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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Treatment of Sunnis including those who or their families were in the Ba'ath party

An *Amnesty International* report published in September 2010 notes the treatment of Sunnis stating:

"In some cases, the laws and practices used against suspected members of armed groups have also been used against outspoken critics, including members of the Sunni community who have criticized what they see as Shi'a domination of the government." (Amnesty International (13 September 2010) *New order, same abuses, Unlawful detentions and torture in Iraq*, p.22)

A report published in June 2010 by *Minority Rights Group International* states:

"These ongoing sectarian tensions have had the effect of turning mixed areas into mono-sectarian ones – usually Shi'a or Sunni." (Minority Rights Group International (10 June 2010) *Still Targeted: Continued Persecution of Iraq's Minorities*, p.19)

Published in May 2010 a report by the *United States Commission on International Religious Freedom* states:

"Sunni-Shi'a mistrust and tensions continue. Among other issues, the Shi'a-led government's promised integration of Sunni Sons of Iraq members, which was supposed to occur by the end of 2009, is still far from complete. In addition, a controversial Shi'a-led government commission barred hundreds of candidates in early 2010, including prominent Sunni and secular politicians, from competing in the March 7 elections due to alleged Baathist ties. While this raised sectarian tensions in the run-up to the election, it did not result in a return to widespread sectarian violence or a Sunni boycott on participating in the election. However, it could lessen the chances of a political accommodation between these groups in the future." (United States Commission on International Religious Freedom (May 2010) *Annual Report, Iraq*, p.71)

In March 2010 the *United States Department of State* reviewing events of the previous year notes:

"AQI attacks against SOI and Sunni tribal leaders increased during the year." (United States Department of State (11 March 2010) *2009 Human Rights Report: Iraq*, Section 1a 'Arbitrary or Unlawful Deprivation of Life')

SOI is a acronym for Sons of Iraq; AQI is an acronym for Al-Qa'ida in Iraq.

This report also states:

"Suspected government targeting and arrest of SOI personnel for alleged previous insurgent or Ba'athist activity continued to be a point of tension between the Sunni

population and the government.” (*Ibid*, Section 1d ‘Arbitrary Arrest or Detention’/ Role of the Police and Security Apparatus)

It is also noted in this report that:

“Sunnis also continued to claim general discrimination during the year, alleging an ongoing campaign of revenge by the Shia majority for the abuses of Shia under the former regime, and also because of a widespread perception that the insurgency was composed primarily of Sunni extremists and former regime supporters with whom the majority of Sunnis sympathized.” (*Ibid*, Section 2c ‘Freedom of Religion’/Societal Abuses and Discrimination)

In April 2009 a report published by the *United Nations High Commissioner for Refugees* states, commenting on former Ba’ath party members:

“UNHCR has, in its previous positions, detailed the risks faced by persons affiliated or associated with the former Government of Iraq, through membership in the Ba’ath Party or as a result of their functions or profession. Since the fall of that regime, and in particular since the elections in 2005, when Shi’ite parties came to power, these persons have been the subject to systematic attacks, mainly by Shi’ite militias. For various reasons, targeted attacks against former members and associates of the Ba’ath Party and the former regime also appear to have lessened to a large extent. One possible reason is that a large number of former Ba’athists and associates of the former regime have already fled Iraq since 2003 while those remaining have often been able to align themselves with the current parties in power and/or have been reemployed into the public sector or the ISF. Another reason is that Shi’ite militias have been lying low or were weakened after military operations in 2008. While members of the former Ba’ath Party and regime are no longer systematically targeted, they may still fall victim in individual cases, for example as a result of personal revenge of former victims or their families against perpetrators of detention, torture or other violations of human rights. While some killings of former Ba’athists or members of the former regime have been documented in the media in 2008 and 2009, mainly in the Central Governorates, 924 other cases may go unreported, not the least because the exact motivation behind an attack may not always be known. Today, many former Ba’athists have found a new identity in the Iraqi society as politicians, professionals or tribal leaders). Attacks on professionals, tribal leaders or members of the current ISF may, therefore, still be motivated by the victim’s role under the former regime, but in most cases it will not be possible to establish for what reason someone was targeted.” (United Nations High Commissioner for Refugees (April 2009) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, pp.170-171)

This document also states:

“Members of the former Ba’ath Party and the former regime may further face discrimination on the basis of their affiliation with the former regime. The Justice and Accountability Law of January 2008, which was aimed at (partly) reversing the effects of the previous ‘De-Ba’athification’ process, under which approximately 150,000 former Ba’athists, mostly Sunni Arabs, were excluded from government employment and pensions, is not yet being implemented, depriving many former Ba’athists and members of the former regime from government employment or pensions entitled under the law. There have also been reports that the Shi’ite-dominated Government is discriminating against former Ba’athists in public sector employment. Further, it cannot be ruled out that previous Ba’ath Party affiliation may increase the risk of a

detainee to be subjected to unfair treatment or abuse if held in a Shi'ite dominated detention facility." (Ibid, p.171)

In January 2010 a report by *Human Rights Watch* states:

"Earlier this month, the Supreme National Commission for Accountability and Justice disqualified more than 500 candidates for the planned March parliamentary elections, apparently including several prominent Sunni politicians, causing a political crisis. "The commission has undermined faith in the electoral process at a time when there is already tremendous sectarian tension and a serious risk of a renewed Sunni election boycott," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "Excluding candidates in a secretive process based on unclear criteria ensures that the election will be neither fair nor free." The Commission revealed that it had disqualified 511 candidates but did not provide even a minimal level of transparency about its decision-making process, most significantly the evidence on which it has disqualified candidates for their alleged Ba'athist connections. The Commission also did not list all the barred candidates or set out the exact criteria it has used to bar them." (Human Rights Watch (26 January 2010) *Iraq: Candidate Ban Jeopardizes Election*)

This document also states:

"As with previous de-Ba'athification procedures, the 2008 law effectively maintains the principle of punishment on the basis of group affiliation, rather than individual actions or qualifications. It fails to provide those dismissed the right to see and challenge the evidence against them. Furthermore, the risk of more politically motivated mass dismissals remains great because the law does not establish the commission as an independent body made up of individuals chosen on the basis of competence and integrity." (ibid)

In February 2010 a report published by the *Institute for War & Peace Reporting* states:

"The prevalence of anti-Baathist sloganeering is not confined to the streets. Television, radio and print media have run daily coverage of the campaigns against the previous regime's party, and prominent politicians have engaged in one-upmanship over who has the hardest line against the party, which ruled Iraq with an iron fist for nearly three decades and is now illegal." (Institute for War & Peace Reporting (25 February 2010) *Anti-Baathist Campaigning Overshadows Issues*)

This article also states:

"A government committee's decision to ban 145 parliamentary candidates for their alleged ties to the outlawed Baath party has fueled anti-Baathist sentiments and galvanised Iraq's ruling Shia parties." (ibid)

A report by the *Institute for War & Peace Reporting* in March 2010 states:

"Scores of government officials across Iraq may face punishment over their alleged links to Saddam Hussein's banned Baath party, in an extension of a purge that has ignited sectarian passions ahead of next month's elections. Provinces controlled by Shia parties have asked a powerful committee to investigate regional officials suspected of Baathist sympathies. Those who fall foul of its rules could face

demotion, dismissal or the loss of benefits.” (Institute for War & Peace Reporting (3 March 2010) *Anti-Baathist Purge Spreads Across Iraq*)

A report by the *Danish Immigration Service* in September 2010 states:

“Regarding former Baath party members, an international NGO in Amman stated that senior Baath party members are targeted especially in South Iraq and some central parts. However, such a person would need to be well-known to others and other factors such as having occupied a particular exposed position are likely to have influence the risks as well. It was added that most senior Baath members left Iraq. On the other hand, accusing a person of being a former Baath member remains a favourite accusation. This can be problematic as a person wrongly accused may not be able to rectify such claims before action is taken against him.” (Danish Immigration Service (10 September 2010) *Security and Human Rights in South/Central Iraq (Report from Danish Immigration Service's fact-finding mission to Amman, Jordan and Baghdad, Iraq, Section 3.3)*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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