

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>               | <b>514</b>                                                                                                                                                   |
| Land:                           | Irak                                                                                                                                                         |
| Kilde:                          | UNHCR.                                                                                                                                                       |
| Titel:                          | Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers. |
| Udgivet:                        | 28. juli 2010.                                                                                                                                               |
| Optaget på baggrundsmaterialet: | 2. august 2010.                                                                                                                                              |

## **Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers**

### **I. Summary**

In April 2009, UNHCR issued the “*UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*” (hereafter the “April 2009 UNHCR Guidelines”).<sup>1</sup> It was the Office's intention to update them after one year in light of the evolving situation in Iraq. However, as set out briefly in this Note and its Annex, the current situation in Iraq is characterized by ongoing uncertainty due to the delay in the formation of a new government following the elections of March 2010, by the unpredictable security situation - which will in all likelihood also be affected by the drawdown of United States combat forces from Iraq set to be completed by 31 August 2010 - as well as by the continuing serious social and human rights situation in the country. In these circumstances, this Note is being issued as an interim advisory to affirm the continued validity of the April 2009 UNHCR Guidelines and to inform that issuance of revised guidance is pending further developments in Iraq. UNHCR continues to monitor and assess developments as they relate to the determination of eligibility for the international protection of Iraqi asylum-seekers and will issue comprehensively updated and revised guidelines once the situation so warrants.

### **II. Main developments in Iraq since April 2009**

In the process of reviewing the situation and developments in Iraq, UNHCR has observed the following significant developments:

#### **A. Political developments**

The Iraqi parliamentary elections were held on 7 March 2010, with more than 12 million Iraqis taking part in the election process as candidates and voters. Preceding the elections, the Accountability and Justice Commission recommended disqualification of 511 candidates for their alleged Ba'ath Party ties, which was upheld by the Independent High Electoral Commission (IHEC). This decision was appealed by a significant number of barred candidates resulting in the reinstatement of 28 candidates by the Appeals Court. An additional 52 candidates were recommended for disqualification by the Accountability and Justice Commission a few days before the elections of 7 March 2010, but the IHEC allowed them to run, postponing the decision on their eligibility until after the elections. Nine out of the 52 were then in fact elected and the IHEC moved on to strip them of their seats. However, on 17 May 2010, the Appeals Court rejected the disqualification of these nine winning candidates (six of which were from Iyad Allawi's Iraqiya coalition), thereby upholding the final tally.<sup>2</sup> The

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<sup>1</sup> UN High Commissioner for Refugees (UNHCR), *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, April 2009, <http://www.unhcr.org/refworld/docid/49f569cf2.html>.

<sup>2</sup> Anthony Shadid, *Iraqi Deal to End De-Baathification*, New York Times (NYT), 11 May 2010, <http://www.nytimes.com/2010/05/12/world/middleeast/12baghdad.html>.

preliminary election results released by the Independent High Electoral Commission on 26 March 2010, showed that 91 seats went to the Al-Iraqiya bloc, led by former Prime Minister Iyad Allawi, while the State of Law coalition, led by incumbent Prime Minister Nouri Al-Maliki, ranked second with 89 seats. The Iraqi National Alliance and the Kurdish Alliance took 71 and 40 seats, respectively.<sup>3</sup> The recount of votes in all of Baghdad Governorate was requested by the State of Law Coalition, following which on 1 June 2010 the Iraqi Supreme Court ratified the election results, opening the way for a new government to be seated.<sup>4</sup> As none of the leading political blocs won a majority of seats in the 325-seat parliament, they therefore must form alliances. The constitutional process and power-brokering over the formation of the new Government has been slow and complicated and is expected to take more time to complete.<sup>5</sup> The Iraqi National Alliance and State of Law Coalition have announced their decision to join forces in a coalition, making them the largest bloc in the parliament.

## B. Security developments

Under the Status-of-Forces Agreement (SOFA) of 30 June 2009, the Iraqi authorities have taken over full responsibility for the security of the country. The former Multinational Forces-Iraq/United States Forces-Iraq (former MNF-I/USF-I) have withdrawn from Iraqi cities, towns and villages and operate from their military bases at the request of the Iraqi Government. Currently, the US is drawing down all combat forces and is expected to complete this process by 31 August 2010.<sup>6</sup> The Iraqi Security Forces (ISF) have almost reached their intended end strength of about 680,000 members.<sup>7</sup> Since spring 2009 the Iraqi Government has been fully responsible for managing and integrating the largely Sunni *Awakening Councils or Sons of Iraq* (SoI) groups into the ISF and Iraqi government employment.<sup>8</sup> This process is still ongoing and by April 2010, of the 94,000 SoI, some 9,000 had transitioned into the ISF and over 30,000 into other government employment.<sup>9</sup>

The Iraq Body Count (IBC), a project which maintains data on civilian deaths,<sup>10</sup> reported that in 2009 the annual civilian death toll was 4,644.<sup>11</sup> Reports for 2010 indicate that some 2,000 Iraqis were killed and some 5,000 others were injured during the first five months of 2010.<sup>12</sup> An upsurge in violence

<sup>3</sup> Inter-Parliamentary Union, *Council of Representatives of Iraq*, 18 June 2010, <http://www.ipu.org/parline/reports/2151.htm>.

<sup>4</sup> Leila Fadel, *Iraq's Supreme Court ratifies election results*, The Washington Post, 1 June 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/06/01/AR2010060100527.html>.

<sup>5</sup> International Crisis Group (ICG), *Iraq's Uncertain Future: Elections and Beyond*, Middle East Report No. 94, 25 February 2010, p. 36, [http://www.crisisgroup.org/-/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/94\\_iraq\\_s\\_uncertain\\_future\\_elections\\_and\\_beyond.ashx](http://www.crisisgroup.org/-/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/94_iraq_s_uncertain_future_elections_and_beyond.ashx). According to a McClatchy report citing Iraqi officials and Baghdad residents, more than 100,000 new state jobs are currently on hold and administrative procedures such as obtaining licenses and registering for pensions are backlogged until a new government is formed; Hannah Allam, *Waiting for a new government, ordinary Iraqis suffer*, McClatchy Newspapers, 27 May 2010, <http://www.mcclatchydc.com/2010/05/27/94947/in-the-wait-for-new-government.html>.

<sup>6</sup> Scott Wilson, *U.S. withdrawal from Iraq will be on time, Vice President Biden says*, The Washington Post, 27 May 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/26/AR2010052605349.html>; AFP, *Iraq PM details 'several' assassination attempts*, 27 May 2010, [http://www.google.com/hostednews/afp/article/ALeqM5h5L-oyOpM\\_IsCjO9E6GMlc2h7QA](http://www.google.com/hostednews/afp/article/ALeqM5h5L-oyOpM_IsCjO9E6GMlc2h7QA); AFP, *Pace of US drawdown from Iraq on schedule: Pentagon*, 12 May 2010, [http://www.google.com/hostednews/afp/article/ALeqM5hfvaCgw36fQJfZ8KC4FCPRQ\\_0yA](http://www.google.com/hostednews/afp/article/ALeqM5hfvaCgw36fQJfZ8KC4FCPRQ_0yA); SIGIR, *Quarterly Report to the United States Congress*, 30 April 2010, p. 10, [http://www.sigir.mil/files/quarterlyreports/April2010/Report\\_-\\_April\\_2010.pdf#view=fit](http://www.sigir.mil/files/quarterlyreports/April2010/Report_-_April_2010.pdf#view=fit).

<sup>7</sup> SIGIR, *Quarterly Report to the United States Congress*, 30 April 2010, p. 10, [http://www.sigir.mil/files/quarterlyreports/April2010/Report\\_-\\_April\\_2010.pdf#view=fit](http://www.sigir.mil/files/quarterlyreports/April2010/Report_-_April_2010.pdf#view=fit).

<sup>8</sup> US Department of Defense, *Measuring Stability and Security in Iraq, Report to Congress In accordance with the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252), December 2009*, 29 January 2010, pp. vii, 1.

<sup>9</sup> SIGIR, *Quarterly Report to the United States Congress*, April 2010, p. 11, [http://www.sigir.mil/files/quarterlyreports/April2010/Report\\_-\\_April\\_2010.pdf#view=fit](http://www.sigir.mil/files/quarterlyreports/April2010/Report_-_April_2010.pdf#view=fit).

<sup>10</sup> Iraq Body Count, <http://www.iraqbodycount.org/> [accessed June 2010].

<sup>11</sup> The recently published *Global Peace Index* for 2010 ranked Iraq as the world's least-peaceful country for the fourth year in a row. The report noted that despite improvements in the security situation, "tension and violence remain widespread" and "the level of trust in other citizens, the homicide rate, the level of violent crime and the potential for terrorist acts all receive the highest possible scores;" Vision of Humanity, *Global Peace Index*, 7 June 2010, p. 24, <http://www.visionofhumanity.org/wp-content/uploads/PDF/2010/2010%20GPI%20Results%20Report.pdf>. US Department of State, 2009 *Human Rights Report: Iraq*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>. IBC, *Civilian deaths from violence in 2009*, 31 December 2009, <http://www.iraqbodycount.org/analysis/numbers/2009/>. On Iraqi casualty statistics since 2003, see also Hannah Fischer, *Iraq Casualties: U.S. Military Forces and Iraqi Civilians, Police, and Security Forces*, Congressional Research Service, CRS Report for Congress, 25 February 2010, <http://www.fas.org/srg/crs/mideast/R40824.pdf>.

<sup>12</sup> Speech of the Special Representative of the United Nations Secretary-General for Iraq (SRSG) Ad Melkert at Security Council Meeting, *Broad coalition the best option for government in Iraq – UN*, 25 May 2010, <http://www.uniraq.org/newsroom/getar>

was noted since the 7 March 2010 elections<sup>13</sup> and casualty statistics for the months of April and May 2010 reflect an increase in the numbers of Iraqis killed and wounded in violence.<sup>14</sup> Reports show that in 2009 and early 2010, insurgents carried out several mass-casualty attacks,<sup>15</sup> including on high-profile, highly guarded targets such as Iraqi government institutions,<sup>16</sup> prominent hotels<sup>17</sup> and foreign embassies.<sup>18</sup> The assaults resulted in hundreds of civilians killed or injured in the attacks. Al-Qa'eda in Iraq claimed responsibility for the attacks against embassies in Baghdad and residential targets in mainly Shi'a districts of the capital in early April 2010. The reported incidents mostly took place in the central governorates of Baghdad, Diyala, Kirkuk, Ninewa and Salah Al-Din<sup>19</sup> as well as in Al-Anbar, which has seen an increase in violence since the summer of 2009.<sup>20</sup> The relatively stable security situation in the Southern governorates is reportedly occasionally disrupted by mass-casualty attacks and low level violence mainly in areas close to Baghdad. The Kurdistan Region remains relatively stable, though there have been reported assaults on journalists<sup>21</sup> and political opponents.<sup>22</sup>

Among other security related developments worth noting is the start of the implementation of an interim joint security plan for Kirkuk and other internally disputed areas by the USF-I. The plan is based on joint action and coordination by the Iraqi Army and Police as well as the Kurdistan Regional Government (KRG) *Peshmerga*. Thus far, the joint security plan has resulted in the establishment of a network of checkpoints and joint patrols around major cities, and the training of security personnel.<sup>23</sup> Addressing the overall issue of the status of the "disputed areas" is among the challenges that await the new Government. Crucial matters to be resolved in this area include administrative boundaries, the control of oil resources, minority rights and other matters.<sup>24</sup>

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<http://www.iraqbodycount.org/database/article.asp?ArticleID=1346>. IBC accounted for 1,502 civilian casualties between 1 January 2010 and 20 May 2010; IBC, *Database - Monthly table*, <http://www.iraqbodycount.org/database/>.

<sup>13</sup> Amnesty International (AI), *Iraq: Civilians under fire*, MDE 14/002/2010, 27 April 2010, <http://www.amnesty.org/en/library/asset/MDE14/002/2010/en/c9dc5d8d-95fa-46e4-8671-cd9b99d0378c/mde140022010en.pdf>; SIGIR, *Quarterly Report to the United States Congress*, 30 April 2010, p. 9, [http://www.sigir.mil/files/quarterlyreports/April2010/Report\\_-\\_April\\_2010.pdf#view=fit](http://www.sigir.mil/files/quarterlyreports/April2010/Report_-_April_2010.pdf#view=fit).

<sup>14</sup> AFP, *Iraq death toll in April almost same as last year*, 30 April 2010, [http://news.yahoo.com/s/afp/20100430/wl\\_mideast\\_afp/iraqunresttollmonthly;\\_ylt=Avg6fCZErgGSOQR2J\\_w0eCSHmGF;\\_ylu=X3oDMTJ0YWNyaDN2BGFzc2V0A2FmcC8yMDEwMDQzMCM9pcmFxdW5yZXN0dG9sbG1vbnRobHkEcG9zAzM2BHNIYwN5bl9wYWdpbmF0ZV9zdW1tYXJ5X2xpc3QEc2xrA2lyYXFKZWZ0aHRvbA--](http://news.yahoo.com/s/afp/20100430/wl_mideast_afp/iraqunresttollmonthly;_ylt=Avg6fCZErgGSOQR2J_w0eCSHmGF;_ylu=X3oDMTJ0YWNyaDN2BGFzc2V0A2FmcC8yMDEwMDQzMCM9pcmFxdW5yZXN0dG9sbG1vbnRobHkEcG9zAzM2BHNIYwN5bl9wYWdpbmF0ZV9zdW1tYXJ5X2xpc3QEc2xrA2lyYXFKZWZ0aHRvbA--); Reuters, *Iraq civilian death toll rises sharply in April*, 1 May 2010, <http://www.reuters.com/article/idUSTRE6400D220100501>. AP, *Iraq: Key figures since the war began*, 3 May 2010, [http://news.yahoo.com/s/ap/20100503/ap\\_on\\_re\\_mi\\_ea/ml\\_iraq\\_by\\_the\\_numbers](http://news.yahoo.com/s/ap/20100503/ap_on_re_mi_ea/ml_iraq_by_the_numbers).

<sup>15</sup> IBC, *Civilian deaths from violence in 2009*, 31 December 2009, <http://www.iraqbodycount.org/analysis/numbers/2009/>.

<sup>16</sup> For more information see Section C in the Annex.

<sup>17</sup> On 25 January 2010, four prominent Baghdad hotels catering to foreign journalists and expatriate businessmen were heavily damaged by car bombs in the centre of Baghdad, killing at least 36 people and wounding more than 80; Anthony Shadid and John Leland, *Baghdad Blasts Shatter Sense of Security in Capital*, NYT, 25 January 2010, <http://www.nytimes.com/2010/01/26/world/middleeast/26iraq.html>.

<sup>18</sup> On 4 April 2010, suicide attackers detonated three car bombs within minutes from each other near the Iranian Embassy and in an area that houses several embassies, including the Egyptian Consulate and the German and Spanish embassies in Baghdad, killing at least 42 people and wounding more than 200. Two further attacks were reportedly thwarted by security officials; AP, *Suicide Bombs Target Embassies in Baghdad*, 4 April 2010, <http://www.cbsnews.com/stories/2010/04/04/world/main6362060.shtml>.

<sup>19</sup> US Department of Defense, *Measuring Stability and Security in Iraq, Report to Congress In accordance with the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252)*, December 2009, 29 January 2010, p. 31. For more details, see Section K in the Annex.

<sup>20</sup> US Department of Defense, *Measuring Stability and Security in Iraq, Report to Congress In accordance with the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252)*, December 2009, 29 January 2010, p. 30; Quil Lawrence, *Violence Returns To Anbar As U.S. Steps Back*, National Public Radio, 10 January 2010, <http://www.scpr.org/news/2010/01/10/violence-returns-to-anbar-as-us-steps-back/>; Marc Santora, *Attacks Threaten Fragile Security Gains in Cradle of Iraq Insurgency*, NYT, 16 November 2009, <http://www.nytimes.com/2009/11/17/world/middleeast/17anbar.html>; Sam Dagher, *In Anbar Province, New Leadership, but Old Problems Persist*, NYT, 12 September 2009, <http://www.nytimes.com/2009/09/13/world/middleeast/13anbar.html>, also see Section K in the Annex.

<sup>21</sup> For more information, see Section I in the Annex.

<sup>22</sup> According to Amnesty International, "[A] number of independent journalists and members and supporters of the opposition Goran Movement have been targeted for physical attacks, intimidation, threats and even murder, especially since the elections to the Kurdistan region's parliament which were held on 25 July 2009 in the Kurdistan region;" AI, *Human Rights Briefing*, March 2010, p. 14, <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/c2bb7123-1e17-4abf-8202-6f6f81448644/mde140042010en.pdf>; AFP, *Three shot in Iraqi Kurd pre-election clash*, 18 February 2010, <http://www.france24.com/en/20100218-three-shot-iraqi-kurd-pre-election-clash>.

<sup>23</sup> Secretary General's report on Iraq, *Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009)*, S/2010/240, 14 May 2010, [http://www.uniraq.org/FileLib/misc/SG\\_Report\\_S\\_2010\\_240\\_EN.pdf](http://www.uniraq.org/FileLib/misc/SG_Report_S_2010_240_EN.pdf).

<sup>24</sup> Ibid., p.2.

Since early 2010, the ISF, with the help of the USF-I, have arrested or killed a large number of senior insurgent leaders, in particular members of Al-Qa'eda in Iraq. Ongoing attacks illustrate that the groups are still intent on, and capable of, attacks.<sup>25</sup>

Reports indicate that the targeting of Government of Iraq officials, members of the Iraqi security forces, Awakening Council members and prominent citizens continue unabated. Among the frequently targeted are Shiite civilians and pilgrims as well as religious sites in different areas,<sup>26</sup> religious and ethnic minority groups mainly in Ninewa and Kirkuk Governorates (Yazidis, Turkmen, Shabak and Kaka'i),<sup>27</sup> and the Christian minority, mainly in Ninewa,<sup>28</sup> which includes 5,000 Christians displaced from Mosul in early 2010.<sup>29</sup> Compared to 2008, there has been a significant increase in the use of magnetic and adhesive bombs attached to vehicles as a weapon to assassinate particular individuals.<sup>30</sup> Profiles targeted include, in particular, government officials and employees,<sup>31</sup> party officials,<sup>32</sup> members of the *Awakening Councils or Sons of Iraq* (SoI),<sup>33</sup> members of the ISF (including off-duty members),<sup>34</sup> religious and ethnic minorities,<sup>35</sup> Sunni and Shi'ite clerics,<sup>36</sup> journalists,<sup>37</sup> academics,<sup>38</sup> doctors,<sup>39</sup> judges<sup>40</sup> and lawyers,<sup>41</sup> human rights activists and Iraqis working for NGOs<sup>42</sup> or the USF-I and foreign companies,<sup>43</sup> alcohol vendors (which are commonly Christians or Yazidis),<sup>44</sup> women<sup>45</sup> and LGBT individuals.<sup>46</sup>

<sup>25</sup> Jane Arraf, *Bomb attacks kill 50, wound almost 200 in Iraq*, Christian Science Monitor, 23 April 2010, <http://www.mcclatchydc.com/2010/04/23/92778/bomb-attacks-kill-50-wound-almost.html>; AFP, *Al-Qaeda in Iraq killings won't end attacks*, 20 April 2010, [http://www.khaleejtimes.com/DisplayArticleNew.asp?xfile=/data/middleeast/2010/April/middleeast\\_April284.xml&section=middleeast](http://www.khaleejtimes.com/DisplayArticleNew.asp?xfile=/data/middleeast/2010/April/middleeast_April284.xml&section=middleeast); The Economist, *Decapitation is not yet victory*, [http://www.economist.com/world/middle-east/displaystory.cfm?story\\_id=15944217](http://www.economist.com/world/middle-east/displaystory.cfm?story_id=15944217).

<sup>26</sup> For a list of incidents, see Section A in the Annex.

<sup>27</sup> For a list of incidents see Section B in the Annex.

<sup>28</sup> For a list of incidents see Section B in the Annex.

<sup>29</sup> OCHA, *Iraq – Displacement in Mosul*, Situation Report No. 3, 6 March 2010, p. 1, <http://www.uniraq.org/documents/OCHA%20Iraq%20SitRep%20No.3%20-%20Displacement%20in%20Mosul%20-%206%20March%202010.pdf>.

<sup>30</sup> According to IBC, magnetic bombs killed 186 civilians in 2009 compared to 46 in 2008; IBC, *Civilian deaths from violence in 2009*, 31 December 2009, <http://www.iraqbodycount.org/analysis/numbers/2009/>.

<sup>31</sup> Politically motivated killings of government officials and employees remain common in Iraq, affecting officials and employees at the federal, governorate and local level. In May 2010, Prime Minister Al-Maliki asserted that he had escaped “many attempts” on his life, including one where insurgents tried to shoot down his plane with missiles in 2009. Reported incidents in the Governorates of Al-Anbar, Babel, Baghdad, Diyala, Ninewa, Kirkuk and Salah Al-Din in 2010 (not exhaustive), see Section D in the Annex.

<sup>32</sup> For more information, see Section E in the Annex.

<sup>33</sup> For more information, see Section F in the Annex.

<sup>34</sup> While the ISF remain a major target of armed groups, individual members of the ISF are also singled out for attacks when off-duty, often in their homes or by bombs attached to their vehicles. In particular in Mosul and Kirkuk, targeted killings of off-duty ISF members are a frequent occurrence. Between January and May 2010, the incidents reported in the media (not exhaustive) are listed under Section G in the Annex.

<sup>35</sup> For more information, see Section B in the Annex.

<sup>36</sup> See Section in H the Annex.

<sup>37</sup> According to the Committee to Protect Journalists (CPJ), in 2009, four Iraqi journalists were killed in Baghdad, Mosul and Kirkuk because of their work, the lowest death toll since 2003. For the first time in six years, Iraq was not named the “deadliest nation for journalists”. In 2009, four Iraqi journalists were killed in Baghdad, Mosul and Kirkuk because of their work, the lowest death toll since 2003. To date, the Iraqi authorities failed to address impunity in journalist murders. Of the 140 journalists killed in Iraq since 2003, at least 89 were targeted for murder. By the end of 2009, Iraqi authorities had yet to bring a single killer to justice in any of those cases. Iraq ranked first worldwide on CPJ's Impunity Index, which calculates the number of unsolved journalist murders as a percentage of the nation's population; see CPJ, *Attacks on the Press 2009: Iraq*, 16 February 2010, <http://www.cpj.org/2010/02/attacks-on-the-press-2009-iraq.php>. In 2010, several incidents have been reported in Baghdad, Kirkuk and Erbil/Mosul:- see Section I in the Annex.

<sup>38</sup> Brussels Tribunal, an independent network of academics, collected a list of total 437 academics killed between April 2003 and 24 February 2010. More recent incidents are listed under Section I in the Annex.

<sup>39</sup> Medical health professionals have been killed, maimed and kidnapped in the thousands since the fall of the former regime at the hands of insurgents, militias and criminal gangs. According to the Iraqi Ministry of Health, about 8,000 of Iraq's 15,500 doctors have left their jobs between 2003 and 2008. Also in 2009/2010, killings and abductions of doctors were reported in the media; see more details under Section I in the Annex.

<sup>40</sup> Since March 2003, at least 39 Iraqi judges have been killed. See more details under Section I in the Annex.

<sup>41</sup> For more information, see Section I in the Annex.

<sup>42</sup> PUK Media, *Human Right organization employee in Kirkuk murdered*, 30 April 2010, [http://pukmedia.com/english/index.php?option=com\\_content&view=article&id=2569:human-right-organization-employee-in-kirkuk-murdered&catid=29:kurdistan-region&Itemid=385](http://pukmedia.com/english/index.php?option=com_content&view=article&id=2569:human-right-organization-employee-in-kirkuk-murdered&catid=29:kurdistan-region&Itemid=385); DPA, *Iraqi human-rights worker killed by roadside bomb (Roundup)*, 29 April 2010, [http://www.monstersandcritics.com/news/middleeast/news/article\\_1552000.php/Iraqi-human-rights-worker-killed-by-roadside-bomb-Roundup](http://www.monstersandcritics.com/news/middleeast/news/article_1552000.php/Iraqi-human-rights-worker-killed-by-roadside-bomb-Roundup); Sameer N. Yacoub, *Gunmen kill 5 people at Baghdad aid office*, 19 January 2010, [http://seattletimes.nwsources.com/html/nationworld/2010823723\\_apmliraq.html](http://seattletimes.nwsources.com/html/nationworld/2010823723_apmliraq.html); Reuters, *Gunmen kill 5 in Iraqi NGO office*, 18 January 2010, <http://www.reuters.com/article/idUSTRE60H3AT20100118>; DCHA/OFDA, *Iraq – Complex Emergency*, 5 May 2010, p. 2, [http://www.usaid.gov/our\\_work/humanitarian\\_assistance/disaster\\_assistance/countries/iraq/template/fs\\_sr/FY2010/iraq\\_ce\\_sr01\\_05-2010.pdf](http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/countries/iraq/template/fs_sr/FY2010/iraq_ce_sr01_05-2010.pdf).

### C. *Human rights related developments*

The Secretary-General's Report of May 2010 states that Iraq continues to face humanitarian challenges. Access to quality education, shelter, electricity and sanitation services are compromised for many Iraqis.<sup>47</sup> Insufficient access to water for household and agriculture use is chronic, particularly in rural areas and the other parts of the country experiencing drought.<sup>48</sup> Unemployment and under-employment rates in Iraq remain high.<sup>49</sup> The first five months of the year saw the return of 7,064 Iraqis to Iraq, primarily from neighbouring countries, as well as 37,330 Internally Displaced Persons returning to their places of origin. Most of the returnees were from Baghdad and Diyala Governorates. However, there remain over 1 million Iraqi refugees, residing for the most part in the Syrian Arab Republic and Jordan,<sup>50</sup> as well as some 1.55 million people still internally displaced inside Iraq since 2006 according to the Iraqi Ministry of Displacement and Migration. A significant number of these people are squatting in public buildings or makeshift camps in extremely poor conditions.<sup>51</sup>

Reports indicate concern over deficits in the administration of justice, the management of prisons and detention centres, violence against women, and the lack of child protection mechanisms.<sup>52</sup> Significant progress is still needed to ensure the rule of law and to systematically address the issue of impunity for past human rights violations. Concern remains over the legality and integrity of criminal convictions based on evidence obtained through confessions under duress. Moreover, the Central Criminal Court of Iraq continued to hand down death sentences without due regard to international standards.<sup>53</sup>

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<sup>43</sup> Insurgents continue to target Iraqis working for or perceived to be working for the USF-I or foreign companies. Particularly those who live and work outside of military protected bases or the International Zone in Baghdad are at high risk of attack; Foreign and Commonwealth Office, *Travel Advice, Iraq*, 15 April 2010, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/middle-east-north-africa/iraq?ta=safetySecurity&pg=2>.

<sup>44</sup> Stores selling alcohol remain a target of armed groups who object to the consumption of alcohol on religious grounds. In the City of Basrah, there has reportedly been a series of attacks on liquor stores. According to security officials speaking on the condition of anonymity for fear of retaliation say the attacks bear the hallmarks of the Mahdi Army; Saad Abdul-Kadir, *Baghdad vote recount to take 2 to 3 weeks*, AP, 29 April 2010, [http://www.msnbc.msn.com/id/36852711/ns/world\\_news-mideastn-africa/](http://www.msnbc.msn.com/id/36852711/ns/world_news-mideastn-africa/); Hamza Hendawi and Qassim Abdul-Zahra, *Shiite militia reviving in post-election Iraq*, AP, 4 May 2010, [http://articles.sfgate.com/2010-05-04/world/20883572\\_1\\_al-sadr-mahdi-army-shiite-party](http://articles.sfgate.com/2010-05-04/world/20883572_1_al-sadr-mahdi-army-shiite-party). Recent attacks on liquor shops as reported in the media (not comprehensive) are listed under Section J in the Annex.

<sup>45</sup> Violence against women and girls continues to be a serious problem, with members of insurgent groups and militias, Human Rights Watch (HRW), *World Report – Iraq*, 24 January 2010, <http://www.hrw.org/en/node/87714>; UN General Assembly, Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review – Iraq*, 19 February 2010, para 47, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/120/70/PDF/G1012070.pdf>.

<sup>46</sup> LGBT refers to Lesbian, Gay, Bisexual and Transgender people. See HRW, *World Report – Iraq*, 24 January 2010, <http://www.hrw.org/en/node/87714>.

<sup>47</sup> See for example, Jane Arraf, *Iraqi electricity minister offers to resign, but public fury continues*, Christian Science Monitor, 22 June 2010, <http://www.mcclatchydc.com/2010/06/22/96337/iraqi-electricity-minister-offers.html>.

<sup>48</sup> UN Security Council, *Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009)*, 14 May 2010, para 39, [http://www.uniraq.org/FileLib/misc/SG\\_Report\\_S\\_2010\\_240\\_EN.pdf](http://www.uniraq.org/FileLib/misc/SG_Report_S_2010_240_EN.pdf). According to the UN Common Country Assessment for Iraq of November 2009, access to services such as health care, education, electricity and water is limited by non-existent or dilapidated infrastructure and equipment, poor service delivery methods and lack of monitoring and evaluation;

<sup>49</sup> Unemployment stands at least 15% and up to 30% of the workforce is underemployed. Un- and underemployment are likely set to increase in the coming years, particularly amongst youth, with approximately 240,000 new entrants into the workforce each year. Youth, and in particular young men, are particularly affected by limited job prospects, putting them at risk of poverty and food insecurity and making them potential targets for recruitment by armed groups; OCHA, *Iraq Humanitarian Action Plan 2010*, p. 9, [http://ochadms.unog.ch/quickplace/cap/main.nsf/h\\_Index/2010\\_Iraq\\_HAP/\\$FILE/2010\\_Iraq\\_HAP\\_SCREEN.pdf?OpenElement](http://ochadms.unog.ch/quickplace/cap/main.nsf/h_Index/2010_Iraq_HAP/$FILE/2010_Iraq_HAP_SCREEN.pdf?OpenElement); US Department of Defense, *Measuring Stability and Security in Iraq, Report to Congress In accordance with the Department of Defense Supplemental Appropriations Act 2008 (Section 9204, Public Law 110-252)*, December 2009, 29 January 2010, pp. iv, 14, [http://www.defense.gov/pubs/pdfs/Master\\_9204\\_29Jan10\\_FINAL\\_SIGNED.pdf](http://www.defense.gov/pubs/pdfs/Master_9204_29Jan10_FINAL_SIGNED.pdf).

<sup>50</sup> According to the Governments of those countries.

<sup>51</sup> There are a total of 492, 325 individuals displaced in settlements or camp-like situations in 363 locations in all of Iraq, of which 214, 496 alone are in Baghdad in 116 locations, according to MoDM and UNHCR Field Offices. Their situation remains precarious, as they can be subject to eviction based on the Council of Minister's Decision no. 440, which, if no alternative option is found, can lead to secondary displacement.

<sup>52</sup> UN Security Council, *Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009)*, 14 May 2010, para 51, [http://www.uniraq.org/FileLib/misc/SG\\_Report\\_S\\_2010\\_240\\_EN.pdf](http://www.uniraq.org/FileLib/misc/SG_Report_S_2010_240_EN.pdf); HRW, *Iraq: Detainees Describe Torture in Secret Jail*, 27 April 2010, <http://www.hrw.org/en/news/2010/04/27/iraq-detainees-describe-torture-secret-jail>; AI, *Human Rights Briefing*, March 2010, p. 6, <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/c2bb7123-1e17-4abf-8202-6f6f81448644/mde140042010en.pdf>; US Department of State, *2009 Human Rights Report: Iraq*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>.

<sup>53</sup> According to UNAMI, Iraq's Central Criminal Court continues to issue death sentences "despite evidence indicating systemic problems in the application of due process and fair trial guarantees that fall short of international standards". Since June 2009, UNAMI

Iraq's compliance with international human rights standards was examined in February 2010 under the Universal Periodic Review operating under the Human Rights Council. Recommendations made to the government included accession and ratification of nine outstanding international Human Rights instruments, declaration of a moratorium on the death penalty, compliance with international standards relating to detention and imprisonment, as well as introducing measures to ensure the empowerment, equality and access to justice of women in Iraq. In the Human Rights Council session in June 2010, the Iraqi delegation approved 135 out of 176 recommendations and announced that a national conference would be organized to discuss a roadmap for the implementation of the approved recommendations. It is also noted that establishment of the Independent High Commission for Human Rights as per the November 2008 Law on establishing such a Commission is pending the formation of the new Government. Worth noting also is that in January 2010, after several years' delay, the Iraqi Presidency Council approved a new law on NGOs, drafted with the support of the UN mission in Iraq (UNAMI). The Law is expected to help preserve the independence and the integrity of NGOs operating in Iraq.<sup>54</sup>

### III. Conclusion

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

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accounted for more than 122 executions; UN Security Council, *Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009)*, 14 May 2010, para 50, [http://www.uniraq.org/FileLib/misc/SG\\_Report\\_S\\_2010\\_240\\_EN.pdf](http://www.uniraq.org/FileLib/misc/SG_Report_S_2010_240_EN.pdf). According to Amnesty International, at least 1,100 persons are believed to have been punished to death, with over 900 who have exhausted all legal means to challenge the decision; AI, *Human Rights Briefing*, March 2010, pp. 8-9, <http://www.amnesty.org/en/library/asset/MDE14/004/2010/en/c2bb7123-1e17-4abf-8202-6f6f81448644/mde140042010en.pdf>.

<sup>54</sup> Ibid.

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