



## Flygtningenævnets baggrundsmateriale

|                                 |                                                                                      |
|---------------------------------|--------------------------------------------------------------------------------------|
| Bilagsnr.:                      | 293                                                                                  |
| Land:                           | irak                                                                                 |
| Kilde:                          | UNHCR                                                                                |
| Titel:                          | "Background Information on the Situation of Non-Muslim Religious Minorities in Iraq" |
| Udgivet:                        | Oktober 2005                                                                         |
| Optaget på baggrundsmaterialet: | 22. november 2005                                                                    |



# UNHCR

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

Der Hohe Flüchtlingskommissar der Vereinten Nationen  
Vertretung in Deutschland

Wallstrasse 9 – 13  
10179 Berlin

Tel: +49 30 202 202 0  
Fax: +49 30 202 202 20  
Email: [gfrbe@unhcr.org](mailto:gfrbe@unhcr.org)

## Background Information on the Situation of Non-Muslim Religious Minorities in Iraq (October 2005)

*This is a translation. The original document was prepared by UNHCR Berlin in German.*

### 1. Introduction

To date, there has been no improvement in the security situation in Iraq. Rather it has been continuously aggravated in many parts of the country, in particular in the South and the Centre. Despite the Transitional National Assembly elections held in January 2005, the Iraqi authorities are not yet capable of effectively protecting civilians from the high number of deliberate attacks and violent assaults. Moreover, human rights organisations have reported extra-judicial killings, torture, mass arrests and other excesses of violence in connection with operations conducted by the forces of the Iraqi Ministry of the Interior and the Multinational Forces (MNF).<sup>1</sup> In light of the current security situation, UNHCR has not yet re-established an international presence in Iraq and therefore has only limited means of acquiring information about specific groups or individuals at risk of persecution.

The following analysis is primarily based on information obtained from UNHCR Iraq Operation, which at present operates from Amman, Jordan. Source documents included the UNHCR Presentation on the Protection Needs of Iraqi Refugees and Asylum-Seekers (27 April 2005)<sup>2</sup>, the Report of the UN High Commissioner for Human Rights (8 June 2004)<sup>3</sup>, the Report of the UN Secretary-General about the situation in Iraq (5 August 2004)<sup>4</sup> and the recent Human Rights Report of the UN Assistance Mission for Iraq (UNAMI) for the period from 1 July until 31 August 2005<sup>5</sup>. For up-to-date information, please refer to the latest UNHCR Advisory Regarding the Return of Iraqis.<sup>6</sup>

<sup>1</sup> United Nations Assistance Mission for Iraq (UNAMI)/Human Rights Office, *Human Rights Report (1 July – 31 August 2005)*, 9 September 2005, p. 2.

<sup>2</sup> Gabriela Wengert, UNHCR Iraq Operation Unit Amman, *Schutzbedürfnis irakischer Flüchtlinge und Asylsuchender im aktuellen Kontext – Rückkehr in den Irak*, Presentation at the Federal Office For Migration and Refugees, 27 April 2005.

<sup>3</sup> *Report of the United Nations High Commissioner for Human Rights and Follow-up to the World Conference on Human Rights – The present situation of human rights in Iraq*, 8 June 2004, UN-Doc. E/CN.4/2005/4.

<sup>4</sup> *Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003)*, 5 August 2004, UN-Doc. S/2004/625.

<sup>5</sup> See footnote 1.

<sup>6</sup> *UNHCR Advisory Regarding the Return of Iraqis*, UNHCR Geneva, September 2005.

For further country of origin information, please consult the website of the 'European Country of Origin Information Network' at [www.ecoi.net](http://www.ecoi.net).

## 2. General Situation of Members of Non-Muslim Religious Communities

According to information available to UNHCR, the situation of members of non-Muslim religious communities has been noticeably aggravated since the invasion of Coalition Forces and the consequent fall of the former regime in March/April 2003.<sup>7</sup>

While Article 7 of the Iraqi Transitional Administrative Law (TAL) – which was signed by Coalition Provisional Authority Civil Administrator Paul Bremer on 8 March 2004 – generally guarantees the freedom of religious belief and practice, it endorses Islam as official state religion.<sup>8</sup> The TAL remains in force until the appointment of a new Government subsequent to the approval of the Permanent Constitution in the 15 October 2005 referendum and the 15 December 2005 National Assembly Elections. In practice however, religious minorities' freedom of religion is severely impeded by the current situation on the ground.

The Iraqi Security Forces (ISF) are currently not capable of effectively maintaining law and order. In addition, the lack of a functioning judiciary often leaves victims of assault, maltreatment, expropriation and other attacks without legal protection and redress, including members of religious minorities. Increasingly, Iraqis are resorting to extra-judicial conflict resolution and protection mechanisms such as tribal law. Members of religious minorities often do not have access to such traditional mechanisms, as they do not necessarily belong to a tribal grouping.

Particularly in Central and Southern Iraq, there is an increasing trend of embracing stricter Islamic values. Religious minorities, in particular those not recognized and protected as 'people of the book' (*Ahl Al Kitab*) by Islam, face increased pressure and social marginalization.

## 3. The Situation of Christians in Iraq

According to various sources, some 8 to 12 percent of the Iraqi population belong to a Christian denomination (mostly Assyrians, Chaldeans, Armenians and Catholics). The majority of Assyrian Christians can be found in the Governorate of Nineveh, whose capital Mosul is also the second largest city in Iraq. There are also significant Assyrian communities in and around the Iraqi capital Baghdad. The remaining Christians originate predominantly from areas around the Southern city of Basra. With only 6 of the 275 seats (2 percent) in the Transitional National Assembly, Christian communities have little political clout.

Christians are seriously affected by the dramatic deterioration of the situation of non-Muslim communities. They increasingly experience discrimination with regard to access to the labour market or basic social services. Many Iraqi Christians are

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<sup>7</sup> *Country of Origin Information – Iraq*, UNHCR Geneva, August 2004, page 5.

<sup>8</sup> The relevant part of Article 7 of the TAL reads as follows: „Islam is the official religion of the state and is to be considered a source of legislation. ... This Law respects the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice“.

particularly afraid of persecution by insurgent groups such as *Ansar Al-Sunna* as well as Islamic militias such as the *Badr Organisation* or the *Mehdi-Army*, which have gained *de facto* control over entire neighbourhoods in various cities and villages in Iraq.

There are reports from almost all parts of the country about assaults and attacks against Christian individuals and facilities. For example, on 1 August 2004, nearly simultaneous attacks on five Christian churches in Baghdad and Mosul killed at least 15 persons. In the course of another devastating series of attacks on six Christian churches in Baghdad on 16 October 2004, at least one person was killed and nine persons were injured.<sup>9</sup> On 8 November 2004, car bombs exploded in front of the St. George and the St. Matthias church in Baghdad, killing at least three people and wounding dozens of others. Further attacks on Christian churches in Baghdad caused substantial property damage. On 7 December 2004, a series of attacks on Armenian and Chaldean churches in Mosul caused substantial damage to property. In January 2005, the head of the Christian Democratic Party in Iraq, Minas Al-Yousifi, as well as the Syrian Catholic archbishop of Mosul, Basile Georges Casmoussa, were kidnapped. In February 2005, a Christian nurse was beheaded by her kidnappers and on 18 March 2005, *Ansar Al-Sunna*, which mainly operates in Northern Iraq, announced the killing of a Christian general of the Iraqi Army on its internet website.

In all parts of Iraq, Christian women face increasing pressure by extremist groups to adhere to strict Islamic dress codes and to cover their hair with a veil. In spring 2005, some 1,500 female students left Mosul University in order to avoid constant threats directed against them, including through leaflet campaigns.

On various occasions, Christian-owned shops selling alcohol, CDs or videos have become the target of bomb attacks or looting. For example, on 28 September 2004, four Christian-owned shops were completely destroyed in a series of arson attacks in the Iraqi town of Bald.

Due to the previously described inefficiency of the ISF and the religious component inherent to the assaults, most such incidents are not reported to the authorities. The victims frequently keep a low profile in order to not attract further attention. Finally, they may decide to leave their place of residence in order to avoid further threats. Consequently, it is assumed that a high number of incidents go unreported.

Attacks, assaults and discrimination are often motivated by a variety of factors which may have to be considered alternatively or cumulatively:

Fundamentalist Islamic groups as well as opponents of the ongoing reconstruction and democratisation process often consider Christians as supporters of and 'collaborators' with the MNF and the Iraqi authorities and thus view them as 'traitors'. Against this background, Christians are at risk of becoming victims of politically motivated acts of violence. Political motives also come into play in the numerous assaults against Christian individuals and facilities committed by members or supporters of the KDP and the PUK in Northern Iraq, in particular in the areas south of the former green line (as the Kurdish parties aim to expand their influence into parts of Nineveh Governorate). In this regard, the Iraqi Ministry of Displacement and Migration reported on the serious difficulties Christians displaced by the former regime face in reclaiming their properties in Northern Iraq.

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<sup>9</sup> IRIN - BAGHDAD, *IRAQ: Attacks on churches spur Christians to move to Kurdish north*, 22 Nov 2004, ([http://www.irinnews.org/report.asp?ReportID=44263&SelectRegion=Iraq\\_Crisis&SelectCountry=IRAQ](http://www.irinnews.org/report.asp?ReportID=44263&SelectRegion=Iraq_Crisis&SelectCountry=IRAQ)).

Christians are regarded as 'infidels' by segments of the Muslim majority population in Iraq. Therefore, many assaults bear a religious component. This is particularly true when Christians are punished for not respecting or adhering to certain traditional or religious rules of behaviour, such as the Islamic dress code accepted or requested by a Muslim majority, the consumption or selling of alcohol, or women appearing in public without the company of a male relative (*muhram*).

At times, personal motives may also be the reason for violent assaults on members of Christian communities. The perception is that Christians are generally wealthier than others, (for example because they trade or sell alcohol); this may also be a cause for attacks.

Furthermore, ethnic motives may have to be considered in particular with regard to Armenian Christians.

Although Christians are protected by Islam as 'people of the book' (*Ahl Al-Kitab*) the general populace does not always respect this status. As a result, assaults against religious minorities or 'infidels' may be considered minor offences, thereby lowering the threshold for discrimination against or persecution of members of religious minorities. Against this background, a person's religious affiliation may play a role as a motive and also determine the kind of persecutory act.

The increasing trend to embrace strict Islamic values is the cause for strong resentment towards Christians, mainly in the South as well as in the so-called Sunni triangle in the Centre of the country. The relationship between Kurds and Christians is characterised by more mutual tolerance and therefore Christians in three Northern Governorates generally face less pressure.<sup>10</sup> However, in view of the possible recognition of Islam as a major source of law in the new Permanent Constitution, Christians fear a further degradation of their legal and actual position in the Iraqi society.

The increasing number of Iraqi Christians fleeing to neighbouring Syria since 2003 provides a strong indication for the deterioration of their situation. Of the total number of Iraqis registered with UNHCR Syria between October 2003 and March 2005, 36 percent are Christians.<sup>11</sup> Christians seeking refuge in Syria and Jordan currently benefit from protection on a temporary basis granted by the authorities of these countries. In some exceptional cases, UNHCR may also grant full refugee protection based on individual Refugee Status Determination.

#### 4. The Situation of Mandaean in Iraq

The Mandaean (also Nazareans or Sabeans) do not constitute a Christian denomination, but another independent monotheistic religious community. According to current estimates by different organisations,<sup>12</sup> approximately 60,000 people worldwide practice the Mandaean religion, of which some 30,000 live in Iraq, mainly in the larger cities after having been forcibly relocated by the former regime from the Marsh

<sup>10</sup> Nevertheless, the availability of an internal flight or relocation alternative in Northern Iraq needs to be assessed on a case-by-case basis, taking in particular into consideration the restricted accessibility as well as the grave housing shortage.

<sup>11</sup> According to UNHCR statistics, about 700,000 Iraqis took refuge in Syria in the period between October 2003 and March 2005. In the same period 5,843 cases (15,855 persons) were registered as asylum-seekers by UNHCR in Damascus out of which 2,050 cases (36%) are Christians.

<sup>12</sup> Refugees International, *Refugees International advocates with Danish Government for asylum for Mandaean from Iraq*, 21 June 2004, (<http://reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/cc0d2736>).

areas in Southern Iraq. A significant Mandaean community resides in exile in Australia. Due to their traditional engagement as gold and silversmiths, jewellers or in other highly skilled professions, many Mandeans belong or belonged to the wealthy middle class in Iraq.

According to information from the German NGO Society for Threatened People, Mandeans in Iraq were persecuted and suppressed in the past, in particular by Islamic and Christian communities. Portuguese Christian Catholic missionaries were especially persistent in attempting to relocate the Mandeans from their traditional areas of settlement to other parts of the country in order to facilitate religious indoctrination. During the reign of the former regime, the Mandeans suffered further persecution, in particular during 'cleansing' campaigns in the Marsh areas during which Mandaean places of worship were systematically destroyed.<sup>13</sup>

While the general attitude towards Mandeans had become more tolerant during the last years of the former regime, the situation of the Mandaean community in Iraq deteriorated remarkably after its collapse in April 2003 due to the above-mentioned trend of embracing stricter Islamic values by the society. The current situation of Mandeans in Iraq is most similar to that of Christians. In addition, it must be taken into consideration that Islam does not recognize and protect the Mandeans as 'people of the book'.<sup>14</sup>

A disproportionately high number of Mandeans have left Iraq since the fall of the former regime. The major reasons for the ongoing flight of Mandeans from Iraq are: fear from assaults by radical segments of the Muslim society, fear of forced conversions, restrictions on the freedom of worship, concerns regarding security (in particular of women and children) as well as increasing social discrimination against Mandeans in general. These fears are further fuelled by several religious edicts (*fatwas*) issued against the Mandaean community, characterising them as 'impure' and denouncing their beliefs. A recently issued *fatwa* accuses Mandeans of systematic adultery and [trickery](#) and Muslims were called upon to 'lead' them to Islam. The majority of these *fatwas* was issued by Sunni teacher Al-Saied Al-Tabtabee Al-Hakeem and/or by the 'Information Foundation of Al-Sadr Office' in Basra. It is worth mentioning that no similar *fatwas* were issued or adopted by Grand Ayatollah Ali Al-Sistani, the highest and most influential religious figure among the Shia community in Iraq.

The Mandaean religion strictly prohibits the use of violence and the carrying of weapons. Accordingly, Mandeans have little means to protect themselves against violent attacks.<sup>15</sup>

## 5. The Situation of Jews in Iraq

The Jewish community in Iraq has a long and turbulent history, which began approximately 2,600 years ago with the enslavement of the Jewish inhabitants of Jerusalem and their deportation to what is now Iraq by Babylonian king Nebuchadnezzar. In the following centuries the Jews in Iraq attained their liberty and became a wealthy and respected part of society, mainly as farmers, tradesmen,

<sup>13</sup> Society for Threatened People, *Seit Jahrhunderten verfolgt – Mandäer im Irak*, July 2004, (<http://www.gfbv.de/download/mandaer.pdf>).

<sup>14</sup> Edmondo Lupieri, *The Mandeans: the Last Gnostics*, London, November 2001, pp. 80.

<sup>15</sup> Refugees International, *Refugees International advocates with Danish Government for asylum for Mandeans from Iraq*, 21 June 2004, (<http://reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/cc0d2736>).

goldsmiths, tailors or traders in spices and jewellery. At the outbreak of World War II, some 150,000 Jews were living in Iraq.

In the year 1941, a first wave of Arab-Nationalist violence was directed against Iraq's Jews, resulting in the death of 179 persons. With the creation of Israel in 1948, both the Iraqi government and the mostly Muslim population changed their attitude towards the Jewish population, resulting in the systematic persecution of Jews living in Iraq. Hence, in the years to come, more than 120,000 Jews fled Iraq. Another mass exodus came in 1968 after the Iraqi government sentenced six Jewish citizens to death and publicly executed them for alleged espionage for Israel. Although the situation improved significantly in the 1970s, when the Ba'ath regime placed them under its explicit protection (though they were not allowed to publicly display religious symbols), the exodus of Iraqi Jews continued unabated.<sup>16</sup>

With the fall of the former government, the living conditions of the few Jews left in Iraq worsened drastically. Even more than Iraqi Christians, they are suspected of co-operating or at least sympathizing with the MNF and fear deliberate assaults by both Islamic extremists and supporters of the former regime. The general uncertainty regarding the political developments in Iraq and the increased embracing of strict Islamic values prompted the majority of the remaining Iraqi Jews to flee the country. Today, the Jews remaining in Iraq have completely withdrawn from public life in order not to attract any attention.

Today, there is practically no Jewish life in Iraq. According to recent estimates, only some 20 Jews still live in Baghdad while no Jews can be found outside the capital. The remaining Jews are all above the age of 70 with the exception of two families. Apart from the risk of persecution by Islamist groups and supporters of the former regime, there is no *Rabbi* present in Iraq, thereby further impeding their freedom to practice their religion.

## **6. The Situation of Jehovah's Witnesses in Iraq**

Regarding the specific situation of Jehovah's Witnesses, UNHCR currently has no findings of its own. It is assumed, however, that Jehovah's Witnesses face similar restrictions as Christians or Jews due to the deteriorated security situation, the embracing of stricter Islamic values and customs particularly in Southern and Central Iraq and the grave deficiencies in the judicial and legal system. In addition, Islam considers missionary activities, which is an inherent part of the Jehovah Witnesses' activities, as a punishable offence.

## **7. The Situation of Iraqi Yazidis**

Yazidism is a monotheistic religion whose history reaches back approximately 4,000 years. According to estimates, approximately 550,000 of the world-wide 800,000 Yazidis are living in Iraq. 75 percent of the Iraqi Yazidis live in the traditional settlement area Jebel Sinjar, a mountainous region in the proximity of the Syrian border, while 15 percent live in the Sheikhan region. Although the Yazidis belong to the Kurdish ethnic group, only about 10 percent live in the Kurdish-administered areas in the three Northern Governorates of Erbil, Dohuk and Sulaymaniyah. Only a person

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<sup>16</sup> Cp. *The Last Jews of Baghdad*, San Francisco Chronicle, 18 April 2003.

born to Yazidi parents is a member of the Yazidi community and there is no way to convert to the Yazidi religion.

As part of the 'Arabization' campaign, many Yazidis were forced to identify themselves as Arabs, while they were not entitled to any minority rights. At schools, Yazidi religious education was prohibited and the Yazidis, which mostly lived in areas under control of the central government, could no longer practice their religion without restrictions. During the 1970s and 1980s, many Yazidis were forcibly relocated from their traditional areas of settlement into so-called 'model villages' in order to ensure better control by the former regime. After the Kurdish uprising in 1991 and the *de facto* autonomy of the three Northern Governorates, the Lalish valley, the holiest Yazidi site, was included into the Kurdish-administered area, thereby physically separating the majority of the Yazidis from their holy places.

So far, the situation of the Yazidis has not improved substantially, although religious freedom is formally enshrined in the TAL and the Iraqi authorities are committed to respect the exercise of this right. After the dissolution of the previous Ministry for Religious Affairs and the creation of three separate departments for the affairs of the Shiite, Sunni and Christian communities, the Yazidis are no longer represented. As illustrated earlier, the embracing of stricter Islamic values, the generally dire security situation, the presence of radical Islamic groups and militias as well as the ongoing political power-wrangling of the various sectarian groups about Iraq's future, leaves Yazidis exposed to violent assaults and threats and curtails their traditional ways of living as observed for Christians, Jewish and Mandaean minorities.

International human rights organizations recorded the killing of more than 25 Yazidis and more than 50 violent crimes targeting Yazidis in the last four months of 2004.

Many of these assaults are indirectly or directly linked to the victims' religious background. For example, on 17 August 2004, a young man from Bashiqa was beheaded and mutilated by insurgents as he was considered as a non-believer and 'impure'.<sup>17</sup> On 21 October 2004, the beheaded bodies of two men were found between the cities Talafar and Sinjar. A few days earlier, they had been threatened by radical Muslims in Talafar because they had allegedly not respected the ban of smoking during the holy month of Ramadan.<sup>18</sup> In December 2004, five Yazidis were killed by radical Muslims in Talafar. For some time, leaflets were distributed in Mosul calling for the killing of all Yazidis.

Furthermore, Yazidis are also affected by campaigns directed against Christians requesting the compliance with Islamic dress codes and morale.

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<sup>17</sup> Cp. Yezidisches Forum e.V. Oldenburg, *The current Human Rights Situation of the Yazidis*, 3 December 2004.

<sup>18</sup> Ibid.

## **8. Concluding Remarks**

As mentioned above in detail, persecutory acts against Christians, Jews, Mandaeans, Yazidis and Jehovah's Witnesses are not necessarily directly linked to the individual's own religious beliefs or practice. More often, there are strong perceptions vis-à-vis members of religious minority groups, e.g. that they all support the MNF or act in disrespect of Islamic values, putting an individual at risk of persecution irrespective of his/her actual belief or behaviour.

- Iraq Team -  
UNHCR Berlin  
(October 2005)