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**amnesty  
international**

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København, den 22. juni 2004

Amnesty International vil med denne henvendelse til Flygtningenævnet gøre opmærksom på de kritiske forhold for mandæer i Irak.

Amnesty International, dansk afdeling, har i den seneste tid fået mange henvendelser fra mandæer, der har søgt om asyl i Danmark, og som er blevet afvist. De frygter, at de ved en tilbagevenden til Irak vil blive udsat for alvorlig fare. Amnesty International er blevet informeret om, at der i hvert fald er ti irakiske mandæer i DK, der søger om asyl her i landet. Flygtningenævnet har begrundet det ene afslag med, at Nævnet ikke fandt, at der var risiko for, at en irakisk mandæer ved en tilbagevenden vil risikere at blive udsat for forhold, der er omfattet af udlændingelovens § 7, stk. 2. Jeg vil hermed gøre opmærksom på, at irakiske mandæer har en velbegrundet frygt for at blive udsat for forfølgelse i Irak på grund af deres religion.

Mandæerne udgør et religiøst mindretal på under 100.000 mennesker i verden.<sup>1</sup> 60 procent bor i Irak. 20 procent i Iran, og 20 procent befinder sig i Europa. Den Mandæiske Forening i Danmark antager, at der findes omkring 500 mandæerne i Danmark. Deres religion stammer fra unitarisme religionen med egne traditioner, ritualer og sprog, og mandæernes historie går helt tilbage til tiden før Kristus eller samtidig.

I vores vedlagte rapport "*Iraq- Country Information*", dateret den 17. marts 2004 beskriver vi den nuværende kritiske situation i Irak. I denne rapport gør vi rede for, at det kan tage måneder, for ikke at sige år, førend situationen i Irak er så stabil, at man kan garantere en sikker og værdig tilbage-sendelse af flygtninge. I rapportens anden del beskriver vi specifikt situationen for mandæerne i Irak. Her citerer vi bl.a. professor Buckley fra Bowdoin College, der hævder, at muslimernes overgreb mod mandæerne er eskaleret under de nuværende forhold i Irak. Mandæernes samfund er truet, og både shiit- og sunni- muslimer har besat mandæernes ejendom. I rapporten fremgår det, at adskillige mandæer indenfor det seneste halve år er blevet mishandlet, kidnappet, voldtaget og endog myrdet af muslimer. Ifølge den mandæiske organisation i Australien er der blevet myrdet 80 mandæer siden Bagdads fald.<sup>2</sup>

<sup>1</sup> Ifølge Bowdoin College, 28. august 2003. Der bør tages et vist forbehold overfor dette tal. Visse kilder, såsom den Mandæiske Forening i Australien hævder, at der nu kun er 60.000 mandæer tilbage i verden.

<sup>2</sup> Sabian Mandeian Association i Australien. Fra Refugee Review Tribunal, December 2003. Fra [www.austlii.edu.au](http://www.austlii.edu.au)



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Amnesty International rapporterer endvidere om alvorlige tilfælde af diskrimination overfor mandæerne, og at mange bliver tvunget til at konvertere til islam. Rapporten beskriver endvidere, hvorledes mandæer bliver betragtet som urene og derfor også har svært ved at opnå lægehjælp.

Situationen for mandæerne bør derfor give anledning til den yderste bekymring, især i forbindelse med de usikre forhold i Irak og den manglende lov og orden i landet. Som det fremgår af rapporten nærer mandæerne en velbegrundet frygt for forfølgelse i Irak. Situationen er meget ustabil og forfølgelsen af den religiøse minoritetsgruppe vil sandsynligvis fortsætte i den nærmeste fremtid.

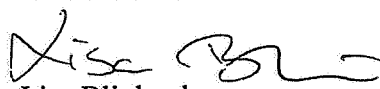
Ifølge FN's Flygtningehøjkommissariat, UNHCR bør ingen sendes til Irak, førend forholdene i landet er mere stabile. Det er også Amnesty Internationals vurdering, at der i øjeblikket ikke sker den nødvendige beskyttelse af den civile befolkning, som eksempelvis forskrevet i den 4. Genève konvention og dennes artikel 27. Amnesty International i Australien har informeret dansk afdeling om, at visse mandæer fra både Iran og Irak har fået tildelt asyl i Australien, alene på baggrund af, at de har været mandæer.

**På denne baggrund anbefaler Amnesty International at:**

- Flygtningenævnet foretager en meget seriøs behandling af alle irakiske og iranske asylansøgninger, der er mandæer.
- At Amnesty Internationals rapport indgår i Flygtningenævnets baggrundsmateriale.
- At Flygtningenævnet giver midlertidig opholdstilladelse til alle irakere, indtil FN's Flygtningehøjkommissariat vurderer, at forholdene i Irak er stabile.

Det er Amnesty Internationals forhåbning, at Flygtningenævnet vil drage nytte af vedlagte rapport.

Med venlig hilsen  
AMNESTY INTERNATIONAL, DANSK AFDELING

  
Lisa Blinkenberg  
Flygtningekoordinator



**amnesty international australia**

Please find attached the 'Country Information' prepared by Amnesty International Australia, on 17 May 2004, regarding the current human rights situation facing Mandaean in Iraq. This information includes both Amnesty International sources and sources external to the organisation.

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## IRAQ - COUNTRY INFORMATION

### THE CURRENT SITUATION

Saddam Hussein's regime collapsed in April 2003 three weeks into a US-led campaign. Restoring civil order and creating a new political system have proved problematic for the occupying forces<sup>1</sup> and continues to present significant challenges. Attempting to defuse religious and ethnic tensions is an immensely difficult task. The implementation of the Repatriation and Reintegration Plan will be substantially hindered while this instability continues. After twelve years of sanctions, the difficulties being faced whilst attempting to rebuild the country both economically and politically are inevitable.<sup>2</sup> Iraq is currently experiencing a tumultuous political, religious and social environment, where the Coalition has failed to restore order. The lawlessness of Iraq has become undeniable.

### ADMINISTRATION

Several months after the downfall of Saddam Hussein, an interim governing council (IGC) was created. The US-led Coalition Provisional Authority (CPA) in Iraq is headed by American career diplomat Paul Bremer. Mr Bremer is the top civilian official in Iraq. He is responsible for overseeing the reconstruction and the political transformation of the country. He has said that his priorities are to restore law and order and to stimulate the moribund economy.<sup>3</sup>

The interim governing council held its first meeting in July 2003. Its 25 members were appointed by Mr Bremer. They broadly reflect Iraq's ethnic make-up. The council can appoint ministers and pass the budget, but ultimate control of Iraq rests with the US administrator.<sup>4</sup>

In November 2003 the council announced the idea that there will be a handover to an interim Iraqi government on 30 June, that Mr Bremer will then depart and that elections will be held for a transitional assembly by January next year. This will, in turn, draw up a permanent constitution and set elections by the end of 2005 for a fully-fledged Iraqi government.<sup>5</sup>

Prior to the conflict, Amnesty International had warned that the fall of the Iraqi regime would create extreme disorder and human rights violations.<sup>6</sup> It has become apparent that the operation to restore order in Iraq will take years not months.<sup>7</sup> Today, the general atmosphere in Iraq is one that is unsafe and insecure, and Amnesty International has stressed that:

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<sup>1</sup> BBC Country profile: Iraq 12/2/2004 ([www.bbc.co.uk](http://www.bbc.co.uk))

<sup>2</sup> 'Preliminary Repatriation and Reintegration Plan for Iraq.' United Nations High Commissioner for Refugees (UNHCR) April 2003. Accessed at <http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITES&id=3ea9554e4> on 14/10/03.

<sup>3</sup> BBC News: 'Country profile: Iraq', 12/02/04

<sup>4</sup> ibid.

<sup>5</sup> BBC News: 'Analysis: Iraq's future undecided', 17/03/04

<sup>6</sup> AI Index: MDE 14/083/2003 Amnesty International Press Release 'Iraq: Amnesty International Daily Digest.' 10 April 2003.

<sup>7</sup> 'Iraq sinks into postwar morass.' Sydney Morning Herald. 18 June 2003.

[i]t could be many months, if not years, before the situation in Iraq becomes sufficiently stable and secure to allow the safe and dignified return of refugees amid a respect for all human rights.<sup>8</sup>

Patrick Basham, senior fellow with the Centre for Representative Government of the Cato Institute in Washington recently stated that:

the White House will be gravely disappointed with the result of its effort to establish a stable liberal democracy in Iraq, or any other nation home to a large population of Muslims or Arabs, at least in the short-to-medium term... Paradoxically, a more democratic Iraq may also be a repressive one. It is one thing to adopt formal democracy but quite another to attain stable democracy.<sup>9</sup>

## GENERAL ISSUES

There are many problems which have arisen in post-war Iraq including: mines throughout the country; the destruction of infrastructure; looting; car-jackings; an increase in crime; lack of legal structure and law enforcement; destruction of important documents; lack of water, electricity and medical supplies;<sup>10</sup> lack of a central government; a fragile ethnic and religious balance; the possibility that former regime followers have perpetuated tensions and instability following the loss of privileges previously awarded to them;<sup>11</sup> and many wealthy people have been, or are being held for ransom.<sup>12</sup> In addition, the incidents of recent months, where international organisations have been the targets of violence, have created a new set of issues.<sup>13</sup>

It is a country which cannot be categorised as being safe or secure in its present climate. The prevalent problems within the country seem to be increasing and an effective way of curtailing them has not become apparent at this stage.

## Crime and Legal Process

The United Nations High Commissioner for Refugees (UNHCR) has found the situation in Iraq to be "highly volatile,"<sup>14</sup>

with a dangerous security environment in many parts of the country and a high incidence of violent crime.<sup>15</sup>

<sup>8</sup> AI Index: MDE 14/126/2003. Amnesty International News Release 'Iraq: Compulsory Return Must Not Be Imposed on Iraqi Asylum Seekers.' 3 June 2003

<sup>9</sup> BBC News: 'Analysis: Iraq's future undecided', 17/03/04

<sup>10</sup> 'Iraq, People come first.' Amnesty International July 2003. Accessed at <http://web.amnesty.org/pages/irq-index-eng> on 14/10/03.

<sup>11</sup> 'Preliminary Repatriation and Reintegration Plan for Iraq' (UNHCR) April 2003. Accessed at <http://www.unhcr.ch/cgi-bin/texis/vtx/home/openssl.pdf?tbl=SUBSITES&id=3ea9554e4> on 14/10/03.

<sup>12</sup> AI index: MDE 14/143/2003. 'Iraq, The need for security' Amnesty International. 4 July 2003.

<sup>13</sup> BBC News: UN Iraq envoy laid to rest, 28/08/03

BBC News: Red Cross cuts Iraq operation, 08/11/03

<sup>14</sup> 'Iraq still volatile, so Iraqis abroad need continued protection, says UNHCR.' UNHCR News Stories. 14 November 2003.

<sup>15</sup> 'Iraq: UNHCR requests extension of moratorium on forcible returns.' Ron Redmond (UNHCR Spokesperson). 4 July 2003. Accessed at

Thirty thousand prisoners were released by Saddam Hussein in Iraq in October 2002 further increasing the country's crime rate.<sup>16</sup> Crime rates in Iraq are much higher now than before the occupation.<sup>17</sup> The incidence of looting, car-jacking, kidnap, rape and murder have all risen since the declared end of the war.

The policing situation in Iraq has been rendered almost ineffective due, for instance, to the following: its significantly decreased police force; the mass dismissal of management and personnel; the lack of administration and structure within the police force; loss of documents; loss of vehicles to use for investigations; lack of communications equipment; in-fighting and increased crime rates.

The US-led coalition has clearly failed to provide public security<sup>18</sup> and it seems that guerrilla warfare has intensified in Iraq.<sup>19</sup> Between August 2003 and the beginning of 2004 bomb attacks killed hundreds of people, whom included UN's chief envoy, Red Cross office members and hundreds of soldiers.<sup>20</sup>

The UNHCR has recognised an absence of functioning legal and judicial structures in much of Iraq, and the complex situation related to land and property rights throughout the country.<sup>21</sup> Given the loss of many documents, including the destruction of those relating to property title, this latter problem has been exacerbated.

After the violence in the central Iraqi town of Falluja at the end of March 2004, where Muslim leaders have condemned the mutilation of the bodies of four Americans killed in the town<sup>22</sup>, the UNHCR remains very concerned about the volatility of the situation in Iraq as well as the dangers faced by people inside the country, nationals and foreigners alike. The Minister of Displacement and Migration, Mohammed J. Khodair, has specifically requested that countries should not encourage or force Iraqis to go back until the situation has improved, especially for refugees.<sup>23</sup>

## Gender Persecution

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<http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3f0550ffc> on 15/10/03

'Iraqi asylum seekers: UNHCR urges continued temporary protection until further notice', UNHCR Briefing Notes, 14/11/03

<sup>16</sup> 'The Annual Survey of Political Rights and Civil Liberties.' Special Report to the 59<sup>th</sup> Session of the United Nations Commission on Human Rights. Geneva 2003.

<sup>17</sup> AI index: MDE 14/143/2003. 'Iraq: The need for security.' Amnesty International 4 July 2003.

<sup>18</sup> 'Climate of Fear: Sexual violence and Abduction of women and girls in Baghdad.' Human Rights Watch. July

2003. Also see 'Violence shows failures in Iraq policing.' P.M. Prothero, United Press International. 22 September 2003

<sup>19</sup> <http://washingtontimes.com/upi-breaking/20030916-111100-2816r.htm> on 15/10/03.

<sup>20</sup> BBC News: 'Timeline: Iraq', 04/03/04

<sup>21</sup> Ibid.

<sup>22</sup> 'Iraq: UNHCR requests extension of moratorium on forcible returns.' Ron Redmond (UNHCR Spokesperson). 4 July 2003. Accessed at

<http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3f0550ffc> on 15/10/03

<sup>23</sup> BBC News: 'Falluja mutilations flout Islam', 02/04/04

<sup>24</sup> UNHCR: 'Iraq: security an issue for returnees too', 2/04/04

At the end of March 2003, an attempted assassination against the only female member in the Iraqi cabinet, Nisreen Mustafa al-Burwari took place, again highlighting the urgent need for security in Iraq. The attack was the second directed at a female political leader.<sup>24</sup>

Violence against women and girls has sharply increased in Iraq compared to the time before the 2003 conflict began. Many women and girls live under constant fear of being harassed, beaten, abducted, raped or murdered.<sup>25</sup>

At one police station that Human Rights Watch visited, Iraqi police officers said that prior to the war they typically received one rape complaint every three months but had seen several cases in the few weeks since they had been reopened after the war.<sup>26</sup> Other police officers interviewed by Human Rights Watch said that the number of sexual assaults had increased dramatically following the war.<sup>27</sup>

Women face arrest solely because the authorities seek their relatives or husbands. The wife and daughter of the former Vice Chairman of the Iraqi Revolutionary Council, Izzat Ibrahim al-Duri, were arrested in November last year. The CPA has acknowledged that they are detained, but they haven't said anything about their legal status or the reason for the detention. Amnesty International is concerned that the arrest may have been carried out in order to pressure Izzat Ibrahim al-Duri to surrender himself.<sup>28</sup>

Many women have been abducted since the war ended.<sup>29</sup> Out of thirty or so women and girls Human Rights Watch interviewed, virtually everyone cited fear of abduction and sexual violence as justification for not returning to or looking for work, holding children back from school, and in many case, preventing young women and girls from leaving the house.<sup>30</sup>

Women and girls in Basra told Amnesty International that they do not dare go out alone anymore, for fear of rape, abduction and other violence. Parents are frightened to send their daughters to school and university.<sup>31</sup> One school, which experienced the disappearance of a female student, saw attendance decrease from a total of 32 students to just 6, as girls stayed inside for fear of being abducted or sexually assaulted.<sup>32</sup>

Many instances of sexual assaults and kidnap have not been reported, making it impossible to calculate accurate numbers. Many women do not report these crimes due to 'well-grounded

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<sup>24</sup> Amnesty International Media Advisory: 'Violence against women increases sharply', 31/03/04

<sup>25</sup> Ibid.

<sup>26</sup> 'Climate of Fear: Sexual violence and abduction of women and girls in Baghdad.' Human Rights Watch, July 2003. Accessed at <http://www.hrw.org/reports/2003/iraq0703/iraq0703.pdf> on 15/10/03.

<sup>27</sup> Ibid.

<sup>28</sup> Amnesty International Media Advisory: 'Violence against women increases sharply', 31/03/04

<sup>29</sup> Ibid.

<sup>30</sup> 'Climate of Fear: Sexual violence and abduction of women and girls in Baghdad.' Human Rights Watch, July 2003. Accessed at <http://www.hrw.org/reports/2003/iraq0703/iraq0703.pdf> on 15/10/03.

<sup>31</sup> Amnesty International Media Advisory: 'Violence against women increases sharply', 31/03/04

<sup>32</sup> 'Climate of Fear: Sexual violence and abduction of women and girls in Baghdad.' Human Rights Watch, July 2003. Accessed at <http://www.hrw.org/reports/2003/iraq0703/iraq0703.pdf> on 15/10/03.

fears of social ostracism, rejection by their families, and even physical violence' coupled with an inefficient police force, delayed or denied medical treatment and lack of forensic evidence.<sup>33</sup>

The United Nations Resolution 1325, passed by the Security Council in 2000, reaffirms women's protection in armed conflict and post-conflict situations. It stresses the importance of women's participation in peace building and conflict resolutions. Equality and non-discrimination is a crucial part of eradicating violence against women.<sup>34</sup>

### **Iraqi Islamism and the Persecution of Religious Minorities**

In post-war Iraq, many Muslims are pursuing an Islamic state in Iraq more ardently than before, and this is inevitably at the expense of the religious minorities within the country, including Christians and Mandeans, who represent 3% of the estimated population of 24 million.<sup>35</sup>

A United Kingdom Home Office country report on Iraq stated that "Shia religious parties and militias have stepped into the vacuum caused by the fall of Saddam Hussein's regime."<sup>36</sup> As a result, Iraqi minorities are concerned about religious freedom in the country following the war.

Even though the interim constitution that the Iraqi Governing Council (IGC) signed on March 8 guarantees freedom of religion, worship and expression<sup>37</sup>, the Shi'i who were brutally repressed under Saddam Hussein's regime have become a force to be reckoned with and are calling for an Islamic Republic with all the accompanying attributes.<sup>38</sup>

Dr E. Hunter states that if the country of Iraq survives as an entity, it will become an Islamic Republic and minority communities, including the Jews, Christians and Mandeans, will have no voice.<sup>39</sup>

In the summer of 2003, prompted by radical Iraqi cleric Moqtada Sadr, the Iraq's Medhi Army (MA) militia was created. Young men were recruited at offices near mosques to defend the Shia Muslim faith and their country in defiance of the US-led coalition's arms controls. Even though the militia has no more than a few thousand actual members, it continues to take on new members and to have access to guns. As the BBC's Paul Wood reports, Moqtada is

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<sup>33</sup> Ibid.

<sup>34</sup> Amnesty International Media Advisory: 'Violence against women increases sharply', 31/03/04

<sup>35</sup> 'Iraq, People come first' Amnesty International July 2003. Accessed at <http://web.amnesty.org/pages/irq-index-eng> on 14/10/03

<sup>36</sup> Country Information Iraq Bulletin 3/2003, June 2003 accessed at <http://www.ind.homeoffice.gov.uk/default.asp?PageId=3964> on 14/10/03. Further, The Guardian Weekly reports that "Where order exists, it is the Shias who are providing it: the mosques have even sent out volunteers to act as traffic cops." 'The gaping hole in Iraq.' Guardian Weekly 8 – 14 May 2003.

<sup>37</sup> Coalition Provisional Authority: 'Iraq: one year after the beginning of the war', March 2003

<sup>38</sup> Dr E. Hunter, Cambridge University: overall comments on the situation in Iraq, 4/04/04

<sup>39</sup> Ibid.

believed to have the support of up to 15% of Iraq's Shia community, or just under 2.5 million people.<sup>40</sup>

Due to the escalation of violence in Iraq, Amnesty International is concerned about the safety of religious minorities.

## **THE HUMAN RIGHTS SITUATION OF MANDAEANS IN IRAQ**

### **THE MANDAEAN RELIGION**

The Mandeans (known also as Sabians in Arabic) are followers of John the Baptist. They fled east from the Jordan Valley in approximately A.D. 70 and settled in what is now Southern Iraq and South Western Iran. Since the Islamic conquest in the seventh century they have suffered savage persecution by Moslem groups. At present the Mandaean community is estimated to be approximately 50,000 to 60,000 in Iraq.<sup>41</sup>

### **THE PERSECUTION OF MANDAEANS IN IRAQ**

#### **General Information**

As indicated by Prof. J.J. Buckley – an internationally recognised specialist on the Mandaean religion - in her August 2003 report to Amnesty International,

[s]ince the March 2003 U.S. occupation of Iraq, the world community still lacks information on the Mandeans, despite the considerable Iraq-coverage in the media... the Muslim violence against the Mandeans is escalating during the current conditions... The very life of the Mandaean community in Iraq is in grave danger.<sup>42</sup>

According to the Sabian Mandaean Association, specific examples of Mandaean persecution in post war Iraq have been varied yet extreme, including murders, rapes, assaults, and robberies.

During the years of Saddam Hussein's regime, Mandeans in Iraq were targeted by the Mukhabarat (secret police) for financial contributions, sometimes demanded at gunpoint, on pain of shooting their families.<sup>43</sup>

In the present climate of unrest in Iraq, the situation of Mandeans is extremely worrying and exacerbated, due to the breakdown of law and order.<sup>44</sup>

<sup>40</sup> BBC News: 'Who are Iraq's Medhi Army?', 6/04/04

<sup>41</sup> 'Persecution of Mandeans in Iraq' Mandaean Human Rights Committee. 13 January 2003

<sup>42</sup> Prof. J.J. Buckley's report to Amnesty International Australia. 28 August 2003.

<sup>43</sup> Dr E. Hunter, Cambridge University: 'The Mandeans in Iraq', 4/04/04

<sup>44</sup> Ibid.

## **Examples of Incidents which Characterise Everyday Life for Mandaeans in Iraq**

The following are examples of incidents which characterise everyday life for Mandaeans in Iraq. The intensity of these acts varies and the consequences can be very severe.

### ***“Uncleanliness”***

As is the case for Mandaeans who live in Iran, Iraqi Mandaeans are considered unclean by Muslims<sup>45</sup>, and encounter difficulties when performing such daily tasks as shopping. They are not allowed to touch a Muslim or work in the food industry as they are perceived to render unclean everything they touch. A Mandaean who accidentally touches an item may be confronted with the demand to buy the entire stock as it has been rendered ‘unclean’.<sup>46</sup>

In 2003, there have been several *fatwas* linking the Mandaeans with ‘kaffirs’ or ‘star-worshippers’ and as such, being considered unclean, Mandaeans are at the very least to be shunned. Consequently, Muslims may not eat in the company of Mandaeans, this discrimination extending to school-children.<sup>47</sup>

### ***Disruption of Mandaean family life: forced marriage and sexual assault***

Prior to the war, Iraqi authorities attempted to break up Mandaean families with a particular focus on women and children, pressuring them to convert to Islam and pressuring women to marry Muslim men.<sup>48</sup> This practice still appears to be occurring; however it is now instigated by some Muslims rather than by the authorities.

In her most recent report to Amnesty International, Prof. Buckley has stressed that “[f]orced divorces were common, in order to break up Mandaean families and to enforce Muslim marriages.”<sup>49</sup> The Mandaean Human Rights Committee has also documented that the Iranian authorities attempt to break up Mandaean families with a particular focus on women and children, pressuring them to convert to Islam and pressuring women to marry Muslim men.<sup>50</sup> Regarding the sexual assault of Mandaean girls and women, several reports suggest that Islamic judges would hold that a Muslim male who raped a Mandaean female would be understood to have “purified” her. Accordingly, the Sabian Mandaean Association reports that Mandaean girls have been raped with impunity by Muslim men.<sup>51</sup>

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<sup>45</sup> There have been many reports from Mandaeans and from different associations using the word ‘Muslims’ to refer to those who persecute Mandaeans. However, Amnesty International wants to clarify the fact that not all Muslims persecute them. Simply, the Mandaeans who have faced persecution describe their persecutors as ‘Muslims’.

<sup>46</sup> “Information on the Mandaeans of Iran in regards to Human Rights.” ASUTA: The Journal for the Study and Research into the Mandaean Culture, Religion and Language. January 2003.

<sup>47</sup> Dr E. Hunter, Cambridge University: ‘The Mandaeans in Iraq’, 4/04/04

<sup>48</sup> ‘Persecution of Mandaeans in Iraq.’ Mandaean Human Rights Committee. 13 January 2003.

<sup>49</sup> Prof. J.J. Buckley’s report to Amnesty International Australia. 28 August 2003.

<sup>50</sup> “Persecution of Mandaeans in Iraq.” Mandaean Human Rights Committee. 13 January 2003.

<sup>51</sup> Sabian Mandaean Association correspondence with Amnesty International. 18 June 2003.

The abductions of young women are all too common in Iraq today and threaten all communities, especially Mandaeans. Dr E. Hunter agrees that there have been numerous cases where young girls have been abducted and 'married' to Muslims, which make them unable to retain their faith.<sup>52</sup>

There has been at least one known case of a young man being abducted and forcibly circumcised to effect a 'conversion' to Islam. This action effectively removes a person from their family and faith since a Mandaean man may not be circumcised.<sup>53</sup>

### ***Forced conversions***

Dr E. Hunter says reliable sources indicate that many Mandaeans have been converted to Islam, with estimates of approximately 90% in Falluja<sup>54</sup>. Mandaeans are also exposed to those who give a violent interpretation of Islam, including the actions of Wahabi Islamists, as well as members of *Ikhwan Al-Moslemin* and *Al-Daawa Al-Islamiyyah*.<sup>55</sup>

The situation regarding Mandaeans is worrying.

### ***Medical Assistance***

As in Iran, it is difficult for Mandaeans to receive medical assistance due to the view that they are unclean. If a Muslim practitioner treats a Mandaean, the doctor is believed to be rendered unclean and will not be able to treat Muslim patients.<sup>56</sup>

### ***Limitations to practicing the Mandaean Religion in Iraq***

As indicated above, reports state that Mandaeans are sometimes forced against their will to convert to Islam.

If Mandaean children attend Government schools they must study the Islamic religion and cut their hair which is in direct contrast to the Mandaean mandate that forbids boys from cutting their hair and excludes priests from the priesthood if they cut their hair. To blend into Iraqi society, they wear similar clothing to Muslims, learn Muslim customs and Mandaean children are involuntarily being given Muslim names. This latter action also occurred in order to adhere to a law passed by Saddam Hussein, requiring that all babies born in Iraq must be given an Arabic or Islamic name. This law does not seem to have been relaxed for Mandaeans at the present time.<sup>57</sup>

A Mandaean priest, Ganzefra Fawzi Masboob, who has since emigrated from Iraq, was faced with jail if he did not give information on Mandaean families. He was barred by police from baptising in the Tigris River and was stoned by the public numerous times during these ceremonies.<sup>58</sup>

<sup>52</sup> Dr E. Hunter: 'The Mandaeans in Iraq', 4/04/04

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> "Information on the Mandaeans of Iran in regards to Human Rights." ASUTA: The Journal for the Study and Research into the Mandaean Culture, Religion and Language. January 2003.

<sup>57</sup> 'Examples of Persecution of the Mandaeans in Iraq.' Mandaean Human Rights Committee. 13 January 2003.

<sup>58</sup> Ibid.

### ***Protection of Mandaeans***

With the breakdown of order in Iraq, Muslims have appropriated property and other wealth belonging to Mandaeans.<sup>59</sup> Mandaeans have also been killed because they are not Muslim. Recently, a Muslim student killed a Mandaean English teacher. When asked by the judge why he did so, the student replied that it was *halal* to kill the teacher because he was a Sabian.<sup>60</sup>

Practically speaking, Mandaeans do not belong to any tribal groupings. Thus in cases of homicide, the families do not have the right to 'blood money' which is inherent otherwise. In the past, Mandaeans negotiated their protection with tribes, by paying considerable sums of money. However, in the disintegrated lawless environment of Iraq, tribes have not always maintained such protection, leaving the Mandaeans very vulnerable.<sup>61</sup>

## **THE SITUATION OF MANDAEANS IN POST-WAR IRAQ**

### **General Situation**

A letter sent to the Sabian Mandaean Association, dated 3 June 2003 and written by Dr. Faezah al-Aziz, a doctor based in Baghdad, contained disturbing reports about the situation faced by Mandaeans in Iraq:

On the first days they murdered more than 30 men from our community in different areas of Baghdad and outside Baghdad. They were not satisfied with that, so they entered the homes of our community looting and plundering... repeated daily... they forbid any female from getting out unless she wears the Islamic garb... They entered the home of Sallam Ojiel and took great deal from it even his private car, and burned down his factory that cost him over US \$1 million.

According to the letter, after he was informed of the plight of the Mandaeans, the American in charge of Baghdad, advised Dr Faezah al-Aziz that the Mandaeans should leave Baghdad. The letter was countersigned and witnessed by the Rev. Tarmidsa Ra'ed Gabashi, a Mandaean priest.

Dr Crangle, of the Department of Religion at the University of Sydney, has stressed that: [s]ince the demise of the recent Iraqi regime, many Sabean Mandaeans have been murdered by various extremist Muslim groups and tribes, including the extremely fundamentalist religious Sunni and Sheaat groups and parties such as Al-Wahabin, Al-Daawa Al-Islamiah and Ikhwan Al-Moslemin.<sup>62</sup>

The Sabian Mandaean Association has reported the following attacks by various sources:<sup>63</sup>

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<sup>59</sup> Dr E. Hunter: 'Mandaeans in Iraq', 04/04/04

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Letter written by Dr E.F. Crangle, Post-Graduate Research Co-ordinator in the Department of Studies in Religion, University of Sydney. 21 April 2003.

<sup>63</sup> The Sabian Mandaean Association: 'Rape, murder and forced conversion', email sent to Amnesty International on 12/01/04

- Evidence of human rights violations in Basra:
  - May 2003: Nezher Rashem Asker (Abu-Jihad) was threatened by Muslims to be forcibly converted to Islam with his family. Muslims sent him threatening letters, but eventually he paid a large bribe not to be forced to do so.
  - June 2003: Ms Mariam Alwan was attacked by Muslims: they assaulted and abused her, and stole her valuables and foodstuffs.
  - June 2003: Ms Saadeyah Dhedan (Al Yum Hassan) was abused, attacked and assaulted by Muslims who tried to convert her to Islam. Indeed, when she refused to convert, Muslims attacked her and stole her valuables.
  - August 2003: Khalid Farhan Saif was killed by Muslims.
  - September 2003: Nadeer Al-Kuhaily was confronted by Muslims for him to convert to Islam. Nadeer refused and as a result he was shot and seriously injured, bad enough to spend a month at the Basra Hospital. (His testimony would be good to have).
  - October 2003: Raaed Hwaiel was in his house when Muslims threw two grenades into his house.
  - November 2003: Ms Abrar Saaed was kidnapped by Muslims and forcibly converted to Islam, together with her family.
- Evidence of human rights violations in the rest of Iraq:
  - Bagdad:
    - June 2003: Raaed Bassim Al-Gailany was abused and injured by Muslims.
    - Mrs Nadhimah Khuttar Al-Gailany, an elderly Mandaean lady, was attacked by Muslims in the Al-Saydeyah district: Muslims stole all her money and valuables, and attempted to kidnap two of her daughter's girls in order to convert them to Islam.
    - 18 August 2003: A Mandaean girl whose name is unknown was fleeing from Bagdad to Amman, but ended up captured by Muslims who raped her and killed her.
    - September 2003: Jinan Bassim Tabit was kidnapped by Muslims.
    - 18 October 2003: Ms Siham Rahim was raped and killed by Muslims.
    - October 2003: Seaa Mehseu was killed by Muslims.
    - November 2003: Abdullah Darwish was killed by Muslims.
    - 15 December 2003: Munder Hason Maula was shot 26 times in his shop by Muslims, who usually inflict multiple gunshot wounds to non-vital organs to ensure that their non-Muslim victims die slowly and painfully.
    - 20 December 2003: Rafid Al-Khamisy was confronted by Muslims, in front of a lot of people in Hay Al-Shurtha suburb, and ordered to convert to Islam. When he refused, they killed him.
    - December 2003: Yahia Al-Kimisy was killed by Muslims in Hay Al-Shurtha suburb.
    - Rahim Salim Al Aubaidy's daughter was kidnapped in 2003.
    - Ms Fakhriah Khdaier, an elderly Mandaean lady, was killed in her bathroom by Muslims in 2003.
    - Muhannad Salim Al-Maanawy was killed by Muslims in 2003.
  - Falluja:
    - June 2003: Mrs Rabha Naaem was kidnapped by Wahhabi Muslims, who forcibly converted her to Islam and married her to a Muslim.
    - June 2003: Ms Fahima Fingan Al-Khimisy was kidnapped by Wahhabi Muslims, who forcibly converted her to Islam and married her to a Muslim.
  - Baaqubah City:

- August 2003: Yahya Mardan Aflog and his brother Ihsaan Aflog were killed by Muslims.
- o Ammarah City:
- June 2003: 19-year old Fadaa Saddam was killed by Muslims in front of his house in Al-Haifayya village.
- o Nasreyah:
- November 2003: Afen Abu-Farooq, an elderly Mandaean clergyman was killed by Muslims.
- o City unknown:
- May 2003: Sabbah Shahib Al-Bab Al-Khimisy was killed by Muslims in front of his family.
- September 2003: Bassim Muhey Al-Khamisy's young son was kidnapped by Muslims, but he was fortunately rescued and returned by the British forces.
- September 2003: Muwaed Al-Kuhas was attacked by Muslims, who took all his valuables.
- November 2003: Ms Layal Tamol was kidnapped by Muslims and forcibly converted to Islam.<sup>64</sup>

Dr E. Hunter has reported cases of murder, extortion and persecution in the latter part of 2003 as well:

- Fadha Saddam (19 years old).  
El-Halfayeh village, near Amara  
Killed.
- Sabah Shebib el-Bab (retired, with 3 or 4 children)  
Baghdad, el-Jedidah  
Killed - beaten to death in front of his family.  
Female members of the family were sexually abused
- Hassan al-Wan (jeweller)  
Basra  
Paid a ransom in exchange for his life.  
Female members of the family were sexually abused
- Basim Mohai  
Basra  
Son kidnapped and 30 million dinar ransom demanded
- Nadhir al-Choleili  
Basra  
Requested to convert to Islam, but refused.  
Shot in head and leg, critical condition in Basra hospital  
2 other members of Choleili family killed.

While Amnesty International cannot confirm the cases mentioned in Dr Hunter's report, Amnesty International does however concur with her assessment of the broader persecution of the Mandaeans in Iraq, having recently sent a delegation to Southern Iraq.

### **Kidnapping Reported by Amnesty International**

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<sup>64</sup> Ibid.

Amnesty International has reported the following incident involving a Mandaean man. On 16 June 2003, Samer Bassem Muhy, aged about 20, was kidnapped from his family's gold shop. His uncle told Amnesty International delegates in Basra, Iraq that:

a group of between four and six men, kefiyahs wrapped round them, got out of a grey pickup; they were holding Kalashnikovs... They took Samer away... They called us and said they wanted US \$100,000.

The family negotiated to pay US \$10,000. As of 23 June 2003, they were still trying to collect the money to pay the ransom and Samer had not been released.<sup>65</sup>

### Fears for the Future

The Sabian Mandaean Association fears genocide for the Mandaeans remaining in Iraq due to the control seized by the Muslims in a seemingly lawless society.<sup>66</sup> This point is reiterated by Dr Edward F. Crangle, who believes that Mandaeans who return to Iraq may face extinction and that the current anarchic situation in Iraq provides Islamist groups and their tribes with easy opportunities to act out their savagery.<sup>67</sup>

The supreme spiritual leader of the Mandaean community in Iraq, Elrehema Abdullah Najem Zahroun Alsabti who emigrated to the UK out of fear for his and his family's lives, now fears genocide for the small Mandaean population in Iraq. He stresses that, as a minority, it is difficult for them to receive recognition of their rights. He states that his concerns stem from the many deaths of Mandaeans in the business community, and the sexual assault of Mandaean women (an act which, it is claimed, is intended to force these women to join the Islamic religion). He says that the plight of the Mandaeans has been suppressed and that any external delegations to their community in Iraq have been accompanied by government officials who threatened them if they complained. The government monitored all places of worship.<sup>68</sup> According to the spiritual leader, a warrant for his arrest, and death threats have been issued since he fled the country.<sup>69</sup>

The Sabian Mandaean Association in Australia has been informed that the Mandaean community, unlike the other minority communities, had been excluded from all discussions with the occupying authorities regarding the future of Iraq.<sup>70</sup>

In her report dated 04 April 2004, Dr E. Hunter, from the Cambridge University states:

'I am quite confident that the persecution and violence which has been levelled towards the Mandaeans as 'kaffirs' will certainly continue and result in their extinction'.<sup>71</sup>

<sup>65</sup> AI index: MDE 14/143/2003. 'Iraq, The need for security.' 4 July 2003.

<sup>66</sup> Sabian Mandaean Association correspondence to Amnesty International. 7 July 2003.

<sup>67</sup> Letter entitled 'Mandaeans and their Plight' by Dr E.F. Crangle, 21 April 2003

<sup>68</sup> 'The Annual Survey of Political Rights and Civil Liberties.' Special Report to the 59<sup>th</sup> session of the UNHCR. Geneva 2003.

<sup>69</sup> Statement of the Supreme Spiritual leader of the Mandaean Community in Iraq to the UK authorities.

<sup>70</sup> Sabian Mandaean Association correspondence with Amnesty International. 27 June 2003.

<sup>71</sup> Dr E. Hunter: 'Mandaeans in Iraq', 04/04/04

## RECOMMENDATIONS MADE BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

The United Nations High Commissioner for Refugees sent the High Commissioner's Special Envoy to Iraq. Based on the research conducted, they found a dangerous environment where violent crimes were prevalent. There was lack of judicial structure and much of the country had a deficiency in food and other assistance for their survival.

Based on their research at that point, they called on governments to extend a deportation moratorium on forcible returns of rejected Iraqi asylum seekers, also requesting states to maintain the provision of temporary protection for Iraqis, as well as the suspension of decisions on asylum claims.<sup>72</sup>

Since the bombing of the UN headquarters in Baghdad on August 19 2003, the UN has deemed the situation in Iraq too dangerous for UN employees to remain in Iraq. At the end of September the UN presence was one tenth of the number of international staff present in Iraq prior to the bomb.<sup>73</sup>

Further, given the extent of the continued instability, in September 2003 UNHCR requested that Iran desist from repatriating Iraqi refugees, with Iran agreeing to the request.<sup>74</sup>

The Minister of Displacement and Migration at the UNHCR, Mohammed J. Khodair, has specifically requested that countries should not encourage or force Iraqis to go back until the situation has improved, especially for refugees.<sup>75</sup>

## CONCLUSION

The situation in Iraq is volatile and uncertain. While political stability may be achievable in the future, the religious problems that have existed in this country for many centuries cannot be overcome with a change in government. The persecution of religious minorities is likely to continue. The Mandaeans, as one of these minorities, are at particular risk of facing persecution if returned to Iraq.

Amnesty International opposes the forcible return of any Iraqis to Iraq. Amnesty International believes that asylum seekers from Iraq, in particular those Iraqis belonging to the Mandaean religion, may be at serious risk if returned to Iraq.

<sup>72</sup> 'Iraq: UNHCR requests extension of moratorium on forcible returns.' Ron Redmond (UNHCR Spokesperson). 4 July 2003. Accessed at

<http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3f0550ffc> on 15/10/03

<sup>73</sup> 'Iraqi minister appeals for full return of UN agencies to Iraq.' UNHCR World News. 30 September 2003. Accessed at

<http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3f7a909a4> on 15/10/03.

<sup>74</sup> 'UN stops repatriation of Iraqi refugees from Iran.' UNHCR World News. 14 September 2003. Accessed at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3f65993d3> on 15/10/03.

<sup>75</sup> UNHCR: 'Iraq: security an issue for returnees too', 2/04/04