May 2005,

http://www2.chinadaily.com.cn/english/doc/2005-05/26/content_446016.htm.

¹⁰⁷ The Associated Press, *Deadly Car Bomb Explodes Near Iraq School*, 24 May 2005,

<http://www.newsmax.com/archives/articles/2005/5/24/93708.shtml>.

¹⁰⁸ CBS/The Associated Press, *Iraqi Official Gunned Down*, 23 May 2005,

<http://www.cbsnews.com/stories/2005/05/23/iraq/main697187.shtml>.

¹⁰⁹ Xinhua, *Four people killed in car bomb attack in northern Iraq*, 23 May 2005,

http://english.people.com.cn/200505/23/eng20050523_186365.html.

¹¹⁰ Arabic News, *More killings in Iraq*, 23 May 2005,

<http://www.arabicnews.com/ansub/Daily/Day/050523/2005052320.html>.

¹¹¹ BBC, *Senior Iraqi oil official killed*, 19 May 2005,

http://news.bbc.co.uk/2/hi/middle_east/4561269.stm.

¹¹² The Associated Press, *Iraq calls on Neighbors to Stop Insurgency*, 19 May 2005,

<http://www.wjla.com/news/stories/0505/229520.html>.

¹¹³ Agencies, *Three clerics among nine killed in Iraq unrest*, 18 May 2005,

http://www.dailytimes.com.pk/default.asp?page=story_18-5-2005_pg7_6.

¹¹⁴ The Associated Press, *Iraqi police find 38 bodies as Rice makes surprise visit*, 15 May 2005,

http://www.usatoday.com/news/world/iraq/2005-05-15-iraq_x.htm.

- 14 May 2005: Gunmen assassinated Jassim Al-Muhammadawy, Director General of Administration in the Ministry of Foreign Affairs in Baghdad.¹¹⁶
- 8 May 2005: Gunmen assassinated Zobaa Yassin, a senior official in the Ministry of Transport in Baghdad.¹¹⁷
- 1 May 2005: Gunmen killed Ahmed al-Lu'aibi, Director General of Baghdad's Al-Mansour sewage facility.¹¹⁸
- 28 April 2005: Lt. Col. Alaa Khalil Ibrahim, who worked in the visa section of the Interior Ministry, was shot dead in Baghdad on his way to work.¹¹⁹
- 27 April 2005: Sheikha Lameah Khaddouri Al-Sakri, a high-profile human rights activist and one of 87 women in the Iraqi National Assembly, was shot dead in Baghdad. She had survived two previous assassination attempts.¹²⁰
- 24 April 2005: Mishaan Al-Jibouri, a Sunni member of the Iraqi National Assembly, escaped an assassination attempt. The Sunni extremist group Jamaat Jund Al-Sahaba claimed responsibility for the attack.¹²¹
- 22 April 2005: Sami Al-Anbaki, adviser to Iraq's Interior Minister, survived an assassination attempt in Baghdad.¹²²
- 20 April 2005: Iyad Allawi, the Iraqi caretaker Prime Minister, survived an assassination attempt when a suicide bomber in a car attacked his convoy. Al-Qaeda in Iraq claimed responsibility for the attack.¹²³
- 18 April 2005: Major-General Adnan Midhish Kharagoli, an adviser to the Defence Minister, was killed in Baghdad.¹²⁴
- 14 April 2005: In Latifiyah, south of Baghdad, gunmen shot dead the local mayor.¹²⁵
- 12 April 2005: Major General Tareq Al-Baldawi, the Deputy Interior Minister, was attacked in Baghdad.¹²⁶

¹¹⁵ Reuters, *Rice in Iraq amid wave of attacks*, 16 May 2005, <http://washingtontimes.com/world/20050516-124929-5371r.htm>.

¹¹⁶ BBC, *Iraq rebels 'flushed out by US'*, 15 May 2005, http://news.bbc.co.uk/2/hi/middle_east/4548109.stm.

¹¹⁷ MSNBC News Services, *2 Americans among 22 killed in Baghdad*, 8 May 2005, <http://www.msnbc.msn.com/id/7721003/>.

¹¹⁸ CNN, *Suicide attack at Kurdish funeral kills 25*, 1 May 2005, <http://www.cnn.com/2005/WORLD/meast/05/01/iraq.main/>.

¹¹⁹ Aljazeera, *Iraq government formed*, 28 April 2005, http://www.aljazeera.com/cgi-bin/news_service/middle_east_full_story.asp?service_id=8153.

¹²⁰ BBC, *Iraqi woman MP killed in Baghdad*, 27 April 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4489857.stm.

¹²¹ SITE, *Statements From Jama'at Jund Al-Sahaba, The Army Squad of The Companions of the Prophet Mohammad in Iraq*, 26 April 2005, <http://www.siteinstitute.org/bin/articles.cgi?ID=publications39905&Category=publications&Subcategory=0>.

¹²² Aljazeera, *Many killed in Baghdad mosque blast*, 22 April 2005, <http://english.aljazeera.net/NR/exeres/2ABCFAFD-2721-42DD-8575-C8F7E88D9EDC.htm>.

¹²³ Reuters/Agence France-Presse, *Al-Qaeda claims responsibility for Allawi attack*, 21 April 2005, <http://www.theage.com.au/news/Iraq/Iraqi-PM-escapes-assassination-attempt/2005/04/21/1114028454573.html?oneclick=true>.

¹²⁴ Reuters, *Iraq defence official assassinated*, 19 April 2005, <http://www.swissinfo.org/sen/swissinfo.html?siteSect=143&sid=5690536&cKey=1113719710000>.

¹²⁵ Reuters, *Bombs kill 15 in surge of violence in Iraq*, 14 April 2005.

¹²⁶ CNN, *Blast kills 12 Iraqi security guards*, 13 April 2005, <http://www.cnn.com/2005/WORLD/meast/04/13/iraq.main/>.

- 10 April 2005: Gunmen shot dead Ojeil Mohsin Ojeil, a member of the Mosul Governorate Council.¹²⁷
- 10 April 2005: A member of SCIRI was killed by gunmen in Al-Zafaranah, south of Baghdad.¹²⁸
- 5 April 2005: Armed men killed Salim Hilal, a member of the Babil Governorate Council, as he was heading to work in Hilla.¹²⁹
- 29 March 2005: Jabar Al-Adi, Director of Iraq's South Oil Company, escaped an assassination attempt in Basra.¹³⁰
- 29 March 2005: Najat Hassan Karim, a senior KDP official, survived an assassination attempt in Kirkuk.¹³¹
- 9 March 2005: Iraqi Planning Minister Mehdi Al-Hafidh survived an assassination attempt in Baghdad.¹³²
- 8 March 2005: Major General Ghazi Mohammed, Deputy Director for Passports in the Immigration Department, was gunned down in Baghdad.¹³³
- 6 March 2005: Unidentified militants shot Ninewa Governorate Council member Hana Abd Al-Qadir in Mosul.¹³⁴
- 23 February 2005: Saad Abbas Hassan, the Director of the Ministry of Trade, was assassinated in Baghdad.¹³⁵
- 16 February 2005: Faez Al-Ashbal, political adviser in the Iraqi Hezbollah movement and aide to Grand-Ayatollah Ali Al-Sistani, was killed in a drive-by shooting at his home in Baghdad.¹³⁶
- 8 February 2005: Mithal Al-Alusi, Secretary of the Democratic Iraqi Nation Party and former Head of the De-Ba'athification Committee, survived what was not his first assassination attempt. His two sons were killed.¹³⁷
- 30 January 2005: Various attacks against polling stations throughout Iraq, including those in Baghdad, Mosul, Samarra, Tal Afar, Basrah and Baqouba, killed at least 40 persons and wounded dozens.¹³⁸

¹²⁷ Arabic News, *Ten Iraqis killed in different attacks*, 11 April 2005, <http://www.arabicnews.com/ansub/Daily/Day/050411/2005041103.html>.

¹²⁸ Ibid.

¹²⁹ Aljazeera, *Car bombings continue in Iraq*, 5 April 2005, <http://english.aljazeera.net/NR/exeres/7C205C5B-4452-4847-9D06-7223272BF331.htm>.

¹³⁰ Ibid., *Many injured in Kirkuk blast*, 29 March 2005, <http://english.aljazeera.net/NR/exeres/70371D27-E0B2-4A29-B069-38E3768A586F.htm>.

¹³¹ Agence France-Presse, *One Killed, 17 Wounded in Car Bombing Against Kurdish Official*, 29 March 2005, <http://home.cogeco.ca/~kurdistan6/29-3-05-car-bomb-in-kirkuk.htm>.

¹³² BBC, *Police find 20 shot dead in Iraq*, 9 March 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4331597.stm.

¹³³ Ibid., *Gunmen kill senior Iraqi official*, 8 March 2005, http://news.bbc.co.uk/1/hi/world/middle_east/4328825.stm.

¹³⁴ Radio Free Europe Newslines, *Ninawah Governorate Council Member assassinated*, Volume 9 Number 43, 7 March 2005, <http://www.rferl.org/newsline/2005/03/6-SWA/swa-070305.asp>.

¹³⁵ The Associated Press, *Allawi announces new coalition to fight for PM post*, 23 February 2005, <http://www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1109128769803>.

¹³⁶ CNN, *'River Blitz' launched around Ramadi*, 21 February 2005, <http://edition.cnn.com/2005/WORLD/meast/02/20/iraq.main/>.

¹³⁷ Radio Free Europe/Radio Liberty, *Interview: Iraqi Official Mourns Sons, Vows To Fight 'The Ghosts Of Death'*, 8 February 2005, <http://www.rferl.org/featuresarticle/2005/02/70bb0174-012b-483d-a708-467530aaa9ca.html>.

¹³⁸ Aljazeera, *Summary of attacks on election day*, 30 January 2005, <http://english.aljazeera.net/NR/exeres/15F23DED-17B3-4F3F-A1DA-A1E502E1DB74.htm>; Agence

- 19 January 2005: A roadside bomb exploded near the convoy of Dohuk Governor Nejriwan Ahmed in Dohuk.¹³⁹
- 16-18 January 2005: Three candidates for the 30 January 2005 Transitional National Assembly elections were killed in Baghdad and Basrah, among them Shaker Jabbar Sahla, member of the Constitutional Monarchy Movement, Alaa Hamid, member of Prime Minister Iyad Allawi's National Accord Party and Riad Radi, a candidate for Basrah's Provincial Council on a list supported by Iyad Allawi's National Accord Party.¹⁴⁰
- 9 January 2005: Jassem Al-Obeidi, Manager of the Iraqi National Accord Party, was assassinated.¹⁴¹
- 5 January 2005: Gunmen killed Omar Mahmoud Abdullah, a senior leader in the Iraqi Islamic Party, in Mosul.¹⁴²
- 4 January 2005: Ali Al-Haidri, Governor of Baghdad, was shot dead in a roadside ambush in Baghdad.¹⁴³
- 3 January 2005: A car bomb near Interim Prime Minister Iyad Allawi's party headquarters in Baghdad killed three people and injured 25 others.¹⁴⁴
- 10 January 2005: Unidentified gunmen attacked the KDP office in Mosul.¹⁴⁵
- 2 January 2005: Ali Haddawi, the Deputy Governor of Diyala Governorate, was shot dead.¹⁴⁶
- 1 January 2005: Nawfal Abdul Hussein Al-Shamary, chairman of the Diyala Provincial Council, was killed together with his brother in Baqouba. Al-Qaeda in Iraq claimed responsibility.¹⁴⁷

France-Presse, *40 killed in Iraq poll day attacks*, 30 January 2005, <http://nation.com.pk/daily/jan-2005/31/index1.php>.

¹³⁹ The Associated Press, *Bombs kill 14 in Baghdad*, 19 January 2005, <http://www.msnbc.msn.com/id/6727646/>.

¹⁴⁰ The Associated Press, *3 candidates killed in broad daylight*, 19 January 2005, <http://www.washingtontimes.com/world/20050118-095602-9316r.htm>.

¹⁴¹ United Press International, *Party leader assassinated in Iraq*, 9 January 2005, <http://washingtontimes.com/upi-breaking/20050109-072402-2734r.htm>.

¹⁴² Aljazeera, *Bomb kills 20 in Baghdad, Sunni official killed*, 5 January 2005, http://www.aljazeera.com/me.asp?service_ID=6540.

¹⁴³ BBC, *Governor of Baghdad assassinated*, 4 January 2005, http://news.bbc.co.uk/2/hi/middle_east/4144511.stm.

¹⁴⁴ Aljazeera, *Car bomb targeting Allawi kills three*, 3 January 2005, http://www.aljazeera.com/me.asp?service_ID=6561.

¹⁴⁵ Radio Free Europe Newslane, *Militants attack KDP office in Mosul*, 11 January 2005, <http://www.rferl.org/newsline/2005/01/6-SWA/swa-110105.asp>.

¹⁴⁶ Guardian Unlimited, *26 killed in Iraqi suicide blast*, 3 January 2005, <http://www.guardian.co.uk/Iraq/Story/0,2763,1382363,00.html>.

¹⁴⁷ CBS, *Gruesome Al Qaeda Video In Iraq*, 1 January 2005, <http://www.cbsnews.com/stories/2005/01/02/iraq/main664258.shtml>.

Annex III

Origins and Structure of the Iraqi Ba'ath Party

1. The Arab Socialist Ba'ath Party was founded in Syria in the 1940s by a small group of French-educated Syrian intellectuals: Michel Aflaq, an Orthodox Greek, and Salah al-Din Al-Bitar, a Sunni Muslim. The word 'Ba'ath' means 'renaissance' in Arabic. The party's ideology was pan-Arab secular nationalism.
2. The Iraqi Ba'ath Party was founded in 1951 and had 500 members three years later. The party came to power on 8 February 1963 in a coup backed by the Army, overthrowing Brigadier Abdel Karim Qasim – who himself had overthrown the British-installed Iraqi monarchy in 1958.¹⁴⁸
3. The Ba'ath Party in Iraq started out in the 1950s as a political movement of like-minded activist and Arab Nationalists. Its secular and progressive positions quickly won it a strong following among students, small business-people and military personnel. It played a key role in the 17 July 1968 coup that installed the Saddam Hussein regime. Iraq's rulers gradually distorted the goals of the party, however, transforming it into a malleable and compliant instrument of power.¹⁴⁹
4. At the lowest level, (Ba'ath Party) study circles (*halaqa*) and cells (*kheliya*) held weekly meetings with a dozen or so activists from the same neighbourhood or sector. They talked about current events, or the party version of them, in line with the inclinations of the regime. Basic instructions were issued; any irregularities observed during the week were discussed with the cell leaders and written up in obligatory reports. The party's divisions (*firqa*), which included all the cells within a district office or factory, occupied the next highest level, and then the sections (*shu'ba*) and branches (*fara'*) which made up urban areas or Governorates (Iraq has 18 Governorates, three of which have Kurdish majorities and are currently autonomous).
5. Unlike the cells, the sections and branches enjoyed considerable privileges. They were legally authorized to incarcerate suspects using extra-judicial procedures; they took over many of the traditional functions of police, especially outside Baghdad; and they ran specialized bureaus for cultural, agricultural and other matters. In each Governorate, the organizational command (*qiyadat al tanzim*) was the supreme authority, alongside the traditional civil service. The Ba'ath Party duplicated, infiltrated, subverted and competed with the state apparatus.
6. On top of this structure sat the regional command (*qiyadat al qutr*) which in theory was made up of directors democratically elected at party conventions; in reality such voting only served to confirm Saddam's nominees. The regional command's bureaus served as quasi-ministries responsible for military and cultural affairs. They

¹⁴⁸ BBC, *The Iraqi Ba'ath Party*, 25 March 2003, http://news.bbc.co.uk/2/hi/middle_east/2886733.stm.

¹⁴⁹ David Baran, *Le Monde Diplomatique* (in French) *Emprise vacillante du parti Baas en Irak*, December 2002, <http://www.monde-diplomatique.fr/2002/12/BARAN/17249>.

also oversaw a parallel diplomatic corps, together with vast social groups, including farmers, workers and young people. Party membership was a prerequisite for military personnel, and the army was divided into cells that reported to the Ba'ath Party military bureau and monitored any dissent within the ranks. The Party's security services guaranteed loyalty and orthodoxy within the party.¹⁵⁰

7. The basic organizational unit of the Ba'ath was the party cell or circle (*halaqah*). Composed of between three and seven members, cells functioned at the neighbourhood or village level, where members met to discuss and to carry out party directives. A minimum of two and a maximum of seven cells formed a party division (*firqah*). Divisions operated in urban quarters, larger villages, offices, factories, schools and other organizations. Division units were spread throughout the bureaucracy and the military, where they functioned as the eyes and ears of the party. Two to five divisions formed a section (*shabah*), which operated at the level of a large city quarter, a town or a rural district. Above the section was the branch (*fira*), which was composed of at least two sections and which operated at the provincial level. There were twenty-one Ba'ath Party branches in Iraq, one in each of the 18 Governorates and three in Baghdad. The union of all the branches formed the party's congress, which elected the Regional Command.

8. The Regional Command was both the core of the party leadership and the top decision-making body. It had nine members who were elected for five-year terms at regional congresses of the party. Its Secretary General (also called the regional secretary) was the party's leader, and its Deputy Secretary General was second in rank and power within the party hierarchy. The members of the command were theoretically responsible to the Regional Congress that, as a rule, was to convene annually to debate and approve the party's policies and programmes. In actuality, the members to be 'elected' by the Regional Congress were chosen by Saddam Hussein and the other senior party leaders, a formality seen as essential to the legitimization of party leadership.

9. Above the Regional Command was the National Command of the Ba'ath Party, the highest policy-making and coordinating council for the Ba'ath movement throughout the Arab world. The National Command consisted of representatives from all regional commands and was responsible to the National Congress, which convened periodically. It was vested with broad powers to guide, coordinate, and supervise the general direction of the movement, especially with respect to relationships between the regional Ba'ath parties and the outside world. These powers were to be exercised through a National Secretariat that would direct policy-formulating bureaus.¹⁵¹

10. The Ba'ath Party retained much of the secret compartmentalized structure and the clandestine methods by which it, like many revolutionary parties, ensured its survival. Direction of the Party came from the Regional Command, which represented sixteen provincial units. The members of the Regional command were elected from a network of sections and cells not unlike the local communist party committees in many countries. They functioned everywhere - in the workplace, in neighbourhoods, and in all ranks of the military forces - to reinforce the party's doctrines of traditional

¹⁵⁰ Op. cit. David Baran.

¹⁵¹ United States Library of Congress, Country Studies, *The Ba'ath Party*, May 1988.

Arab unity, nationalism, socialism and spiritual revival. Membership in the party, which numbered approximately half a million in 2002, was required of all regular officers and diplomats.

11. Since its emergence from the underground and following a decade of experience in power, the Ba'ath leadership had been able to train a second elite group to operate at all levels of the bureaucracy and the military forces. These were the commissars, and they were often from peasant or lower-class village backgrounds; few of them had been abroad for university degrees and much of their training had been from the military academy.¹⁵²

¹⁵² C. Wright for *The Atlantic Monthly*, *Iraq*, April 1979.

Annex IV

Academics

1. Intimidation and even murder of Iraqi intellectuals, professors, lecturers and teachers has become systematic since the US-led invasion of Iraq began in March 2003. According to Iraq's Deputy Minister of Higher Education, more than 2,000 academics left Iraq under the former regime; since its fall a further 260 have followed them, mainly due to threats by insurgents who have already killed 47 academics.¹⁵³ During the times of Saddam Hussein, professors were required to join the Ba'ath Party and it cannot be ruled out that a number of killings of academics were linked to former Ba'ath Party membership (for example the killing of Mohammed Al-Rawi, the former President of Baghdad University, on 27 July 2003). Al-Rawi had been a prominent member of the Ba'ath Party and resigned his university post after Baghdad fell on 9 April 2003.¹⁵⁴ According to Taher Al-Bakaa, former Minister of Higher Education in the cabinet of Iyad Allawi and member of the National Assembly, 1,630 faculty members nationwide were forced to resign because of their Ba'athist pasts, but 1,380 among them were reinstated with the concurrence of the National De-Ba'athification Commission after appealing their dismissal.¹⁵⁵

2. The attacks against professors and other academics have created an atmosphere of fear and are seriously hampering freedom of speech on university campuses. In late January 2004, for example, Abdul-Latif Al-Mayah, Professor of Political Science at Al Mustansiriya University in Baghdad, was interviewed on Al-Jazeera TV and spoke in favour of the planned handover of sovereignty and free elections. Less than 24 hours later, he was killed on his way to the university.¹⁵⁶ For many, this has been a sign not to discuss politically controversial issues.¹⁵⁷

3. On 5 June 2005, the ITG announced that it would double the salaries of university professors in the aim of preventing further brain drain from the country.¹⁵⁸

4. The following targeted killings of academics include (this list includes incidents from March 2003 – July 2005 and is not exhaustive):

- 18 July 2005: Gunmen shot dead Alaa Daud Salman, a professor of history at Basrah University, a Sunni and former Ba'ath Party member.¹⁵⁹

¹⁵³ UNESCO, The New Courier, *UNESCO in action education, Precarious future for Iraqi universities*, May 2005, http://portal.unesco.org/en/ev.php-URL_ID=26888&URL_DO=DO_TOPIC&URL_SECTION=201.html.

¹⁵⁴ CBS/The Associated Press, *Iraqis React To 'Saddam' Tape*, 30 July 2003, <http://www.cbsnews.com/stories/2003/07/30/iraq/main565839.shtml>.

¹⁵⁵ The Washington Post, *Iraqi Student's Killing Deepens a Divide*, 1 June 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/05/31/AR2005053101504.html>.

¹⁵⁶ International Herald Tribune, *Hundreds of killings - Assassins strike Iraqi professionals*, 9 February 2004, <http://www.ecoi.net/doc/en/iq/content/5/7656->.

¹⁵⁷ The Christian Science Monitor, *Death to those who dare to speak out*, 30 April 2004, <http://csmonitor.com/2004/0430/p11s01-woiq.html>.

¹⁵⁸ BBC, *Iraq pay rise to stem brain drain*, 5 June 2005, http://news.bbc.co.uk/2/hi/middle_east/4612381.stm.

- 8 July 2005: The body of Basrah University Arabic Language professor Karim Khamass was found a day after he was kidnapped on his way home from work.¹⁶⁰
- 21 June 2005: Unknown assailants killed Dr. Abdelsatar Al-Khazraji, a professor of engineering at Al-Nahrain University in Baghdad.¹⁶¹
- 26 May 2005: Professor Moussa Salum, Deputy Dean at Baghdad's Mustansiriya University, was gunned down as he was going to work. Three of his bodyguards were also killed in the attack.¹⁶²
- 19 April 2005: Unidentified gunmen killed Fouad Ibrahim Muhammad Al-Bayati, Chairman of the German Language Department at Baghdad University.¹⁶³
- 29 March 2005: Wa'adullah Abdulqader, a professor at University of Mosul, was killed.¹⁶⁴
- 25 December 2004: Gunmen shot dead Hassan Al-Rubaiei, the Dean of Baghdad University's School of Dentistry.¹⁶⁵
- 21 December 2004: Unidentified assailants shot dead Iraqi nuclear scientist Taleb Ibrahim Al-Daher, a professor at Diyala University, in Baqouba.¹⁶⁶
- 28 August 2004: Gunmen shot dead Imam Abdul-Munim Younis, Head of the Translation Department at Mosul University's College of Arts.¹⁶⁷
- 30 July 2004: Gunmen shot and killed Ismail Al-Kilabi, the head of the state-run Mamoudiyah Teachers Institute.¹⁶⁸
- 22 July 2004: The Dean of Mosul University's College of Law, Layla Abdallah Sa'id, was murdered with her husband in their home.¹⁶⁹
- 13 June 2004: A shooting at Baghdad University took the life of Sabri Al-Bayati, professor for geography, Baghdad University.¹⁷⁰
- 19 January 2004: Abdul-Latif Al-Mayah, a political scientist and human rights advocate at Mustansiriya University, was killed.¹⁷¹

¹⁵⁹ Aljazeera, *Policemen killed in Baghdad attack*, 18 July 2005, <http://english.aljazeera.net/NR/exeres/B67E16B1-6864-4AE1-8137-EC387E92F956.htm>.

¹⁶⁰ Sapa/The Associated Press, *Iraqi professor found dead in Basra*, 8 July 2005, http://www.iol.co.za/index.php?set_id=1&click_id=3&art_id=qw1120813560644B262.

¹⁶¹ The New York Times, *3 Car Bombs Leave 18 Dead and 46 Hurt in a Suburb of Baghdad*, 23 June 2005, <http://www.nytimes.com/2005/06/23/international/middleeast/23iraq.html?>.

¹⁶² Reuters, *Iraq Unveils Massive Security Offensive*, 26 May 2005, <http://english.epochtimes.com/news/5-5-26/29082.html>.

¹⁶³ BBC, *Insurgents target Iraqi soldiers*, 19 April 2005, http://news.bbc.co.uk/2/hi/middle_east/4459705.stm.

¹⁶⁴ Kuwait News Agency, *Iraq, US forces arrest 25 militants*, 29 March 2005, <http://www.kuna.net.kw/Home/Story.aspx?Language=en&DSNO=718077>.

¹⁶⁵ Reuters, *Gunmen kill Baghdad university dean*, 26 December 2004, <http://www.abc.net.au/news/newsitems/200412/s1272269.htm>.

¹⁶⁶ CBS/The Associated Press, *Deadliest Attack On U.S. Base*, 21 December 2004, <http://www.cbsnews.com/stories/2004/12/22/iraq/main662421.shtml>.

¹⁶⁷ Reuters, *Gunmen kill university lecturer in Iraq's Mosul*, 28 August 2004, http://www.khaleejtimes.com/displayArticle.asp?col=§ion=focusoniraq&xfile=data/focusoniraq/2004/August/focusoniraq_August310.xml.

¹⁶⁸ The Associated Press, *U.S. military: 20 insurgents killed in Fallujah clashes*, 31 July 2004, http://www.usatoday.com/news/world/2004-07-31-iraq_x.htm.

¹⁶⁹ Radio Free Europe/Radio Liberty, *Assassinations, attacks continue in Iraq*, 25 June 2004, <http://www.rferl.org/reports/iraq-report/2004/06/23-250604.asp>.

¹⁷⁰ BBC, *Suicide bomber strikes in Baghdad*, 13 July 2004, http://news.bbc.co.uk/1/hi/world/middle_east/3802369.stm.

¹⁷¹ International Herald Tribune, *Hundreds of killings - Assassins strike Iraqi professionals*, 9 February 2004, <http://www.ecoi.net/doc/en/iq/content/5/7656->.

- 3 January 2004: Adel Jabar Abid Mustafa, a minor Ba'ath Party official and Saddam-appointed Dean of Political Science at Mosul University, was found dead.¹⁷²
- 27 July 2003: Mohammed Al-Rawi, the former President of Baghdad University, was killed in his office.¹⁷³
- May 2003: Falah Hussein, the Deputy Dean of Mustansiriya University was killed.¹⁷⁴

5. The International Coalition of Academics Against the Occupation also reports the assassinations of Dr. Falah Al-Dulaimi, Assistant Dean of College at Mustansiriya University, Professor Wajih Mahjoub of the College of Physical Education, Dr. Nafa Aboud, a Professor of Arabic Literature at the University of Baghdad and Dr. Hissam Sharif, Department of History of the University of Baghdad.¹⁷⁵

¹⁷² The Associated Press, *Iraqi rebels down U.S. helicopter*, 3 January 2004, <http://washingtontimes.com/world/20040102-112752-7125r.htm>.

¹⁷³ CBS/The Associated Press, *Iraqis React To 'Saddam' Tape*, 30 July 2003, <http://www.cbsnews.com/stories/2003/07/30/iraq/main565839.shtml>.

¹⁷⁴ Al-Ahram, *Where is this going?*, 10-16 June 2004, <http://weekly.ahram.org.eg/2004/694/re7.htm>.

¹⁷⁵ International Coalition of Academics Against Occupation, *The Assassination of Iraqi Intellectuals*, <https://listhost.uchicago.edu/pipermail/iraqcrisis/2004-July/000783.html>.

Annex V

Doctors and Medical Personnel

1. A study carried out by a special commission set up by the Ministry of Health between January and April 2005 found that more than 160 doctors and other medical personnel have been killed and kidnapped since January 2005. According to the commission, which is called 'Programme for the Prevention of Violence against Doctors', this has had a serious impact on the health system, which is still recovering from years of economic sanctions and conflict. As a result, scores of doctors are either not going to work or have left the country.
2. According to Dr Muhammad Al-Hassuny, Director of the Programme, doctors have been targeted by insurgents because of their financial status and social prestige in Iraqi society.¹⁷⁶ In addition, they represent easy targets for violent gangs that specialize in kidnapping because they move around the city to see patients and often cannot afford large numbers of bodyguards. After threats against Baghdad's main cardiac hospital, four of the hospital's top surgeons and six senior cardiologists stopped coming to work, and some of them left the country.
3. According to the Iraqi Medical Association which licenses practitioners, about 10 percent of Baghdad's total force of 32,000 registered doctors left or were driven from work during the last year, a number which has risen sharply since early 2005. The threats are mainly addressed against senior doctors such as directors and heads of departments, resulting in complex surgeries being handled by inexperienced staff or not conducted at all. This has aggravated the already dire conditions of Iraq's health system which is already plagued by neglected infrastructure, a lack of medicine and frequent power cuts. The fact that the Ministry of the Interior has simplified gun license procedures for doctors by allowing them to get licensed weapons faster than other Iraqis clearly illustrates the dangerous situation in which doctors find themselves.¹⁷⁷

¹⁷⁶ IRIN, *IRAQ: Insurgents and criminals target doctors*, 10 May 2005, <http://www.alertnet.org/thenews/newsdesk/IRIN/5981646bc4374d78f52cc696b4bc386b.htm>.

¹⁷⁷ The New York Times, *Facing Chaos, Iraqi Doctors Are Quitting*, 30 May 2005, <http://www.nytimes.com/2005/05/30/international/middleeast/30doctor.html>.

Annex VI

Journalists and Media Staff

1. The following provides an overview of journalists targeted and killed in Iraq between October 2003 and July 2005, most likely at the hands of insurgents. Others have died during armed clashes or at the hands of the MNF. This list is not exhaustive:

- 14 July 2005: Gunmen opened fire on a four-man crew of the state television station Al-Iraqiyah as they drove to film the funeral of victims of a suicide bomb attack the day earlier in Baghdad. Three of the journalists were wounded in what the station said was a targeted ambush on its crew.¹⁷⁸
- 1 July 2005: Khaled Sabih Al-Attar, a producer with the Iraqi public TV station Al-Iraqiyah was killed after being abducted in Mosul.¹⁷⁹
- 22 June 2005: Jassem Al-Qais of the daily Al-Siyada was killed along with his son as they travelled on a road 10 kilometres north of Baghdad.¹⁸⁰
- 18 June 2005: Jawad Kadhem, senior correspondent for Al-Arabiya TV in Iraq, was shot in his neck and seriously wounded in an apparent kidnap attempt (18 June 2005).¹⁸¹ Jamaat Jund Al-Sahaba claimed responsibility for the attack for what it said was the channel's bias against Sunnis in Iraq. It further warned that 'Kadhem's fate will be the fate of every media group that aligns itself with the infidels against Sunnis'.¹⁸²
- 1 June 2005: Gunmen shot and killed Jerges Mohammed Sultan, a correspondent for Al-Iraqiyah state TV in Mosul.¹⁸³
- 15 May 2005: Armed men beheaded Najem Abd Khudair, the Kerbala correspondent for the newspaper Al-Mada, Ahmad Adam, a freelance writer for Al-Mada, and Ali Jassem Al-Rumi, who was working for Al-Safeer newspaper in Baghdad. The journalists were picked out near Latifiyah from among 13 passengers in a minibus after showing their press cards.¹⁸⁴
- 15 April 2005: Kurdish journalist Shamal Abdallah Assad was shot dead in Kirkuk. Assad worked for the local Kurdish television station Kirkuk TV and satellite TV station Kurdsat of President Jalal Talabani's PUK.¹⁸⁵

¹⁷⁸ Reuters, *Security incidents in Iraq*, July 14, 14 July 2005.

¹⁷⁹ Reporters Without Borders, *TV producer shot dead in Mosul is 61st journalist killed since start of war*, 1 July 2005, http://www.rsf.org/article.php3?id_article=14293.

¹⁸⁰ Ibid., *Horror as journalist and his son shot dead north of Baghdad*, 24 June 2005, http://www.rsf.org/article.php3?id_article=14198.

¹⁸¹ Committee to Protect Journalists, *Jawad Kadhem, Al-Arabiya - Attacked*, 24 June 2005, http://www.cpj.org/cases05/mideast_cases05/iraq.html.

¹⁸² Reuters, *Iraq group says tried to kill Iraqi journalist*, 20 June 2005, <http://www.swissinfo.org/sen/swissinfo.html?siteSect=105&sid=5883427>.

¹⁸³ The Washington Post, *Governor in Iraq Is Found Dead*, 1 June 2005, <http://www.washingtonpost.com/wp-dyn/content/article/2005/05/31/AR2005053100204.html>.

¹⁸⁴ International Federation of Journalists, *IFJ Baghdad Centre Focus on Safety as Three More Journalists Die in Iraq's Media Nightmare*, 20 May 2005, <http://www.ifj.org/default.asp?Index=3150&Language=EN>.

¹⁸⁵ Reporters Without Borders, *Shamal Abdallah Assad*, 15 April 2005, http://www.rsf.org/article.php3?id_article=13255.

- April 2005: Ahmed Al-U'badi, working for Al-Sabah newspaper, was beheaded in Baghdad, apparently by Al-Qaeda in Iraq.¹⁸⁶
- 14 March 2005: Hussam Hilal Sarsam, who was kidnapped on 13 March 2005 in Mosul, was gunned down when he tried to escape his abductors. He was a cameraman with Kurdistan-TV, the satellite television station of the KDP.¹⁸⁷
- 10 March 2005: Laik Ibrahim, Kurdistan-TV's bureau chief in Kirkuk was shot dead as he drove to his bureau.¹⁸⁸
- 25 February 2005: Raeda Mohammed Wageh Wazzan, a journalist for the regional public television station Iraqiya, was found dead five days after she and her son were kidnapped by masked gunmen in downtown Mosul.¹⁸⁹
- 9 February 2005: Journalist Abdul Hussein Khazal and his three-year-old son were killed as they left their house in Basrah. Khazal reported for US-funded Al-Hurra Television. Khazal was also the editor of a Basrah newspaper, a member of the Shia Al-Dawa party and a member of the Basrah City Council.¹⁹⁰
- 30 October 2004: Nasrallah Al-Dawoodi, editor of an Arabic-language Iraq newspaper devoted mainly to Kurdish affairs, was found dead in Baghdad after being kidnapped.¹⁹¹
- 30 October 2004: Seven people were killed when a car bomb exploded in a car park opposite Al-Arabiya television in Baghdad, five of whom were employed by the station. Fourteen staff members were injured, seven of them journalists. In a statement posted on the internet, an unknown Islamist group said it had attacked the pan-Arab TV station 'because it has insisted on praising (Iraqi Prime Minister Ayad) Allawi's government and the criminal Americans, describing them as the liberators' of Iraq.¹⁹²
- 27 October 2004: Liqa Abd Al-Razzaq and three of her companions were gunned down in Baghdad. Al-Razzaq was a well-known broadcaster and newsreader for Al-Sharqiya television and had reportedly also worked for the US-supported Al-Iraqiya Television. She previously worked for the Iraqi state-run media under the former regime as a broadcaster with domestic Iraqi television and with the Iraqi Satellite Channel. Militants gunned down her husband two months previous to the attack on her, also for working for the US military.¹⁹³
- 14 October 2004: Dina Muhammed Hassan, a correspondent for Al-Hurriyah Television (owned by the PUK) was gunned down in front of her home in

¹⁸⁶ International Federation of Journalists, *Five journalists killed in past four days*, 18 April 2005, <http://electroniciraq.net/news/printer1931.shtml>.

¹⁸⁷ Reporters Without Borders, *Houssam Hilal Sarsam*, http://www.rsf.org/article.php3?id_article=12933.

¹⁸⁸ Ibid., *Laik Ibrahim*, 10 March 2005, http://www.rsf.org/article.php3?id_article=12934.

¹⁸⁹ UNESCO, *UNESCO Condemns Murder Of Iraqi Television Journalist Raeda Mohammed Wageh Wazzan*, 3 March 2005, http://portal.unesco.org/ci/en/ev.php-URL_ID=18341&URL_DO=DO_TOPIC&URL_SECTION=201.html.

¹⁹⁰ BBC, *TV reporter gunned down in Iraq*, 9 February 2005, http://news.bbc.co.uk/2/hi/middle_east/4249007.stm.

¹⁹¹ San Diego News, *Daily developments*, 1 November 2004, http://www.signonsandiego.com/uniontrib/20041101/news_1n1develop.html.

¹⁹² Reporters Without Borders, *Unknown Islamist group claims Al-Arabiya car-bomb*, 3 November 2004, http://www.rsf.org/print.php3?id_article=11756.

¹⁹³ Radio Free Europe/Radio Liberty, *Analysis: Journalists Remain Target Of Militants In Iraq*, 4 November 2004, <http://www.rferl.org/featuresarticle/2004/11/056a8adf-e23f-43a9-85f6-0dca14a50815.html>.

Baghdad. It was reported that Hassan had received threats to stop working for Al-Hurriyah and was warned to wear a headscarf.¹⁹⁴

- 14 October 2004: Iraqi photographer Karam Hussein, who worked for the European Pressphoto Agency, was assassinated by militants outside his Mosul home.¹⁹⁵
- 7 October 2004: Ahmed Jassem, head of the government TV station Al-Iraqiyah in Mosul, was shot dead when gunmen opened fire on his car as he was going to work.¹⁹⁶
- 11 August 2004: Two Kurdish journalists working for the Baghdad based Kurdish newspaper Al-Takhi were killed in Mosul. Al-Takhi newspaper (which is supported by Barzani) is no longer working in Mosul.¹⁹⁷
- 18 March 2004: Journalist Nadia Nasrat and two other employees of Diyala TV, a local station set up by the CPA in Baqouba, were killed when gunmen attacked a minibus carrying members of the station's staff.¹⁹⁸
- 28 October 2003: Ahmed Shawkat, head of the daily newspaper Bila Ittijah ('Without Direction'), was shot dead on the roof of his office in Mosul. According to his daughter, Roaa Shawkat, who also works for Bila Ittijah, Ahmed Shawkat had already received threatening letters advising him to close his newspaper.¹⁹⁹

¹⁹⁴ International Federation of Journalists, *IFJ Calls for New Campaign Over Targeting as New Iraq Killings Bring Media Death Toll to 54*, 18 October 2004, <http://www.ifj.org/default.asp?index=2741&Language=EN>.

¹⁹⁵ Ibid.

¹⁹⁶ Reporters Without Borders, *Ahmad Jassem*, 7 October 2004, http://www.rsf.org/article.php3?id_article=11557.

¹⁹⁷ IRIN, *IRAQ: Focus on increasing threats against journalists*, 11 August 2004, http://www.irinnews.org/report.asp?ReportID=42616&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ.

¹⁹⁸ Ibid., *Nadia Nasrat*, 18 March 2004, http://www.rsf.org/article.php3?id_article=9557.

¹⁹⁹ Reporters Without Borders, *Ahmed Shawkat*, 28 October 2003, http://www.rsf.org/article.php3?id_article=8383.

Annex VII

Internal Flight or Relocation Alternative within the Iraqi Context

1. Within the context of the current security situation in Iraq and in light of a range of open questions that will determine the future political, security and economic situation in the country (the ongoing political process, the status of Kurdish areas including Kirkuk and Mosul, large numbers of internally displaced persons (IDPs), property disputes, etc.), an extremely cautious approach should be adopted in assessing the availability of an internal flight or relocation alternative (IFA/IRA) within Iraq. The inability of the current authorities (which are still transitional) to provide national protection as well as the uncertain future of the *de jure* control exercised by the authorities of the Kurdistan Regional Government (KRG)²⁰⁰ within the Governorates of Dohuk, Erbil, Sulaymaniyah, parts of Kirkuk, Diyala and Mosul and other areas in Northern and Central Iraq should be taken into account when considering any such cases.
2. Furthermore, within the Iraqi context and with the exception of the capital city of Baghdad, cities are constituted of people belonging to specific tribes and families. Any newcomer, particularly when he/she does not belong to the existing tribes and families, is liable to be subject to discrimination.
3. Despite the overthrow of the former regime and the subsequent political developments which have taken place to date (including the installation of the Kurdish PUK leader Jalal Talabani as the Iraqi President) the situation in Iraq remains characterized by a state of lawlessness and generalized violence where any Iraqi could become the target of attack by insurgents at any time and any place. Given that the Iraqi authorities – in particular members of the police and security forces – are among the targets of these violent attacks, it must also be recognized that the Iraqi authorities are currently able neither to offer protection nor to enforce protective measures in favour of persons who may be at risk of persecution. Furthermore, as highlighted in the main document (*see Section V – C*), there are increasing indications that certain state actors, in particular some police commandos, may be engaging in the persecution, rather than the protection, of certain groups. There is also evidence to suggest that the Iraqi authorities are currently unable to prevent such practices by certain segments of the security forces. Attacks on civilians associated (or perceived to be associated) with the government, political parties or security forces have seriously impeded the pace of, and efforts towards, the normalization of security and economic conditions in the country.
4. While this situation may change in the future, it is the current situation which serves as a basis for the present Guidelines. With this in mind, the following Iraq-specific guidance is offered.

²⁰⁰ See Art. 53(A) TAL which reads: *The Kurdistan Regional Government is recognized as the official government of the territories that were administered by that government on 19 March 2003 in the governorates of Dohuk, Arbil, Sulaymaniya, Kirkuk, Diyala and Neneveh*. For the purpose of this annex, the Governorates of Dohuk, Erbil and Sulaymaniyah are referred to as the three Northern Governorates. Kirkuk and Mosul (Neneveh) are referred to by their names. Diyala is part of Central Iraq and, therefore, any description with regard to the situation in this area applies.

a. IFA/IRA within Central and Southern Iraq

5. Due to the current volatile security situation in Iraq as well as the inability of the Iraqi authorities to provide adequate protection to Iraq's population, it is highly unlikely that asylum-seekers who fear persecution in Central and Southern Iraq will be able to find a place in this region where they would be safe from persecution. Attacks against members of the various groups at risk described in the main body of the report have occurred throughout Iraq. Although certain victims are most certainly targeted because of *who* they are, many more appear to be targeted on the basis of *what* they are, or what they represent in the eyes of perpetrators, irrespective of where they are in Iraq. Furthermore, while tribal and or family protection may be a protection option for some, most tribes originate from or are linked to a particular area. Relocation of a person to an area outside that where his or her tribe is predominant or where he or she has family links would therefore render even that type of protection impossible.

UNHCR therefore advises against the possibility of internal relocation in all parts of Central or Southern Iraq as it is considered neither relevant nor reasonable.

b. IFA/IRA in Northern Iraq (the three Northern Governorates as well as the Governorates of Mosul and Kirkuk) for Iraqis who originate from elsewhere in the country

i) The situation in the three Northern Governorates (Dohuk, Erbil and Sulaymaniyah)

6. The situation in the KRG-administered areas has not, unlike the rest of the country, changed significantly as a result of the fall of the former regime. Although the overall security conditions appear to be somewhat more stable in comparison with the rest of the country, the situation remains tense and unpredictable due to a number of factors:

- There is a high level of fear that the conflict prevailing in the other parts of the country, in particular in the Governorates of Kirkuk and Mosul, might spill over to the three Northern Governorates. Accordingly, the security measures applied within the three Northern Governorates are very strict (numerous checkpoints within the region, a high presence of security forces, limited freedom of movement). Nevertheless, security incidents such as assassinations of, and assassination attempts on, high-profile persons, in particular politicians, as well as suicide attacks by extremist groups such as Ansar Al-Sunna, do take place, even if on a lower scale than in other parts of the country. The May 2005 suicide attack on a KDP office in Erbil killing more than 60 people is a

reminder of the vulnerability of the security situation in the three Northern Governorates.²⁰¹

- Despite numerous announcements by the two main political factions that they intend to unite, to date both the PUK and the KDP continue to exist separately and exercise separate, rather than joint, influence and control over the political and socio-economic aspects of life in the areas under their respective control. This has an effect on the current practice of the local authorities, controlled by the PUK (Sulaymaniyah Governorate) and KDP (Erbil and Dohuk Governorates) respectively, with regard to the admission of persons from outside their areas of control, be they Kurds or persons of other ethnic origins. It remains to be seen whether the recent election of a Kurdish National Assembly as well as the installation of Jalal Talabani as Iraq's President may have a positive influence on the evolution of closer cooperation between the two parties in future. The April 2005 clashes between KDP and PUK members after the nomination of Talabani²⁰² reveal the continued lack of unity.
- The division of powers and oil revenues between the Central Government and the Kurdish authorities and questions about the future status of the three Northern Governorates (whether they will be part of a federal state, what their geographical boundaries will be, how calls for an autonomous area will be dealt with) are still unclear and may be a factor fuelling further tensions.
- Kurdish ambitions to expand the Kurdish areas of control, in particular in the Governorates of Kirkuk and Mosul, have met resistance from Sunni Arabs, Turkmen and the Turkish authorities. The latter have, at least rhetorically, emphasized that they will not accept Kurdish dominance in Kirkuk or the inclusion of Kirkuk into the Kurdish-controlled area/state. The final status of Kirkuk and in particular the question of what will happen to the settled Arabs in the area are highly sensitive issues and bear the potential to cause further unrest.
- The reported presence of some 5,000 PKK fighters in Northern Iraq is another cause for tensions between the Kurdish authorities and the Turkish Government. According to the latter, PKK fighters are using Northern Iraq as a staging ground from which to launch attacks against the Turkish Army.²⁰³

7. Although the Kurdistan authorities have expressed a commitment to the protection of human rights, the implementation of this commitment has yet to be fully realized on the ground. Neither the KDP nor the PUK allow political dissent in their respective areas of control, and all aspects of life are controlled by the ruling parties.²⁰⁴

²⁰¹ Reuters, *Iraq's Ansar al-Sunna claims Arbil bombing*, 4 May 2005, <http://www.abc.net.au/news/newsitems/200505/s1360115.htm>.

²⁰² Kurd Media, *KDP and PUK supporters clash following Talabani's election*, 16 April 2005 <http://www.kurdmedia.com/news.asp?id=6624>.

²⁰³ Kurdish Media, *Turkish army criticizes US over Kurdish rebels, warns over Kirkuk*, 20 April 2005, <http://www.kurdmedia.com/news.asp?id=6663>.

²⁰⁴ Dr. Rebwar Fatah and Dr. Sheri Laizer, *Fact Finding Mission to Iraqi Kurdistan, September – October 2004*. For more information on this report, please contact Dr. Rebwar Fatah or Dr. Sheri Laizer at rebwar@blueyonder.co.uk or Manevi@aol.com, respectively. Also see Radio Free

The political activity of opposition groups, in particular Islamist groups, remains curtailed. There are reports of the mistreatment of prisoners, prolonged solitary confinement, long pre-trial detention and inordinate delays in trial proceedings.²⁰⁵ The judicial system in the three Northern Governorates has neither reached basic standards regarding independence from political influence nor is it capable of providing sufficient protection from persecution by non-state actors.²⁰⁶

8. In view of the ongoing power struggle, the Kurdish authorities aim at keeping the area 'Kurdish' and are in principle reluctant to accept any increase of non-Kurdish populations in their areas of influence. For these reasons, the KRG authorities are implementing strict controls on the presence of non-Kurdish persons in their areas. Depending on the applicant, especially his or her ethnic and political profile, he/she may well not be allowed to relocate to the three Northern Governorates for security or political reasons. While certain factors seem to lead clearly to denial of admission, (e.g. former Ba'ath Party membership or a criminal record), at times decisions seem to be taken in a discretionary manner and it is difficult to establish clear criteria to predict who will be admitted or rejected.

ii) The situation in the Governorates of Mosul and Kirkuk

9. In recent months, the situation in Mosul and Kirkuk has been very tense, and a number of security incidents – including explosions, attacks on police stations and pipelines, assassinations of, or assassination attempts on, political figures – have occurred in both cities and rural areas.

10. The control of the oil-rich city of Kirkuk is a matter of dispute between various powerful actors, including the Kurdish parties, the Central Authorities and the local Arab and Turkmen population, the latter of which enjoys firm political support from Turkey. The debate is highly charged both economically and ethnically, as Kurds and Turkmen both feel that they have been historically wronged regarding their claims to Kirkuk. Kirkuk was at the centre of the former regime's 'Arabization' policy, which included the displacement of thousands of Kurds and Turkmen from Kirkuk to the North and the settlement of Arabs originating from the South and East of Iraq in their place in an attempt to change the demographic balance in the area. After the fall of the previous regime, thousands of displaced Kurds and Turkmen returned to Kirkuk, thereby causing the displacement of Arabs who fled out of fear or actual harassment and threats.

11. Today, Kirkuk hosts more than 21,800 IDP families (some 120,000 persons). A quarter of the IDPs are reported to be living in tent camps, a quarter in public buildings, a quarter in collective settlements and the last quarter are mixed with host communities.²⁰⁷ It will be of crucial importance for the Iraqi authorities to provide

Europe/Radio Liberty, *Iraqi Kurdistan Between Development and Corruption*, 29 April 2005, <http://www.rferl.org/featuresarticle/2005/4/DA9D366C-C2C2-486F-A4D7-2EEBC0BB507E.html>.

²⁰⁵ Human Rights Watch, World Report 2003, *Iraq and Iraqi Kurdistan*, <http://www.hrw.org/wr2k3/mideast4.html>.

²⁰⁶ Dr. Rebwar Fatah and Dr. Sheri Laizer, op.cit.

²⁰⁷ IOM, *Internally Displaced Persons Overview*, April 2005.

political and policy guidance regarding the return of Kurds and Turkmen to the area and regarding the future of the Arab settlers in the area.

12. Article 58 of the TAL outlines a process to reverse the consequences of the former regime's policies. This process includes the return of the displaced, the recovery of their homes and properties, the resettlement and compensation of those newly introduced to the disputed areas and a remedy for previous politically-motivated changes to administrative boundaries. Only once these steps have been undertaken and a census has been conducted will the final status of the disputed territories (including Kirkuk) be determined, 'taking into account the will of the people of those territories'.²⁰⁸ The Kurdish parties interpret this as meaning that a provincial referendum will be held to decide the status of Kirkuk. Turkmen and Arabs accuse the Kurds of pushing Kurds to settle in Kirkuk to secure a majority in any popular referendum.²⁰⁹

13. In this context, and until the status of Kirkuk and other disputed areas has been addressed, any population movements to that area could exacerbate already existing tensions and lead to further displacement. In addition, the Turkmen, Kurdish, and Arab communities in Kirkuk have recently decided to form an IDP committee which will be tasked with, among other issues, verifying that potential returnees to Kirkuk are able to prove prior residence in Kirkuk before they will be admitted to the city. Persons who originate from elsewhere in Iraq and are unable to prove past links to Kirkuk will therefore have difficulty legally accessing the city unless they are supported by the Kirkuk authorities, as priority will be given to former residents who wish to return rather than to new arrivals.

14. Other potentially problematic issues in the Mosul and Kirkuk Governorates include the political agenda of, and relations between, the KRG and the Central Authorities, the degree of autonomy for Kurdish-populated areas, the sharing of oil revenues and the future borders of the Kurdish-controlled area. Once the status of Kirkuk and other disputed areas is addressed by the competent Iraqi authorities, further sectarian tensions can be expected. According to *Jane's Intelligence Review*, such a trend was already observed during the negotiations for the TAL, which eventually deferred a number of sensitive questions to the consideration of a freely elected government.²¹⁰ The fact that the Iraqi Transitional Government has decided not to debate the status of Kirkuk in the ongoing drafting process for the Permanent Constitution²¹¹ is a strong indication of the many sensitivities surrounding the issue.

15. In addition, a decision-making authority seeking to relocate someone to the Kirkuk or Mosul Governorates should bear in mind that he or she may still be exposed to attacks by non-State agents operating in that area and might also be at risk of becoming a victim of religious or ethnic persecution or discrimination.²¹²

²⁰⁸ Article 58 (C) of the TAL.

²⁰⁹ Knight Ridder Newspapers, *Ethnic tensions in Kirkuk dangerously high, raising fears of civil war*, 6 April 2005, <http://www.realcities.com/mld/kirwashington/11327248.htm>.

²¹⁰ Jane's Intelligence Review, *Northern Iraq faces increased instability in 2005*, 20 February 2005, p.30, <http://www.washingtoninstitute.org/opedsPDFs/4216175bf103e.pdf>.

²¹¹ Reuters, *With Kirkuk aside, Iraq can meet charter deadline*, 20 June 2005.

²¹² See afore-mentioned UNHCR, *Guidelines on International Protection: the 'Internal Flight or Relocation Alternative'*, para. 8, noting that determination whether a proposed IFA/IRA is an

16. Finally, it needs to be taken into consideration that the distribution of land and housing is disputed between the main ethnic factions. Any access to land granted to newcomers on an *ad hoc* basis (generally done in order to increase an ethnic population in a particular area) by authorities in certain areas is heavily contested by the authorities of the other ethnic factions, and may have serious consequences on the ability of individuals to secure protection and/or durably reside there without undue hardship.

For these reasons, UNHCR advises against the possibility of internal relocation in the Governorates of Mosul or Kirkuk for persons not originating from there.

c. IFA/IRA within the three Northern Governorates

17. As UNHCR advises against the availability of an IFA/IRA in Southern and Central Iraq, as well as in the Governorates of Mosul and Kirkuk, the following analysis of IFA/IRA will only address the possibility of an IFA/IRA within the context of the three KRG-administered Governorates in Northern Iraq.

II. Relevance analysis

1) Is the area of relocation practically, safely and legally accessible to the individual?

18. If any of the three conditions – that relocation be practical, safe and legally accessible – cannot be met, the consideration of relocation to an alternative location within the country is not relevant.

19. The three Northern Governorates of Dohuk, Erbil and Sulaymaniyah are not easily accessible, as travel by road in Iraq is extremely dangerous. There are continuous reports of security incidents on the roads leading from major Iraqi cities to the North, including armed fighting, highway robbery and car-jacking, ambushes and hostage taking, landmines and UXOs.

20. In order to access the three Northern Governorates from another part of Iraq, all Iraqis, including Kurds, must go through checkpoints at the unofficial borders (the so-called ‘green line’) between Central Iraq and the KRG-administered area. Other areas along the unofficial border have been heavily mined in the past decade and are regularly patrolled by Kurdish security forces. Such conditions make it nearly impossible for persons to cross into Northern Iraq through the countryside without endangering themselves. Therefore, entry through the few major roads and their checkpoints is, practically, the only option available.

21. The Kurdish parties have introduced strict security measures at their checkpoints and will reject anybody who:

appropriate alternative requires an assessment over time, taking into account not only the circumstances that gave rise to the persecution feared and that prompted flight from the original area, but also whether the proposed area provides a meaningful alternative in the future.

- does not originate from the respective Governorate and does not have a Kurdish sponsor to guarantee his/her entry and stay (Governorates of Erbil and Dohuk), or
- may be considered to pose a security risk (fear from terrorist attacks), or
- is found to have had links to the former government (the Ba'ath Party, the government, the security apparatus, etc.).

22. At times, the fact that a person originates from an area known to have been supportive to the former government (e.g. Fallujah or Baqouba) might be enough for that person to be rejected. In view of the high level of insecurity in Kirkuk and Mosul and the fear that the conflict might spill over to the North, persons not originating from the three Northern Governorates are generally met with suspicion. In particular, persons of Arab origin may find it difficult to have access to the region, as they might easily be considered as 'terrorists' or former Ba'athists.

23. Every person who does not originate from the respective Governorate and is allowed to enter will have to apply for a residence permit in order to legalize his/her stay.²¹³ Applicants need to submit a petition and the necessary documentation (ID card, citizenship certificate, etc.) to the Security Department (in Sulaymaniyah Governorate) or to the Governorate Office/Department of Internal Affairs, which will then refer the request to the Security Department (Erbil and Dohuk Governorates). They will have to undergo a security screening in which their reasons for relocation will be investigated. A search will be conducted to see if they have a prior criminal record or were previously Ba'ath party members; the presence of either of these factors will lead to the denial of a residence permit and an investigation or prosecution.

24. In the Dohuk and Erbil Governorates, applicants for a residence permit need to either establish political links to the region or provide evidence they have fled a threat to their life; otherwise applications for a residence permit will be denied due to the serious lack of shelter in the Governorates. In all three Governorates, applicants must have a Kurdish sponsor residing in the respective Governorate in order to be granted a residence permit. The sponsor must have a good reputation and is required to know the applicant (for example as a family member or employer). At the recommendation of the Security Department, applicants are then granted residence permits for a six-month-long stay. Even if granted residency, new arrivals are closely watched by the security services. After expiration of the residence permit, it can be renewed for another period of six months. Non-Kurdish persons who do not have a sponsor and/or have a criminal or Ba'ath Party record are not allowed to take up residence in the three Northern Governorates. In such cases, the individuals are obliged to leave the Governorate.

25. It is important to note that political concerns to maintain the 'Kurdish character' of the Northern Governorates may well come into play and may lead to the rejection of Arabs attempting to relocate to the North, thereby making internal flight or subsequent relocation there unrealistic for such individuals.

²¹³ Information provided by UNHCR Iraq Operation.

26. Persons of Kurdish ethnicity would usually be admitted by the PUK authorities. The KDP authorities have informed UNHCR that persons of Kurdish origin will be allowed to relocate to the three Northern Governorates as long as UNHCR provides them with assistance, particularly shelter assistance.

2) Is the agent of persecution a non-State agent?

27. Where the feared persecutors are national authorities, there is a presumption that they can act throughout the country and that therefore an internal flight or relocation alternative is not available. Where the claimant fears persecution by a non-State agent of persecution, the main inquiries should include an assessment of the ability of the persecutor to pursue the claimant in the proposed area, and the protection available to the claimant in that area from State authorities. As with questions involving State protection generally, this involves an evaluation of the ability and willingness of the State to protect the claimant from the feared harm.

28. In Iraq, the actors of persecution are mainly but not exclusively non-state agents, be they Islamic extremists, loyalists of the former regime, persons fighting against the presence of foreign troops in the country or family/tribe members in the case of honour killings or tribal feuds. The Iraqi authorities and security forces are not yet in the position to provide effective protection against any types of persecution – especially as these very forces are themselves one of the main targets and thus do not have *de facto* control over all parts of the country (e.g. over parts of the Sunni triangle). Furthermore, the Iraqi judicial system has not yet undergone all the necessary reforms and capacity-building necessary to effectively provide judicial protection against human rights violations. It can therefore be said that no state protection is available for persons fearing persecution in the areas under the administration of the central government.

29. The insurgency in Iraq seems to be well-organized and working efficiently. It is likely that its various elements are able to pursue their targets in all parts of the country, in particular in the Centre and South as well as in the Governorates of Kirkuk and Mosul where they have strongholds. (*For additional information on the Iraqi insurgency, please refer to the COI paper*).

30. A person may be out of reach of his or her persecutors if relocated to the three Northern Governorates, as the state protection of the Kurdish authorities may come into play. Protection by the KRG authorities will, however, only be provided if the person is both admitted to the KRG-administered Governorates of Dohuk, Erbil or Sulaymaniyah, and if the Kurdish authorities are able and willing to provide protection.

3) Is there a risk of persecution or other serious harm upon relocation?

31. Despite the existence of police/security structures in the three Northern Governorates, of which an individual could conceivably avail him-/herself in order to seek state protection, as well as the fact that the KRG authorities are to some extent able and willing to provide such protection, people in the three Northern Governorates depend mainly on their family, community or tribal links for protection. Persons not

originating from the North will therefore only be able to rely on the protection of the authorities. Depending on the cause of persecution, the authorities may not be willing or able to provide protection.

32. This is particularly the case for members of the former Ba'ath Party, the Government or the security apparatus, since the KRG authorities would not be willing to provide protection to persons considered to have supported the former regime, which was responsible for egregious crimes against the Kurdish people.

33. There is also a strong likelihood that a high-profile person (e.g. a political leader, academic, judge, etc.) could still be at risk of persecution by non-state actors were they to be relocated in the three Northern Governorates. The KRG authorities are not always able to protect citizens in their territory from such attacks, as several assassinations and assassination attempts in the past prove.

34. Women at risk of honour killing as well as persons fleeing tribal conflict (blood feuds) may also still be reached by their persecutors in their area if relocated within Iraq.

III. Reasonableness analysis

i) Can the applicant lead a relatively normal life in the three Northern Governorates other than in his/her place of origin without facing undue hardship?

35. An additional element which must be factored in when considering the existence of an IFA/IRA is whether the applicant will be able to lead a relatively normal life without undue hardship in the alternative location. In answering this question, it is necessary to determine the applicant's personal circumstances, whether he or she has suffered past persecution, whether he or she will be able to find safety and security there, whether respect for human rights there is problematic, whether he or she will be able to survive economically there and whether he or she has family, community and or political links in the North that would influence whether he or she would not face undue hardship.

36. Persons legally residing in the three Northern Governorates have access to public services such as education, employment and housing. However, persons with no family, tribal or political connections may find it difficult to effectively realize these rights, for example when attempting to find employment or accommodation. This is particularly true for women, as for cultural reasons they are in need of their family/tribe to support them economically. It is unreasonable from a human rights perspective to expect a person to relocate to a place where he or she certainly faces economic destitution or an existence below at least an adequate level of subsistence.²¹⁴ In this regard it must be taken into consideration that there are at least 580,000 IDPs in

²¹⁴ See afore-mentioned UNHCR, *Guidelines on International Protection: the 'Internal Flight or Relocation Alternative'*, pp. 6-7.

the three Northern Governorates.²¹⁵ Persons fleeing persecution will therefore have to compete for already scarce resources (e.g. to find adequate housing, employment opportunities).

37. In short, the major factor to be considered is whether the claimant has family, community and/or political links in the proposed area of relocation that could permit his or her economic survival and integration. If a person has previously resided in the three Northern Governorates for a considerable length of time without protection problems, he or she would, in general, be deemed integrated into the local community and could be expected to relocate to that area.

38. An individual who has neither family links nor links to the community in the area of proposed internal relocation and whose relocation would take place without prior acceptance by the local tribal/clan leaders might be exposed to a serious risk of rejection by the community, which could result in physical insecurity and/or undue hardship.²¹⁶ This is particularly true in rural areas and for persons whose tribal affiliations are different from those dominant in the proposed area of internal relocation, or whose tribe is in conflict with the dominant tribe there. It is also likely to be the case for non-Kurdish Iraqis, in particular Arabs, regardless of their religious affiliations. Given that non-Kurdish persons, and in particular Arabs, usually neither speak the language nor are familiar with Kurdish customs and traditions, it is difficult for them to integrate into predominantly Kurdish societies. In addition, due to the past and current mutual antipathy many Arabs and Kurds still feel for each other, it is unlikely that Arabs relocating to the three Northern Governorates could live there without undue hardship.

39. If a person were denied access to land, resources and protection in the proposed area of relocation because he/she did not belong to the dominant clan, tribe, ethnic and/or religious group, internal flight or relocation there would not be reasonable. Given the current ethno-political uncertainties in the three Northern Governorates, it is highly probable that any Iraqi, including any Kurd, who tried to relocate to an area from where he/she did not originate (and who could therefore not benefit from an informal support network) would face difficulties in obtaining access to both the labour market and accommodation.

d. IFA/IRA within the three Northern Governorates for individuals who originate from these Governorates

40. The three Northern Governorates are controlled by the two Kurdish parties, the KDP (Governorates of Erbil and Dohuk) and the PUK (Governorate of Sulaymaniyah). The following deals with the availability of an IFA/IRA for a person originating from the area under one party's administration in the area under the other party's administration should he/she face persecution in his/her area of origin.

²¹⁵ UN Cluster F (Refugees, IDPs and Durable Solutions) and United Nations Country Team, *Draft Strategic Plan on Assistance and Durable Solutions for IDPs in Iraq*, June 2005. The data was collected by IOM and UNOPS (UNHCR's partner in the North) as part of the IDP monitoring.

²¹⁶ UNHCR, *Return Advisory Regarding Iraqi Asylum Seekers and Refugees*, September 2004 also included in this document under section VI..

41. A person who fears or flees persecution by the ruling Kurdish party in his/her area of origin may encounter a number of difficulties in finding protection in the area administered by the other party. Access may be impossible, as crossing points between the two administrations are controlled by the parties' security services and a person who has been blacklisted may therefore face arrest when trying to cross into the other party's area to seek protection. In addition, such crossings are occasionally closed without prior announcement for political or security reasons (e.g. on the day of the inauguration of Nechirvan Barzani as new Prime Minister of the KRG in Erbil all traffic into Erbil from Sulaymaniyah was restricted to persons with ID cards issued by the KDP authorities, and restrictions on movement were also implemented prior to the elections in January 2005). However, no cases are known in which a person who has been cleared to leave one area was refused entry into the other administration's area.

42. In assessing whether it would be practically, safely and legally possible to send someone to a proposed area of relocation within the Northern Governorates, it is important to bear in mind that, while a person seeking refuge in the other area might be granted legal residence after his/her case had been investigated by the security, the granting of residence may well depend more on political considerations than on humanitarian ones. It is noteworthy that a person cannot check into a hotel if he/she does not hold an ID card issued by the authorities in the Governorate concerned. He/she will be requested to register with the local security service before being able to stay in a hotel. The same applies for a person seeking to rent an apartment in an area other than his/her area of origin.

43. The availability of protection by the ruling party to a person who originates from an area under the other party's control will be largely contingent on political considerations and would certainly require that the person not be opposed to the ruling party in the area to which it is proposed that he/she should be relocated. There have been cases where members of one of the parties defected to the area administered by the other party and were provided with preferential treatment, e.g. obtained a government post within the ruling party. Even today a number of persons that supported the 'other' party during the civil war in the mid-1990s have not returned to their area of origin due to fear of harassment and persecution. On the other hand, UNHCR has learned that some individuals feel constrained to leave Iraq altogether in order to seek protection, rather than doing so in areas administered by the other party for fear that their presence in the rival zone could be taken as evidence of their support of the other political party and could lead to the harassment of family members who remained in the area of origin.²¹⁷

44. Again, as outlined in the reasonableness analysis above, the role of family, tribe and party in obtaining assistance is of crucial importance within the context of Kurdish culture and politics. Someone relocated without access to any of these support networks would be at a distinct disadvantage compared to the general population. This is particularly true for single women or female heads of households.

²¹⁷ Information provided by UNHCR Iraq Operation.

45. Persons who fear persecution by Islamic parties may not be able to find protection in the other part of the Northern governorates, as they may still be within reach of their persecutors.

IV. Conclusion

46. In many situations, the application of the internal flight or relocation alternative will be neither a relevant nor a reasonable option. The individuals concerned, whether Kurds or others, may not be able to access areas in the three Northern Governorates safely and legally and, even if able to do so, may face undue hardship as conditions for economic survival may not be met. There are likely to be serious protection concerns for persons with a different ethnic, religious or political profile to those in the proposed area of relocation. The quality of life of persons relocated to these areas would generally fail to meet the basic norms of civil, political and socio-economic human rights and would place them in a precarious situation of discrimination and undue hardship based on the serious practical obstacles to obtaining protection, legal residence, accommodation, employment and other factors which allow a normal livelihood to be sustained.