



Flygtningenævnets baggrundsmateriale

Bilagsnr.:	302
Land:	Irak
Kilde:	UNHCR
Titel:	"Drafting into Peshmerga/Desertion"
Udgivet:	Februar 2006
Optaget på baggrundsmaterialet:	3. marts 2006

Drafting into Peshmerga / Desertion

At the EURASIL meeting on Iraq, held on 10 November 2005 in Brussels, a number of delegates requested information from UNHCR regarding the treatment of persons that refused to join / deserted the Peshmerga forces in the three Northern Governorates of Iraq prior to the political changes in 2003. UNHCR's findings are as follows:

I. PUK-administered areas (Governorate of Sulaymaniyah)

General information

The PUK authorities do not impose mandatory military service and those who serve in the PUK Peshmerga voluntarily. The PUK has never faced problems recruiting sufficient numbers of fighters, given that Kurdish society considers being part of the Peshmerga an honourable career. Furthermore, the PUK Peshmerga offers employment and a secure and relatively high income, which was of particular importance during the early/mid 1990s when work opportunities for young men were rare.

Deserting the PUK-Peshmerga (pre-2003)

Those who left the PUK Peshmerga were generally not punished for doing so, but may have experienced social stigmatization and harassment (for example being viewed as a 'traitor' in particular during the KDP-PUK civil war in the mid 1990s). Persons resigning from service were required to return their rifle, their uniform and their last paycheque. During the 1990s however, some PUK Peshmerga sold their rifles and uniforms, mainly for economic reasons and were therefore not able to return their rifle, uniform or last paycheque. These persons faced arrest by the PUK authorities. If these former fighters left the country, a family member was detained until the person in question returned or produced the rifle, uniform and necessary funds.

The situation may have been different for high-ranking officials. However, UNHCR is not aware of any high-ranking officials who have deserted.

Holders of sensitive posts within the PUK Government (also called 'Peshmerga' even though they are not members of the Kurdish armed forces) such as those working for the PUK Intelligence ('Dazgai Zaniary') faced severe consequences from the PUK if they left the party or transferred sensitive

information. Punishment likely included sentences of long-term imprisonment or death imposed outside the judicial system.

PUK Peshmerga fighters that committed crimes (e.g. bribery, the distribution of sensitive information or others) were prosecuted according to applicable Iraqi laws; however whether or not a trial took place or punishment was imposed was depending on a person's family/clan affiliations.

Situation upon return

UNHCR did not receive any information indicating that an ordinary peshmerga soldier, who deserted the PUK-Peshmerga prior to 2003 and returned to Iraq today, would face prosecution or persecution by the PUK authorities. The situation looks however different for high-ranking officials, in particular former members of the 'Dazgai Zaniary', who may likely be subjected to long-term imprisonment or death imposed outside the regular judicial system.

II. KDP-administered areas (Governorates of Erbil and Dohuk)

General information

The KDP authorities do not impose mandatory military service and those who serve in the KDP Peshmerga do so voluntarily. The KDP has never faced problems recruiting sufficient numbers of fighters, given that Kurdish society considers being part of the Peshmerga an honourable career. Furthermore, the KDP Peshmerga offers employment and a secure and relatively high income, which was of particular importance during the early/mid 1990s when work opportunities for young men were rare. A person joining the KDP Peshmerga has to provide for a sponsor (one of his relatives) and sign an understanding that he will pay US \$1,000 if he leaves the service without a justified reason.

Deserting the KDP-Peshmerga (pre-2003)

Ordinary soldiers who left the KDP Peshmerga were generally not punished for doing so, but may have experienced social stigmatization and harassment (for example being viewed as a 'traitor' in particular during the KDP-PUK civil war in the mid 1990s). Such persons may not have been able to find employment in the public sector.

High-ranking officials were treated different than ordinary recruits. If such persons deserted the KDP Peshmerga, they faced arrest, detention or death by the KDP, punishments imposed outside the judicial system. In order to avoid such consequences, a number of high-ranking officials who have deserted left the country or relocated to the PUK-administered areas.

Persons who resigned from service were required to return their rifle, their uniform, their last paycheque as well as \$ 1,000 for leaving the service. In case a person was not able to return these items, he would face imprisonment.

KDP Peshmerga fighters that committed crimes (e.g. bribery, the distribution of sensitive information or others) were prosecuted according to applicable Iraqi laws; however whether or not a trial took place or punishment was imposed was depending on a person's family/clan affiliations.

Situation upon return

UNHCR did not receive any information indicating that an ordinary peshmerga soldier, who deserted the KDP-Peshmerga prior to 2003 and returned to Iraq today, would face prosecution or persecution by the KDP authorities. He would however be investigated upon return.

The situation looks however different for high-ranking officials, in particular if the person had committed what is considered a crime against the KDP (e.g. disclosure of sensitive information). In such a case, he may likely be subjected to long-term imprisonment or death imposed outside the regular judicial system. In some cases however, the person may be able to receive guarantees from the KDP prior to returning and benefit from an amnesty.

**UNHCR Iraq Operations Unit Amman
February 2006**