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NOTE

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Subject: Situation in Northern Iraq ⁽¹⁾

Delegations will find attached a report from the Netherlands delegation on the situation in Northern Iraq.

The first report deals with the period up to 31 March 1998.

The second report (page 32 onwards) describes current developments in the region.

⁽¹⁾ Translated into English only.

This report may be released to the public.

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SITUATION IN NORTHERN IRAQ
MARCH 1998

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Annex 1

Annex 2



Subject

Situation in Northern Iraq (1)

1. Introduction

You will find information here on the general situation in Northern Iraq and particularly on developments which may be regarded as significant for the treatment of asylum applications from this region, which will involve consideration of the extent to which Northern Iraq may be considered as an internal flight alternative for those who have reason to fear persecution by the central government in Baghdad. The region is part of the Republic of Iraq but after the Gulf war in 1991 it was effectively withdrawn from central government control.

The information below is based on investigations on the spot (2). A list of those consulted appears in the Annexes.

(1) See map in Annex 1.

(2) The Netherlands embassy in Baghdad has not been manned since 1991. In order to form an opinion of the situation in Northern Iraq, the Netherlands Government decided to send a fact-finding mission which spent January 1998 in the region. Information obtained from governmental and non-governmental organisations was also used in the compilation of this report.

2. General information on the country

2.1. Country and people

Northern Iraq corresponds approximately to the three governorates of Dihok, Arbil and Sulaymaniyah ⁽¹⁾. In practice the two major parties in the area, the Kurdistan Democratic Party (KDP) led by Mas'ud al Barzani and the Patriotic Union of Kurdistan (PUK) led by Jalal al Talabani, each exercise control in separate parts of the area ⁽⁴⁾. Of the three major cities, Arbil and Dihok are under KDP control and Sulaymaniyah is in the hands of the PUK (see map annexed).

A significant part of the area is uninhabitable. Means of existence are scarce. Only the valleys, where the large towns lie, are fertile. Because of their position, the towns are militarily vulnerable. The mountainous terrain in the north is, however, not suitable for large-scale military operations.

There are estimated to be 3,5 million Kurds in Northern Iraq ⁽⁵⁾. There are also long-established Assyrian and Turkmen minorities among the some 100 000 people who live in the area. ⁽⁶⁾

Language

The Kurds speak Kurdish, an Indo-European language related to Farsi comprising a number of dialects. The two major dialects in Northern Iraq are Kurmanji, spoken in the north-west, and Sorani, spoken in the south-east. Most Kurds also speak Arabic. In Northern Iraq Kurdish is written in a suitably adapted form of Arabic script.

The Turkmen are related to the Turks and speak a Turkish dialect.

The Assyrians have their own language and, like the Turkmen and the Yazidis (see 3.2.2), they live mainly in the KDP area. Since 1991 Assyrian children have been able to attend primary school in their own language. According to the Assyrian community, there are now 25 Assyrian primary schools in the KDP region.

The three governorate capitals, Arbil, Dihok and Sulaymaniyah, have universities.

⁽¹⁾ It also includes the Governorate of New Kirkuk, being the part of the Governorate of Kirkuk which does not come under Baghdad's authority but is under Kurdish control.

⁽⁴⁾ Part of the Governorate of Arbil is still under Baghdad government control in practice. For the distinction between the two parties, see Chapter 2.4.

⁽⁵⁾ Iran, Iraq, Turkey, Syria, Armenia and Georgia all have Kurdish populations. In addition, large numbers of Kurds have emigrated. The total Kurdish population is estimated at some 25 million.

⁽⁶⁾ Many Assyrians have emigrated to Scandinavia and the United States and support the Assyrian community in Northern Iraq with donations from abroad. There is also a small Armenian community of 2000 people. Turkmen can count on support from Turkey.

Clans

Kurdish society is traditionally based on a clan system. The leader, the Aga, had practically absolute power. In recent years the influence of clans has declined. In the '80s most Kurdish villages were destroyed as a result of Saddam Hussein's collectivisation campaign. Up to 90% of the villages disappeared in the eastern part of Northern Iraq.

The destruction of the traditional village communities and urbanisation have reduced the influence of the clans.

Nevertheless, traditional clan loyalties are still a factor to be taken into account by the leaders of the KDP and the PUK.

2.2. History

The Kurds in Northern Iraq have been fighting for autonomy for some time. Guerrilla activity was constantly breaking out in the mountainous north.

In 1988 the regime in Baghdad sent in troops who had become available after the ceasefire in the Iran-Iraq war to fight Kurds seeking autonomy ⁽¹⁾. In that offensive, the "Anfal campaign", chemical weapons were also used. The attack on Halabja is notorious. Pictures of the innumerable victims of chemical warfare shocked the international community. In the same year the UN Security Council condemned the use of chemical weapons (Resolution 620).

In an attempt to gain greater control over Kurdish village communities, the Iraqi government developed a plan to create collective villages. Most Kurdish villages were razed to the ground and the inhabitants were forced to move ⁽²⁾.

After the allies launched operation Desert Storm in January 1991, armed insurrections (intifadah) broke out in southern Iraq and in the Kurdish governorates in the north. Kurdish factions united in the fight against Iraqi central government troops ⁽³⁾.

Iraqi troops were able to put down the insurrection in March 1991. After they initially succeeded in recapturing the towns taken by the Kurds (Arbil, Dihok and Zakho), international pressure eventually forced them to withdraw.

Iraqi troops (and officials) left the major part of the northern provinces in October 1991. Baghdad then announced an economic blockade of these areas.

In Resolution 688 the UN Security Council adopted a number of measures restricting Baghdad's freedom of action in the north and in the south.

⁽¹⁾ It should also be noted that there are still millions of land mines in Northern Iraq which were laid during the Iran-Iraq war.

⁽²⁾ Work on rebuilding the villages has been undertaken with the help of NGOs.

⁽³⁾ A Kurdish alliance known as the Kurdistan Iraqi Front (KIF) came into being in 1988. Both the PUK and the KDP, the two major Kurdish parties, were represented, as were six smaller Kurdish parties.

Iraqi planes and helicopters have been forbidden to enter the airspace to the north of the 36th parallel ⁽¹⁰⁾. Planes from the anti-Iraq coalition patrol the airspace to ensure that the ban is observed.

Iraqi troops are also forbidden to remain in the area under Kurdish self-rule or to billet there.

These measures have made possible an area of self-rule which has been able to maintain a high level of independence. Kurdish refugees and Kurds already naturalised in the west have returned to take part in the rebuilding process.

In May 1992 a new parliament was elected, comprising 105 seats. Five seats were reserved for Christians in Northern Iraq. The two major Kurdish parties had very similar results: 44% for the KDP and 43% for the PUK-dominated Green list. The 7% quota meant that no other parties were elected ⁽¹¹⁾. In the end the KDP and the Green list had fifty seats each. The remaining five seats were reserved for the Christian minority. The Assyrian Democratic Movement (ADM) won four of them ⁽¹²⁾. The last seat went to a KDP-linked Christian party.

These were the first and so far the only free elections. The 50/50 share in parliament and the matching of ministers from one party with deputy ministers from the other has in practice had a paralysing effect, resulting in mutual distrust.

Cooperation between the KDP and the PUK has proved at best uncomfortable. The old opposition between the two foremost Kurdish parties in Northern Iraq has begun to reappear. Once the common enemy had been pushed into the background, cooperation on setting up an efficient administration proved almost impossible.

The rivalry between the two parties has divided the area. Since the outbreak of heavy fighting in May 1994 between the PUK and the KDP there has been no question of efficient common Kurdish government and the region has de facto been divided into two administrative units.

⁽¹⁰⁾ Since 1992 Iraqi planes have also been forbidden to fly south of the 32nd parallel, in order to protect Shites in the south of Iraq. On a recommendation from

President Clinton, the no-fly zone was extended to the 33rd parallel on 3 September 1996 in connection with the Iraqi army's offensive in Northern Iraq (Arbil, see below).

⁽¹¹⁾ The Islamic parties and the communists garnered only a few per cent of the votes. Various parties in Northern Iraq chose a symbolic colour: yellow for the KDP, green for the PUK, purple for the ADM and blue for the Communists.

⁽¹²⁾ It can happen that non-Kurds are members of Kurdish parties. François Hariri, the governor of Arbil, is a Christian and has been a member of the KDP for decades, nor did he leave it when the ADM was founded in the late seventies.

in the first phase of armed struggle in mid-1994 there was still close contact between the two parties. Iraq's overarching opposition movement – the Iraqi National Congress (INC) – was an active go-between in the attempt to resolve the conflict. A ceasefire was declared in August 1994. However, new hostilities broke out in December 1994 and in that second phase contact between the two parties came to an end. The PUK gained control over the capital city, Arbil.

In the spring of 1995 Iraqi mediation brought about a second ceasefire, which did not last. The United States then played a part in bringing about a third ceasefire in August 1995.

Attack on Arbil, August 1996

On 16 August 1996 the PUK broke the year-old ceasefire, taking the KDP by surprise as it was celebrating its fiftieth anniversary on that day. In the end, the offensive rebounded on the PUK. On 31 August 1996 the KDP, which had formed an alliance of convenience with the Iraqi troops, recaptured Arbil from the PUK. It appears that Iraqi troops were deployed only for the recapture of Arbil and were withdrawn within a few days. There is no reliable evidence of their being deployed elsewhere in the area.

During the capture of Arbil human rights were seriously violated. Iraqi troops specifically targeted Arab members of the opposition located in and around Arbil. Operations appear to have been thoroughly prepared by the Iraqi secret service. Iraqi forces knew exactly which buildings to search in order to neutralise individuals who might in any way put the survival of Saddam Hussein's regime at risk ⁽¹³⁾.

The population of the PUK-controlled area of Northern Iraq reacted with panic to the KDP attack and all the more so to the presence of Iraqi troops, and they attempted to flee. The KDP took advantage of the confusion to capture Sulaymaniyah, the PUK's home base. PUK members and large sections of the population fled to Iran ⁽¹⁴⁾.

In September 1996 the Iraqi government decided to lift the economic embargo on Northern Iraq and also offered an amnesty for people in the area. However, the amnesty excluded, among others, those involved in "espionage". The term was deliberately broad enough to be applicable to people who worked for humanitarian organisations and were operating in the north without the consent of Baghdad.

In reaction to the threat and to the deployment of Central Iraqi army units in Arbil, the United States strongly advised all American NGOs to withdraw from Northern Iraq

⁽¹³⁾ In his November 1996 report, the UN rapporteur on human rights in Iraq,

Max van der Stoep, gave examples of political assassinations by Iraqi security forces. See also section 2.5.3.

⁽¹⁴⁾ The PUK did succeed in disabling the power station on Lake Dukan, leaving Arbil without electricity.

and take local staff (numbering several thousand) with them (see also section 2.5.4).

On 13 October 1996 the PUK, having acquired heavy weapons in the meantime, returned from Iran and the peshmergas (Kurdish fighters) recovered the territory they had lost, with the exception of Arbil. Between October and December most refugees also returned from Iran.

With the help of Turkey, the United Kingdom and the United States, a fourth ceasefire was agreed in Ankara. A framework for peace talks, the "Ankara process", was set up. A monitoring unit was installed (see section 2.4) to ensure that the demarcation line between the KDP and the PUK was respected. The confrontation between the KDP and the PUK nevertheless hardened, especially as the taking of Arbil by the KDP was a significant loss for the PUK.

That fourth ceasefire held until 13 October 1997.

The struggle between the KDP and the PUK cannot be separated from the conflict between the Turks and the PKK. During the fighting between the KDP and the PUK, the PKK, which is banned in Turkey, strengthened its presence in Northern Iraq, particularly in the northern part of the governorate of Dihok and also in northern parts of the governorate of Arbil. Since 1992 Turkish troops have attacked PKK installations in Northern Iraq on several occasions.

The KDP sees the presence of PKK fighters on the border between Northern Iraq and Turkey as a threat. In August 1995, for instance, the PKK attacked several KDP positions. Fighting lasted until December 1995 when a ceasefire was established and it was agreed that the PKK would withdraw to the north.

Turkey's influence in the area has greatly increased over the years. Recent Turkish operations have been carried out in consultation with the KDP and the Turkish army has acquired considerable freedom of movement within the KDP area.

In May 1997 a large-scale Turkish operation inflicted heavy losses on the PKK. As a result of the Turkish military incursion and PKK operations, and the increasing tension between the PKK and the KDP, the inhabitants of various villages in the region fled and became displaced within Northern Iraq (see section 2.5.4).

2.3. Nature of the regime in Northern Iraq

The government in Baghdad, although recognised as the lawful government of the whole of Iraq, is not in a position to exert any effective authority in Northern Iraq. As stated above, the area to the north of the 36th parallel is a no-fly zone for Iraqi planes and helicopters. Nor is the Iraqi army permitted to enter Kurdish territory in Iraq.

Inhabitants of Northern Iraq are not called up for military service in the Iraqi army.

In formal terms the territorial unity of Iraq is not up for discussion. The UN channels all UN operations in the area via Baghdad.

Neither Turkey, Syria nor Iran supports the break-up of Iraq and the establishment of an independent Kurdish State in the region.

Nor are the major parties in Northern Iraq in favour of independence.

Both the PUK and the KDP claim to be fighting for a federal system within the Iraqi State. Each of the two parties enjoys almost complete freedom of action within its own territory, with the following exceptions:

- in the inhospitable section of KDP territory which borders on Turkey the PKK has military bases which are regularly bombarded by the Turkish army;
- in the PUK area the town of Halabja and its immediate surroundings are dominated by the Islamic Movement in Iraq! Kurdistan (IMIK), a faction supported by Iran. There is, however, mention of some PUK presence and the PUK has good contacts with Iran. KDP and PUK areas are clearly separated and neither party has a base on the other's territory. Nor is there any exchange of representations.

Northern Iraq thus has two separate regions which do not recognise each other's government. There is scarcely any contact between the parties. The parliament in Arbil (in Kurdish "Hawler") still meets, but is no longer recognised by the PUK.

After the KDP wrested power from the PUK in Arbil in 1996 most members of the Green list left for Sulaymaniyah. The current parliament comprises KDP representatives, Assyrians and a few remaining Green list members.

The PUK sees those who remained as traitors but their participation in parliamentary discussions is portrayed by the KDP as evidence of the democratic status of the regime in the KDP area. PUK activities are not tolerated in the KDP area (see section 2.5.4 also).

The PUK area has a government but no parliament.

The government in both areas is dominated by one of the two major parties but other parties and independent members also take part. The Arbil government has an ADM minister and the government in Sulaymaniyah has two IMIK ministers (¹⁵). The IMIK is part of the government in the PUK area and in the KDP area it also has contacts with other parties, such as the Assyrians (¹⁶).

The smaller parties are represented in only one of the two governments.

(¹⁵) In the KDP-dominated government in Arbil the Minister for Housing and Public Works is an ADM member. The Minister for Agriculture and the Minister for Health are not party members.

In the PUK-dominated government in Sulaymaniyah the IMIK provides the Minister for Justice and the Minister for Religious Affairs.

(¹⁶) In and around Halabja the party shows little tolerance towards western-oriented women (see chapter 3).

The day-to-day authority of government administration in the two areas is not under discussion. There is rule of law on the basis of Iraqi legislation and local legislation; there is a police force to maintain order, including traffic police; there are hospitals, schools and universities. Budgetary discussions have taken place in the Parliament in Arbil.

Peshmergas come under the Ministries of Peshmerga Affairs (Ministries of Defence).

2.4. Background to the KDP-PUK conflict

There are various theories on the origin of the conflict between the KDP and the PUK.

The KDP claims that it is a straightforward power struggle. The KDP was founded in 1946 by Mustafa al Barzani, father of the current leader, Mas'ud al Barzani, and presents itself as the mother party for all Iraqi Kurds. After a conflict with Mas'ud al Barzani, Jalal al Talabani left the KDP in 1975 and set up the PUK. The KDP ascribes the split to Al Talabani's ambitions.

The PUK, for its part, stresses the ideological differences and claims to be a modern western-style party, in contrast to the traditional Barzani clan (17). It portrays the KDP as a traditional party dominated by the clan mentality.

Each party's support base is regionally determined. Kurmanji-speaking Kurds in the west tend to support the KDP while Sorani-speakers back the PUK. In villages in the Dihok governorate, for instance, there has never been any significant support for the PUK (18).

The major issue in the recent conflict seems to be the question of which party controls the income from import duties charged on goods in transit at the Ibrahim Khalil border crossing with Turkey. This is a lucrative source of income, largely based on illegal oil shipments from Central Iraq to Turkey and beyond, and all of it goes to the KDP. There is considerable trade between Central Iraq, the KDP area and Turkey and much of it is in defiance of UN sanctions. There are large-scale oil exports outside the UN food-for-oil programme (19). The KDP is reputed to earn at least a million dollars a day from this trade (20). This situation threatens to upset the balance between the

(17)

The PUK leader wears a tailored suit while Al Barzani dresses in traditional Kurdish costume. Unlike KDP-dominated Arbil, Sulaymaniyah rarely has peshmergas visible on the streets. This is presumably a deliberate policy to make the city look more attractive.

(18)

This is somewhat less true of the cities.

(19)

That programme is based on UN Resolution 985. Official oil exports from Northern Iraq go by pipeline to Turkey and are checked at the border in compliance with UN recommendations.

(20)

See also 2.6.

two parties because the PUK region's source of income is not comparable to the one enjoyed by the KDP region.

Five political parties adopt a neutral attitude to the struggle between the KDP and the PUK. They include the ADM, the communists and the fundamentalists and they have united in an attempt to bring the rival parties together. Members of these parties operate on both sides of the existing demarcation line and are in a position to travel unmolested (where necessary with an armed peshmerga escort) from the KDP area to the PUK area. That means crossing a strip of no-man's-land 1m to 1.5m wide.

As part of the peace process following the ceasefire between the KDP and the PUK in October 1996 a monitoring unit was sent to the buffer zone.

This Peace Monitoring Force (PMF) comprised Assyrians (ADM) and Turkmen and was led by Turkish forces. It guarded the demarcation line up to October 1997.

After fighting broke out on 13 October 1997 the PMF evacuated the barracks situated in no-man's-land and no role was assigned to it thereafter ⁽²¹⁾. It was kept in reserve but is awaiting the outcome of recent negotiations (see below).

The PUK objects to the role of the Turkish army in the PMF. After the recent cooperation between the Turkish army and the KDP against the PKK and the PUK, the PUK no longer sees Turkey as a neutral observer.

2.5. Political developments and security situation

2.5.1. Recent hostilities

The PUK attack on KDP positions on 13 October 1997 temporarily suspended the peace talks between the KDP and the PUK which had been taking place under the Ankara process, with the United States, the United Kingdom and Turkey acting as intermediaries. The fourth ceasefire had held for a year and the renewed fighting between Kurdish factions lasted until 25 November 1997.

The PUK hoped to increase its power base with the support of Iran and possibly the PKK ⁽²²⁾. It initially gained some terrain but was eventually again driven back behind the demarcation line. The Turkish army took the opportunity to attack both the PKK and the PUK and to support the KDP and remained active in Northern Iraq until the end of December 1997. Turkish tanks were reported from Aqrah right down to the south of the governorate of Arbil and to the KDP-PUK demarcation line. Turkish aircraft bombed PKK and PUK positions. The fighting turned into local skirmishes

⁽²¹⁾ The fact-finding mission observed that the buildings once occupied by the PMF are now empty.

⁽²²⁾ The PUK denies any joint action with the PKK. However, the PKK has confirmed this cooperation and it is an open secret that the PKK operates in PUK territory, with the consent of the PUK. The PKK is said to have a number of "offices" in Sulaymaniyah.

(demarcation line, PKK positions). Victims were mainly in the warring parties. The PUK is reputed to have suffered significant losses. Many peshmergas, including commanding officers, were killed. Both the KDP and the PUK took hundreds of prisoners and some were summarily executed.

2.5.2. Ceasefire

There is reported to have been a new ceasefire since 25 November 1997. The demarcation line between the KDP and the PUK has scarcely changed since 13 October 1997. As winter approached the Turkish army also suspended operations against the PKK. There are no armed encounters at the moment.

The peace talks which had been taking place abroad up to October 1997 under the Ankara process resumed in Northern Iraq in February 1998. Dialogue appears to be slowly starting up again. Discussions at the moment focus on humanitarian issues. The three intermediaries in the Ankara process now have no place at the table. An "agreement in principle" has been reached. Both parties claim to respect the ceasefire and to want to end the media war. It appears to be possible to begin exchanging prisoners.

The KDP and the PUK had earlier claimed to be ready to reach agreement and to endeavour to hold new joint elections. Mutual trust is at a low ebb, however, owing to the heavy casualties, the enforced removal of internally displaced persons (IDPs, see section 2.5.4) and the brutality in the prisons (see Chapter 3). Each party holds the other responsible for the renewal of conflict.

The major obstacles to a settlement are the problem of homelessness and the exchange of prisoners.

There is no certainty that the current state of relative peace will endure. Further hostilities may well break out once winter is over, either between the KDP and the PUK or between the Turkish army and the PKK. In either case, there is a strong possibility that the other party will become involved.

The effects on the flow of Northern Iraqi refugees into Turkey are difficult to forecast. It is significant that at the time of the most recent threat of war between Baghdad and the United Nations the Turkish army set up a buffer zone along the border with Northern Iraq (partly on the Iraqi side) to prevent refugees from crossing into Turkey.

2.5.3. The region as the pawn of outside powers

In the region the Iraqi-Kurdish parties are the pawn of neighbouring countries which fear that an independent Kurdish State could have a destabilising effect on the region. Syria, Iran, Iraq and Turkey have a common interest here. The Kurdish parties know

that they are being played off against each other but are virtually powerless to resist. Internal conflicts between Iraqi Kurds aggravate the power vacuum, thus opening the way to outside interference.

Baghdad's role

There was considerable international dismay and indignation when it became apparent that Iraq and the KDP were working together in October 1996 to drive the PUK and the Arab opposition to Saddam Hussein out of Arbil and eliminate them. During the attack on Arbil the Iraqi troops targeted Arab political opponents of the Baghdad regime, such as the INC, which had offices in Arbil and claimed to have conducted operations from there in Central Iraq. ⁽²³⁾

Hundreds are reported to have been killed when Arbil fell. There are also reports that hundreds were deported to Central Iraq and that some died in Iraqi jails. The Arab opposition has since then had no formal representation in Northern Iraq.

According to the KDP, cooperation with Baghdad was a one-off occurrence and there have since been no reports of any serious cooperation.

At the moment there is no report of any direct threat to Northern Iraq from the regime in Baghdad but it may be assumed that Iraqi government agents are active in the region.

According to the UNHCR in Ankara, leading Arab representatives of the Iraqi opposition in Northern Iraq may well be victims of human rights violations perpetrated by the Iraqi government. The same could apply to Iraqi officers above the rank of captain who deserted. The Kurdish authorities appear not to be able to offer complete protection. There are no indications that low-ranking deserters are at risk.

Despite the fact that the KDP and the PUK condemn Saddam Hussain's regime, both parties still have contacts with Baghdad. It is possible for people to move back and forth between Central Iraq and the three governorates in Northern Iraq ⁽²⁴⁾. It can be assumed that Iraqis in government service can also travel to the north.

Iran's role

The government of Iran is also involved in developments in Northern Iraq. When it became known that Al Barzani was seeking help from Baghdad in August 1996 Iran provided support for the PUK. It had earlier supported the KDP.

⁽²³⁾ The INC is reported to have made an incursion into Central Iraq in March 1995 with the PUK and a few smaller groups.

⁽²⁴⁾ Since the period of cooperation between Baghdad and the KDP in Arbil in 1996 football teams from Dihok and Arbil have again started to play in the top Iraqi competition. Fans can travel to Baghdad or elsewhere in the government-controlled area to support their clubs. Arbil club fans' yellow flag was recently to be seen on television in Baghdad.

The relationship between the PUK and Iran is far from easy. The PUK claims to be a modern, western-style party, which does not square with government ideology in Iran.

Iran is attempting to increase its influence via Iraqi-Kurdish fundamentalists. The IMIK has a small power base to the south of Sulaymaniyah, in and around Halabja. The movement was set up in 1986 during the Iran-Iraq war ⁽²¹⁾.

Cooperation between Iran and the PUK appears to have made it easy for Iranian security services to infiltrate the PUK area. The reason for their presence is the existence of a number of Iranian opposition groups, the most notable being KDP-Iran (KDPi) and the Komala. The Komala does not appear to be involved in any activities in Iran now. The PUK allows members of the Iranian Kurdish opposition to operate on its territory yet maintains relations with the Iranian government. Good relations with Iran are important for the PUK as prominent PUK members in Northern Iraq can only leave via Iran.

The KDPi has its heavily guarded headquarters in a fort in Koya (Koi Sanjaq). The Iranian security service regularly takes action against (alleged) members of the Iranian opposition. In July 1996 Iran is reported to have taken large-scale action against the KDPi base in Koya. On 5 December 1997 five members of the KDPi were killed in an ambush in the Koya area. According to foreign sources, at least 175 Iranians were killed in the region by the Iranian secret service between 1995 and January 1998. KDPi members run the risk of being attacked, particularly in the main town, Sulaymaniyah. The middle ranks are most at risk; the leadership is better protected.

The Iranian security service does not, however, appear to be in a position to take action in the KDP region. There is also less pretext for doing so since the KDP makes it difficult for members of the Iranian Kurdish opposition to flee to its territory.

Some of the Iranians present in Northern Iraq are recognised by the UNHCR as refugees and are candidates for resettlement ⁽²⁶⁾.

Role of Turkey and the PKK

Taking advantage of the power vacuum created by the defeat of Saddam Hussein in the latest Gulf war, the Turkish-Kurdish PKK has succeeded in establishing its own position in Northern Iraq ⁽²⁷⁾.

The PKK has military bases in the mountains in the north of the KDP region. Few people still live in that area. PKK operations against villagers have forced some inhabitants to flee.

⁽²⁵⁾ Fighting took place in early 1994 between the PUK and the IMIK.

⁽²⁶⁾ There is no UNHCR camp in the PUK region. Most refugees are accommodated in private homes.

⁽²⁷⁾ There are unsubstantiated reports that the PKK press-gangs young Iraqi Kurds with the promise that they will be able to go the West after they have performed certain services.

Turkey's large-scale operations in Northern Iraq in recent years have been intended to eliminate the PKK but have not so far achieved the desired result.

The KDP provided considerable support for the Turkish army's attacks on PKK bases between May and October 1997.

In the last few months of 1997 KDP cooperation enabled the Turkish army to carry its operations against the PKK further into the territory. PUK positions also came under fire from the Turkish army and Turkish tanks were reportedly observed at the KDP-PUK demarcation line.

Despite the Turkish offensive, the PKK is still present in the area. Because of the risk of PKK action, it is forbidden to use the Dihok-Atrush-Aqrah road after sunset and the road is heavily guarded by KDP peshmergas.

Syria's role

Syria has no declared involvement in the internecine rivalry between Iraqi Kurds. It does, however, support the PKK. The PKK leader, Öcalan, has a home in Damascus.

2.5.4. Security situation

Despite the number of armed groups on the scene ⁽²⁰⁾, the KDP and the PUK have their own areas under control. The only exception in the KDP area is the northern mountain section where the PKK has its bases and the exception in the PUK area is Halabja and its immediate surroundings where the Islamic fundamentalists, supported by Iran, are a dominant presence.

Members of groups at risk (see later in this Chapter and Chapter 3) are in danger of human rights violations perpetrated by any of the many parties and neither the KDP nor the PUK is in a position or willing to provide effective protection.

Military actions in the latter half of 1997 not only killed many soldiers but also affected the position of the civilian population. The parties in conflict have made a practice of deporting the opponent's sympathizers and family members to the other side of the demarcation line and confiscating their property.

Internally Displaced Persons (IDPs)

In Northern Iraq itself

As a result of the struggle between the KDP and the PUK, Turkish army actions against the PKK and PKK actions in the KDP area, tens of thousands of people have been left homeless. The largest group, over ten thousand families, owe their

⁽²⁰⁾ Partly accounted for by armed peshmergas. The KDP and the PUK each have their own peshmerga army but the other parties (Assyrians, Communists, Turkmen and Islamic fundamentalists) all have their own armed protectors. Even the KDP, the Iranian Kurdish party in the PUK region, has its own armed peshmergas.

displacement to the struggle between the Kurds. On both sides, tens of thousands of supporters of each party and their family members have been evicted. Those who are suspected of collaboration with the rival faction have been forced to go to that faction's area.

Some have fled in terror and others have been ordered to leave at short notice. Household effects and other property, with the possible exception of money and jewellery, have had to be left behind. IDP camps have been set up on both sides. Others find refuge with family members, in schools and in hotels.

Both parties insist that without agreement on the IDP problem there can be no peace.

The conflict between the PKK and the Turkish army and the hostilities between the KDP and the PUK have displaced villagers from the northern mountain area. The ADM reports that the PKK attacked an Assyrian village in December 1997 and five people were killed. Villagers have also fled for fear of reprisals by the Turkish army. These displaced persons generally find shelter with relatives or acquaintances or in camps in the KDP area.

People from Central Iraq

There have long been reports of an arabisation policy by Baghdad in the oil-rich region of Kirkuk and in Mosul. People can be forced to move purely on ethnic or religious grounds ⁽²⁹⁾.

Under the arabisation programme, dozens of people are evicted from Kirkuk and Mosul every week; Kurds and also Assyrians and Turkmens are forced to leave. Members of families who are victims of this practice may be taken into temporary custody in order to force the family to comply with the order to move out.

Those concerned are given the choice between moving south or going to the KDP area or the PUK area. Where possible, the homeless are taken into IDP camps. There are reports of people being taken into separate camps. It can also happen that they are accommodated with the homeless Kurds referred to earlier. Shelter with relatives or in their own community is also a possibility. Kurds from the Kirkuk/Mosul region generally have less strong ties with Northern Iraq and do not have any political ties.

They are accommodated in surroundings which are well-disposed to them but they cannot find work and are therefore in a very precarious economic situation.

Internal settlement alternative

Since the central government in Baghdad can exercise no effective authority in Northern Iraq, the region can be regarded, provided there are no real changes in the

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See also the interim report of 15 October 1997 from the Special UN rapporteur, Max van der Stoep, pp. 9-11.

prevailing security situation, as an internal settlement alternative for those persecuted by the Saddam Hussein regime ⁽²⁹⁾. The homeless can seek protection from the regional authority – from the KDP in the KDP area and from the PUK in the PUK area. The UNHCR has no account of people having being sent back to Central Iraq.

It should be pointed out that where confrontations take place in the region between the KDP and the PUK or between the Turkish army and the PKK, they are generally of a local nature and they can influence the protection alternative.

It is true that Kurds, Assyrians and Turkmens from Central Iraq can find an alternative settlement alternative in Northern Iraq.

There is at present no concrete evidence that Iraqis of Arab extraction who have fled to Northern Iraq or already reside there are generally at risk of being attacked by the Iraqi security forces.

We can subscribe to the view of the UNHCR in the region that no internal settlement alternative exists for displaced persons known in Baghdad as prominent Arab political opponents of the regime or for deserters from the Iraqi army above the rank of captain (see also section 2.5.3).

Work is in progress within the UNHCR on the definition of an "internal flight alternative". In the meantime, the UNHCR takes the view that the security situation in Northern Iraq is such that the conditions for an internal flight alternative cannot be said to be met. It is not yet clear when the UNHCR will have completed its reflections.

Refugees

Some residents in the KDP region are Turkish Kurds who fled from Turkish army operations in south-east Turkey. Turkish Kurds ceased to be received at the Atrush refugee camp in 1997. As a result of PKK infiltrations, the security situation there had become intolerable because the local authorities, the KDP, were no longer able to exercise real control. Even UNHCR representatives found it too dangerous to enter the camp. Some of the people are still accommodated in the Ayn Sifni camp (or in the immediate surroundings), which is on a piece of no-man's-land between the Iraqi government-controlled area and Northern Iraq. This location is strategically less threatening for the KDP. Nevertheless, there is evidence that even here the KDP is not in a position to exercise effective control. The Ayn Sifni camp has around 6 000 refugees.

The position of Iranian refugees in the region has already been discussed in Section 2.3.4.

Position of NGOs

Various regional and international non-governmental organisations (NGOs) are active in Northern Iraq. In contrast to the United Nations bodies involved, most international NGOs are not officially accredited in Baghdad. The reason is that Baghdad refused them permission to operate in Northern Iraq. NGO activities are greatly valued by the population and by the local authorities and make a substantial contribution to the

⁽²⁹⁾ An exception needs to be made for groups referred to below as being at risk.

rebuilding of the region. The presence of international NGOs and the UN is perceived as a sign of not being forgotten by the international community. In addition, the presence of foreign aid workers provides a sense of protection and contributes to pressure on Baghdad to refrain from military action in Northern Iraq, alongside the international guarantees given in the Security Council resolutions.

NGO personnel mostly come into Northern Iraq over the Syrian border crossing at Faysh Khabur. Baghdad regards a border crossing at that point as illegal. The presence in Northern Iraq of what are seen as illegal NGOs has on several occasions led to threats from Baghdad against NGO personnel. Anyone involved with an illegal foreign organisation can be accused of spying (see also section 2.2).

Since the establishment of de facto self-government in the region, NGO personnel have been attacked on several occasions. Between 1992 and 1995 such attacks were a regular occurrence and it is presumed that Baghdad was involved.

The threat to NGOs and their personnel from the Baghdad regime meant they were reliably reported to fear persecution when the Iraqi army took part in the capture of Arbil in August 1996.

The deployment of Iraqi troops in Arbil when the KDP retook the city from the PUK prompted the United States to evacuate the few dozen Americans working for NGOs in Northern Iraq and the thousand or so local staff and take them to the US. There is no evidence that in the course of their short stay in Arbil Iraqi troops were guilty of human rights violations against NGO personnel.

The American evacuation raised expectations among the local population that they might be able to move abroad but these expectations were not met. The evacuation resulted in major disappointment and defeatism.

Many of the evacuees were highly qualified and their departure led to a shortage of staff in important posts, in hospitals for instance.

NGOs from other countries have, however, remained active in the area.

Since October 1996 there have been no reports of human rights violations against NGOs and their personnel with presumed Baghdad involvement ⁽²¹⁾.

Nevertheless, the UNHCR in the region considers that asylum applications from people working with some NGOs should be examined with great care. That includes people in possession of sensitive information regarding involvement in demining activities and those assisting victims of mine explosions. Millions of land mines were laid in Northern Iraq at the time of the Iran-Iraq war. In the PUK region, where most of the mines lie, there are reported to be forty accidents a month. Baghdad is reputed to

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It is, however, probable that Iraqi agents are active in the KDP area. Baghdad may well have informants on the PUK side too. After the outbreak of Intifadah and de facto self-government in Northern Iraq supporters of the Ba'ath regime remained in Northern Iraq.

regard knowledge of the location of mines as strategic information. In addition to the activities of an NGO, according to the UNHCR in the region, a person's position within an NGO and the length of service must be considered when the application is being examined.

2.6. Socio-economic situation

The economic situation is bad. There is a high level of unemployment in Northern Iraq and wages are low ⁽²²⁾. Most people are without work.

The international embargo on Iraq, which also applies to Northern Iraq, means that there are major shortages. Factories have had to stop production because their component stocks have run out. Power stations are unable to operate to capacity. The Dukan power station, which supplies electricity to both the KDP and the PUK areas, is only partly operational because some of the turbines have broken down ⁽²³⁾. In the past the PUK cut off power supplies to KDP territory as part of its strategy. As a result of international pressure, it was forced to abandon that practice.

Part of the reason for the sombre economic situation is that, when they left, the Iraqi army and administration took everything of value with them. The situation was further aggravated by the economic blockade imposed by Baghdad against the north. That blockade has now been lifted.

Owing to the international sanctions against Iraq, which also affect the north, it has not proved possible to begin to put industry back on stream.

The living standard in Northern Iraq is low. The low-lying areas in Northern Iraq are fertile so that home food production is sufficient. The embargo means that official exports are not possible. The United Nations food-for-oil programme appears to be causing problems in local agriculture because food prices have fallen as a result.

There is active illegal trading. Sanctions seem to be less effective in the KDP area in particular on account of uncontrolled lucrative border trading with Turkey in oil from Central Iraq. The KDP is reputed to earn at least a million dollars a day from it ⁽²⁴⁾.

Foreign observers say that goods are also smuggled from Central to Northern Iraq by speed boat across the lake from Mosul. In the PUK region smuggling is much less

⁽²²⁾ Northern Iraq operates in old Iraqi dinars (five and ten dinar notes printed in Switzerland). A dollar is about twenty dinars. A pershmerga's monthly salary is ± 500 dinars.

⁽²³⁾ There are constant power cuts in both areas. Arbil has power for eight hours once every three days on a rota per district.

⁽²⁴⁾ Oil is apparently smuggled through in a separate tank on the bottom of lorries going back to Turkey. Every day dozens of lorries queue at the border with Turkey.

profitable and is confined to earnings from carrying tobacco products, tea and spirits to Iran.

In Northern Iraq a large number of UN bodies and private international organisations are involved in aid and rebuilding. After the evacuation of the US personnel in NGOs and their local staff in 1996, other NGOs remained active in the region. The European Union provides support through the ECHO programme. In addition, the Netherlands provides a substantial amount of direct support for alleviating humanitarian need in Iraq ⁽²⁵⁾.

3. Human rights

3.1. Introduction

The basis for legislation in Northern Iraq is still the Iraqi constitution, adjusted on those points which would be detrimental to Northern Iraq's own position. There is reported to be an operational judicial system in the KDP and the PUK areas. Owing to the high cost, not everyone can afford a lawyer.

Conditions in the prisons in Northern Iraq do not meet the minimum international requirements established in 1955 in the UN standard minimum rules for the treatment of prisoners. There are violations of human rights and hygiene is poor ⁽²⁶⁾.

The International Red Cross (ICRC) is able to visit all prisons. The Kurdish authorities are working constructively with the Red Cross which, for instance, organises workshops to improve the quality of prison conditions or lectures on basic rules of conduct for peshmergas in war.

3.2. Inviolability of the person

3.2.1. Death penalty

Both regions have a death penalty. In 1992 the Kurdish authorities promulgated two laws which made provision for a death sentence. A death sentence can be passed for premeditated murder of a foreigner, an employee of the UN or a humanitarian organisation and for terrorist activities. The death penalty is enforced ⁽²⁷⁾.

⁽²⁵⁾ In 1997 the Netherlands contributed 17.7 million guilders to humanitarian projects in Iraq, 6 million of which went to Northern Iraq. The main partners involved in implementing Netherlands humanitarian aid throughout Iraq are the Dutch Consortium (led by Memisa), the Netherlands Red Cross, Care, the Refugee Foundation and various UN bodies.

⁽²⁶⁾ Both the KDP and the PUK say they are ready to receive an Amnesty International delegation which could visit prisons.

⁽²⁷⁾ Open letter from Amnesty International to the Secretary of State for Justice of 7 August 1995, p. 7. There are no statistics available here.

There are reports that prisoners of war in the armed conflict between the KDP and PUK have been summarily executed.

3.2.2. Torture

Torture of imprisoned supporters of the rival party takes place on both the PUK and the KDP sides. Imprisoned PKK supporters may be exposed to torture by their KDP warders. Both parties claim that torture is practised mainly locally, out of the sight of the party leadership. KDP and PUK leaders say that they have issued decrees to combat torture.

3.3. Political rights

3.3.1. Freedom of expression and of political participation

A host of political parties are active in Northern Iraq alongside the KDP and the PUK. The most prominent are the fundamentalist IMIK, the Assyrian ADM and the Kurdish Communist Party. These parties were able to win over only a few per cent of the votes in 1992. The ADM, Communists, fundamentalists and others are represented in one of the two governments, but none of these parties is active in both governments. Political freedoms are, however, quite considerable in Northern Iraq. Within the latitude permitted by the leading group, freedom of expression does exist and individual views can be asserted. Criticism of the KDP in the KDP area and of the PUK in the PUK area is tolerated only to a certain extent. In the case of the smaller parties, a form of auto-censorship seems to be exercised, with individuals knowing how far they can go. Substantial criticism of the dominant party could lead to problems for those involved. This is particularly the case for independent intellectuals.

However, there have been no reports recently of arrests of political activists belonging to one of the smaller parties. Amnesty International mentioned in its 1995 report that the KDP and PUK are said to have committed serious human rights violations in relation to smaller groupings (extra-judicial executions, arrests, torture). Talks with local authorities, NGOs and UN agencies have produced no evidence whatsoever that this situation still obtains at the moment. An authoritative international organisation which visits prisons from time to time confirmed that people are seldom incarcerated for years on end in Northern Iraq on grounds of political convictions.

Freedom of expression is better respected than in most of the surrounding countries. Political parties and interest groups can broadcast via their own regional TV stations, have their own newspapers printed and organise meetings ⁽²⁸⁾.

Since the PUK and KDP are in conflict, supporters of one party are not allowed to engage in politics in the other's area. As mentioned in Chapter 2, (suspected) supporters of the rival party may at any moment, occasionally after a short period of

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Examples of local TV stations include PUKtv, KTV (KDPtv) Azardi tv (CPtv) and Ashoor tv (ADMtv). MEDtv, the PKK's satellite broadcasting station broadcasting from Western Europe, can also be received in Northern Iraq.

detention, be expelled from the area or imprisoned. Family members of (suspected) supporters of the other party are regularly expelled to the territory of the other party. Human rights violations can be committed during imprisonment.

There is no question of oppression of minorities in Northern Iraq. Minorities have the right of association in political parties. In addition to the Assyrians, the Turks have also set up various political parties and have their own periodicals. Turkey is encouraging Turkish nationalism among the Turks in Northern Iraq.

3.3.2. Freedom of religion

There is freedom of religion in Northern Iraq. The Kurdish population is predominantly Sunni Muslim. A number of Shi'ite Kurds originating in the South of Iraq, the so-called Fayli Kurds, are currently also living in the region. They are viewed by the regime in Baghdad as accomplices of the Iranian regime. Tens of thousands of them were deported to Iran in the years preceding the outbreak of the Iran-Iraq war in 1980, and a number of them returned to Northern Iraq since then. The Yazidis, who are mostly related to the Kurds, live in the western part of Northern Iraq. They profess a syncretic faith, in which various religions are intermingled. A Yazidi has a seat in the KDP government in Arbil.

A centuries-old Christian minority of Assyrians lives predominantly in villages to the west of the region, in the KDP area⁽³⁹⁾. A well-known larger Assyrian centre is Ainkawa, near Arbil. Since 1991 Assyrians have set up about twenty-five primary schools in which teaching is provided in their own language. The Assyrian party ADM (Assyrian Democratic Movement) held four seats in the 1992 parliament. In the government in Arbil, the ADM occupies the post of Minister for Housing and Construction.

Assyrian villages have suffered greatly from the presence of the PKK in the north of the KDP area and the resultant struggle between PKK and the Turkish army⁽⁴⁰⁾. A number of unresolved housing problems have come between the KDP and the Assyrians. These date back to the Iraqi authorities' "Anfal" campaign in the '80s, when Assyrian villagers were forced to leave their homes. These villages are now populated by Kurds, who are preventing the original Assyrian inhabitants from returning to their abodes.

⁽³⁹⁾ This is also where most of the churches are located. An Assyrian church has also been built in Sulaymaniyah. For the position of Christians in Iraq, see also the official report from the Ministry of Foreign Affairs of 5 September 1997. Apart from their religious unity, Christians of Assyrian origin also emphasise their ethnic and cultural unity. Representatives of the Assyrian community in Northern Iraq confirmed that they could practise their religion in freedom. Assyrians run no risk of being persecuted on grounds of religion.

⁽⁴⁰⁾ Not because of the inhabitants' religion, but because they happen to be living in the "wrong" place.

3.3.3. Position of women

Kurdish society is a traditional one in which men have the final say. Especially outside the cities, relationships are still largely determined by cultural and social traditions. If a family considers that its honour is tarnished, for example in the case of adultery, women may on occasions be physically abused.

The position held by the man involved within his clan largely determines the authorities' willingness to take action (fear of losing the support of the clan). There is no dress code for women in Northern Iraq. Women can stand for election to parliament and can practise professions requiring a high level of education. There are female professors and female doctors. However, the number of women in paid work constitutes a minority. Traditionally, women look after the household and raise the children.

In the PUK region the fundamentalist IMIK is very influential in and around the town of Halabja. The IMIK (supported by Iran) is capable of dominating streetlife in the city with the support of its own peshmerga militia.

A woman in the IMIK area who wears modern clothes, is active politically or in a women's organisation or has her own income may be threatened and maltreated by fundamentalists. The PUK, which actually wants to adopt a western image, is in no position to afford protection in this respect. There have been examples of women who have been intimidated and physically attacked by fundamentalists because of their modern western lifestyle. There are no indications that this happens on a large scale. In certain cases the person concerned can invoke the protection of the authorities elsewhere in the PUK region.

Elsewhere in the PUK region, such as in the capital Sulaymaniyah, and in the KDP region, the IMIK does not have much influence.

Conclusions concerning Chapters 2 and 3

It is apparent from the foregoing that certain groups in Northern Iraq run the risk of falling victim to human rights violations.

In the region as a whole

- Intellectuals who adopt an independent position with regard to the two leading Kurdish factions.
- Those who take up an independent attitude and voice criticism of the course followed by the de facto authorities may be victims of human rights violations. Although there is a multitude of political parties, each of which has the opportunity to express itself in its own media, there is a limit to what can be expressed in public. Any discussion of the leading role of the KDP in KDP territory and of the PUK in PUK territory oversteps the limit.
- Women who following a conflict within the traditional clan environment are unable to call on adequate protection from the Kurdish authorities.

In addition, the ability of the following persons/groups of persons to obtain adequate protection from the Kurdish authorities in the region as a whole is open to question:

- Prominent members of the Arab opposition to Saddam Hussein's regime with a high profile in Northern Iraq may have reason to fear the Iraqi security services. The attack on Arbil by Iraqi troops in 1996 dealt a considerable blow to the Arab opposition, such as the INC, which operated out of Northern Iraq. Although the Iraqi troops withdrew relatively quickly, they wrought havoc with this opposition, in particular. Opponents were imprisoned and executed. Although at the moment no visible activities by the Iraqi secret services can be detected in KDP or PUK territory, they could well be conducting targeted activities. In view of the unstable situation in the region, it must be assumed that it is not possible for prominent members of the Arab opposition to settle in Northern Iraq without danger.

- NGO staff do not in general have to fear any specific persecution on the part of Baghdad. Since 1995 there have been no specific attacks on NGO (local) staff. In 1996, Saddam Hussein issued amnesty decrees which could be construed as excluding NGO staff. When Arbil was taken, it appeared, however, that the Iraqi troops had no instructions to take action against the NGOs established there.

Almost all American NGOs withdrew from the region after 1996 and the local staff were evacuated. Since that time, the Iraqi government has continued to voice threats in the press. There have, however, been no reports of actual attacks on NGOs. Nor is there any question of conscious obstruction of humanitarian assistance. Yet humanitarian operations by NGOs and the United Nations are still taking place in a politically charged and militarily unstable environment.

According to the UNHCR in the region, asylum applications by those working for some NGOs should be assessed with extra care. This concerns, *inter alia*, persons possessing sensitive information in connection with their involvement with mine-clearance activities and those involved in caring for landmine victims.

- Iraqi army officers above the rank of captain who have deserted may come in for negative attention from the security service of the Baghdad regime. However, those deserting officers who do travel to Northern Iraq very rarely stay there for very long. Deserters of lower ranks do not appear to attract much negative attention from the Baghdad government.

The Kurdish region itself does not have any formal military service. Nor are men from Northern Iraq called up for service in the Iraqi army.

In KDP territory

- Supporters of the PUK and members of their families are at risk. However, they do have a settlement alternative in PUK territory.

In PUK territory

- Supporters of the KDP and members of their families are at risk. However, they do have a settlement alternative in KDP territory.
- In PUK territory, (suspected) members of the Iranian-Kurdish opposition such as Komala and the KDPI do have to fear attacks by the Iranian security services which have infiltrated the area. Only KDPI peshmergas are capable of providing adequate protection for the party leadership. Middle-ranking cadres, and particularly the members of the Iranian opposition living in Sulaymaniyah, are at risk. They have practically no possibility of settling in KDP territory as the KDP does not want a conflict on its own territory.

- In and around Halabja women who adopt western dress and adopt an independent attitude may well have reason to fear possible intimidation, threats and maltreatment on the part of the Islamic movement supported by Iran (IMIK). However, they do have a settlement alternative elsewhere in PUK territory, for example in the capital Sulaymaniyah.

Internal settlement alternative for persons from Central Iraq

Kurds, Assyrian Christians and Turkmen from Central Iraq as well as Arabs who do not stand out as prominent opponents of the Iraqi regime can find an internal settlement alternative in Northern Iraq. This also applies for deserters from the Iraqi army up to and including the rank of captain. In the context of the Arabisation of that part of Northern Iraq which comes under the central government (Kirkuk, Mosul), the government in Central Iraq regularly forces families belonging to the first three ethnic groups referred to above to leave for areas to the south or for PUK or KDP territory. Displaced persons from Central Iraq are accommodated as far as possible in Northern Iraq. In view of the bad economic situation and large-scale unemployment in Northern Iraq, they also have to cope with problems. The UNHCR in the region has no information available about people who have sought protection in Northern Iraq or have been expelled there and might have been sent back to Central Iraq.

4. Exit and return

4.1. Exit

4.1.1. Reasons for leaving the country

For almost seven years now, Northern Iraq has had de facto self-government. The problems with which the area is faced are attributable in part to the constantly increasing number of Iraqi Kurds who have cut loose. The exodus of Iraqi Kurds has been deployed by both leading Kurdish parties and has given rise to a dire need for educated cadres. The Kurdish authorities are attempting to counterbalance the push factors by means of newspaper articles and TV documentaries about the difficulties encountered by asylum-seekers along their way.

The motives for leaving the country do not appear to be new. However, the joint action by Iraqi troops and the KDP against the Arab opposition and the PUK in 1996 does appear to have provided an extra impetus.

The main reasons for leaving the country are to be found in the situation that the population no longer has any confidence in the future. The situation is seen as hopeless, and the return of the troops and Saddam Hussein's rule is greatly feared. The chemical warfare waged against the Kurds in the '80s has left deep-seated psychological wounds. An important turning-point appears to have been the cooperation between the KDP and Saddam Hussein in the conquest of Arbil from the PUK in 1996. Although the Iraqi troops stayed there for only a short while, fear of the return of the Iraqi regime was greatly rekindled by this. Cities such as Arbil and Dink are only a few kilometers from the border with Central Iraq and could be taken within a few hours.

A further factor which increases the feeling of hopelessness amongst the civilian population is the fact that the Kurdish elite, the political leaders and administrators, hold foreign (frequently western) passports. In the event of a return of the Iraqi troops and renewed control over the region by the regime in Baghdad, the Kurdish leadership is in a position to take to its heels, while the vast majority would have to remain behind. The population is quite aware of this situation.

After the attack on Arbil, the feeling of a future with no prospects was further nourished by the subsequent withdrawal of the American NGOs and their local staff. This measure led to considerable unrest amongst the population.

A second reason is the rivalry between the KDP and the PUK. This rivalry, which regularly leads to military action, has caused many to decide to leave. In both camps supporters of the other party are exposed to human rights violations. These supporters and their family members can, however, find a safe haven in the territory under the control of the other side. Both parties forcibly expel supporters of the other party and their families to the other side. The number of displaced persons (IDPs) runs into the tens of thousands. The population seems to have given up hope that the rival parties will still be capable of forming a common administration.

Other factors that contribute to the exodus are the regularly recurring actions by the Turkish army in Northern Iraq against the PKK and the PKK attacks on the KDP, Turkey's ally. The Turkish army appears to regard the border area in Northern Iraq as a buffer zone. The PKK has bases in the inhospitable areas in the north of Northern Iraq and has caused Iraqi Kurds and Assyrians to flee their mountain villages there. They do have a settlement alternative in KDP territory.

As outlined in Chapter 2, the region is going through a long-term economic malaise. Income is low and unemployment high. These factors are also contributing to the fact that many want to seek their salvation elsewhere. The better educated, in particular, see no future in the region and are leaving.

Fear of human rights violations may also be a contributory factor. The conclusions of Chapters 2 and 3 define specific categories who may have to fear persecution or inhuman treatment.

These push factors have contributed to the departure of hundreds of thousands from Northern Iraq in recent years. A number of pull factors must be added, for example, information about living conditions in the West supplied by family members already living there.

4.1.2. Visas and passports

Legal exit from Northern Iraq to Turkey is possible. The principal border crossing, Ibrahîm Khailî, is near Zakho. Each day twenty visas are available for the Turkmen community and twenty for the KDP government in Arbil. A visa is valid for a whole family, not just for one person.

A 1500 dirar ($\pm$ US \$70) fee is levied for a KDP visa. People in the following five categories may, under an official guideline, be considered for a visa: official delegation membership, trade ⁽¹⁾, study abroad, family reunification and medical treatment abroad. The visa is issued in Arbil. Before it is issued, a number of conditions need to be fulfilled ⁽²⁾. The waiting period for such a visa is more than six months.

The Turkmen population group is relatively small ($\pm$ 200 000 people). The number of visas allocated to Turkmen per day vastly exceeds demand from this population group. Visas issued to Turkmen by Turkey are thus sold on, mostly on the black market. The waiting period for a Turkmen visa is considerably shorter but it can easily cost \$ 600.

Many are unable to leave legally and choose another route. They frequently make use of facilitators, who take the arrangements for migration in hand. Illegal exit is dangerous, given the presence of landmines and the activities of the PKK and the Turkish army in the mountains. Those living in PUK territory can leave via KDP territory if they have no clear links with the PUK. The KDP-PUK demarcation line then has to be crossed ⁽³⁾.

In the extreme north-east of Syria there is a border crossing over the Khabur river into Northern Iraq. An average of not more than ten people a day make use of this crossing by motorboat, which is only possible for a few hours a day. Passports are

⁽¹⁾ In such cases, an ID-card issued by the Chamber of Commerce is required.

⁽²⁾ Before a Northern Iraqi obtains permission to leave from the KDP authorities, a number of declarations need to be submitted: a declaration from the police (no criminal record), a declaration from the tax authorities (no debts), a declaration from the bank (no debts), a declaration from the agricultural authorities (no debts or other charges) and a declaration that there are no objections from the Ministry of the Interior/security service. On account of the acute shortage of teachers and medical staff, no exit visas are issued to these groups.

⁽³⁾ UN officials and NGO fieldworkers also cross this line daily without problems. Supporters of political parties which adopted a neutral stance in the conflict between the two Kurdish factions can also cross the demarcation line easily.

not stamped. Entry and exit possibilities from and into Syria are very limited and are entirely under the control of the Syrian authorities (⁴⁴).

The PUK leadership enters and leaves the region via *Iran*. Movement of persons with Iran is also restricted.

Movement of persons between *Central Iraq* and Northern Iraq is possible.

The authorities are not in a position to issue their own passports, and Iraqi passports are used. The issuing of official documents on the spot is rather primitive. If a document is not authentic, this nevertheless does not mean that the person's identity is not genuine.

The Kurdish authorities are said to dispose of an unknown quantity of blank Iraqi passports. There are Kurds who apply for passports or have them extended in Central Iraq (Kirkuk, Mosul, Baghdad). Others "wash" expired passports by chemical means. The Kurdish authorities are aware of these practices and usually condone them.

It has been learnt from the KDP that recent practice when issuing passports is to carry out strict controls as to whether the personal details in the passport are identical to the civil registry data. These checks are carried out by what is called the Ministry of Humanitarian Affairs.

4.2. Return on a voluntary basis

Asylum-seekers do, indeed, return voluntarily to Northern Iraq. In view of the fact that the Kurdish parties say that they are concerned about the implications of the current exodus, they may be expected to cooperate in the event of voluntary return. In 1997 refugee-status holders and Iraqi Kurds holding Netherlands passports returned for short stays to Northern Iraq without any problems. Iraqi Kurds also travel back and forth from Germany. These return journeys provide a strong indication that Northern Iraq may be viewed as an internal settlement alternative for Kurds from Iraq.

On their return to the territories controlled by the KDP and PUK, people do not have to fear persecution by the *de facto* regime on grounds of a long stay abroad or of having applied for asylum.

5. Conclusions

The situation in Northern Iraq is far from rosy, politically and economically. As in the past, there is no prospect of a stable future, even though the area became autonomous *de facto* in 1991 after the Gulf War. Although the Kurdish leaders state that the future of the region lies in a federal Iraq, such a solution is not on the horizon.

(⁴⁴) Before entry, it is important to have submitted an application to one of the Kurdish parties in order to visit the area. The Kurdish parties subsequently arrange access to the area with the Syrian authorities.

Cooperation between the two most prominent Kurdish parties, the KDP and the PUK, lasted until 1994. Since then, there has been internecine fighting, interspersed with fragile ceasefires, with the rivals making use of internal and foreign allies in constantly changing coalitions.

Where it occurs, confrontation between the KDP and the PUK or between the Turkish army and the PKK is predominantly local, but can have an influence on internal settlement alternatives.

Both the KDP and the PUK currently exercise de facto power over a part of Northern Iraq. The situation is relatively peaceful in both regions at the moment. However, little can be said with certainty about whether this situation will last.

Apart from the groups at risk specifically referred to in this report, civilians in Northern Iraq are not at risk of human rights violations or extremely arbitrary treatment, even though the situation may occasionally go off the rails.

There is no evidence that rejected asylum-seekers run any particular risks after their return by comparison with the rest of the local population.

The region of Northern Iraq may, provided no fundamental changes occur in the security situation obtaining at present, be viewed as an internal settlement alternative for those who have to fear persecution by the regime in Baghdad. Kurds, Assyrian Christians and Turkmen, as well as (exiled) Iraqis of Arab origin who do not stand out as prominent opponents of the Iraqi regime, can find settlement alternatives in Northern Iraq. So, too, can deserters from the Iraqi army up to and including the rank of captain. PUK or KDP supporters may be said to have a settlement alternative in the territory under their own party's control.

FOR THE MINISTER FOR FOREIGN AFFAIRS
The Director for Movement of Persons, Migration
and Consular Affairs

H.H. Siblesz

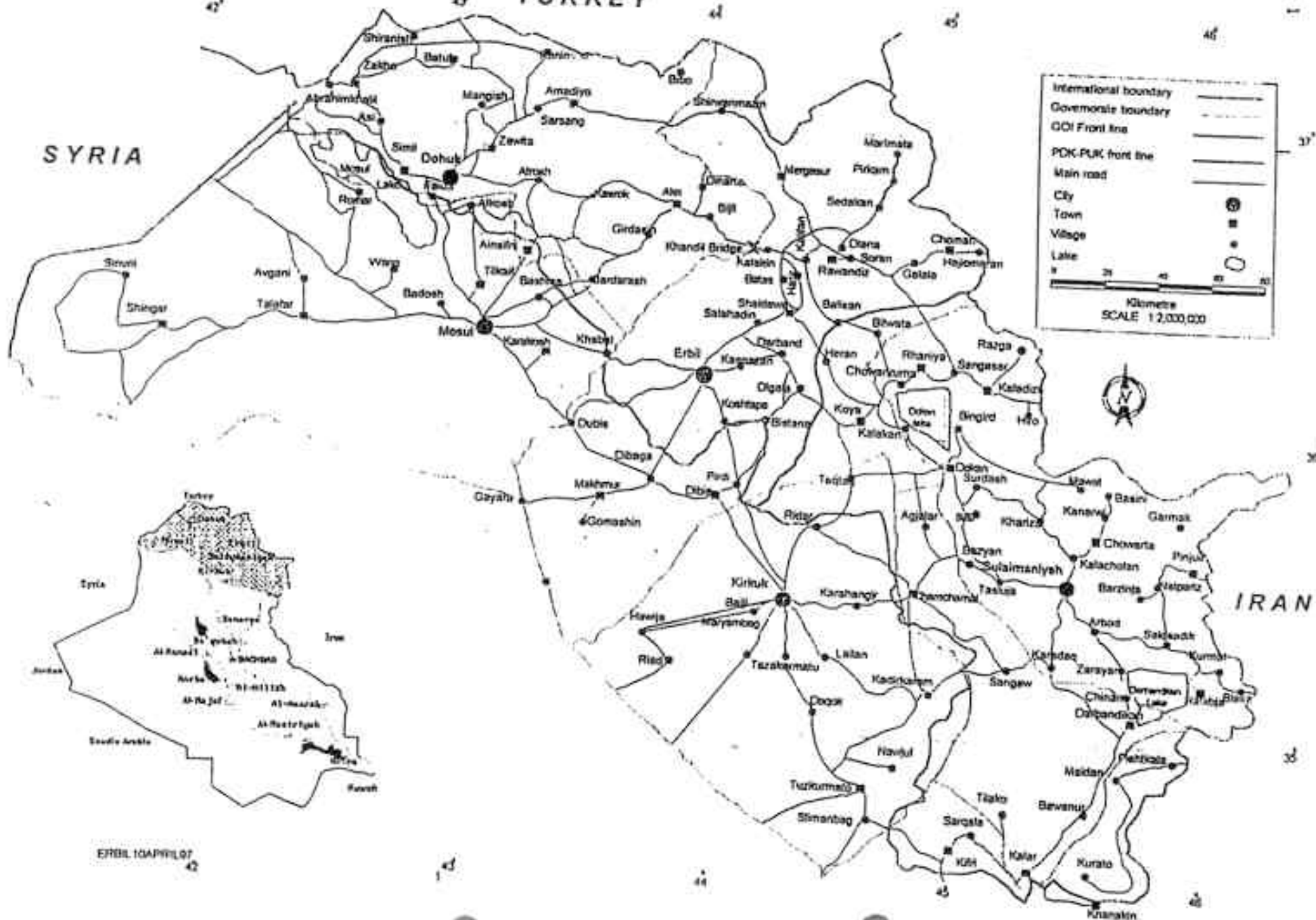
NORTHERN IRAQ

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Annex 1

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Annex 2

During its stay in Northern Iraq in January 1998, the mission visited both KDP and PUK areas. It was able to determine its own programme freely. The mission held talks with members of both "governments", spokesmen for various political parties, including the PUK and KDP, UN representatives on the spot (UNHCR, UNOHCI, UNICEF), the International Red Cross, spokesmen for various NGOs, including Dutch Consortium and a Kurdish human rights organisation. Talks were also held with representatives of the KDP, PUK, ADM and UNHCR outside Northern Iraq.

To the State Secretary
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Subject: Situation in Northern Iraq

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With reference to my letter to your predecessor dated 31 March 1998 about the situation in Northern Iraq, please find attached a description of current developments in this region. A number of further questions you have raised are also addressed. For an overview of the topics dealt with, I would refer you to the table of contents given below.

SITUATION IN NORTHERN IRAQ
MARCH 1998

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Annex

1. Introduction

This report contains current information on the situation in Northern Iraq, to supplement the official report of 31 March 1998. It also deals where required with a number of aspects such as the position of the IMIK (Islamic Movement in Iraqi Kurdistan) and a number of smaller political parties, including Turkmen parties (see Annex).

The situation in Northern Iraq has further stabilised compared with that described in the report of 31 March 1998. Since the previous report appeared there have been no changes in the security situation which would lead to a substantially different assessment of the situation on the ground. The conclusions of the report of 31 March 1998 therefore remain completely valid.

In the interests of clarity, the conclusions of my previous letter will, where appropriate, be briefly repeated in the various paragraphs and incorporated once again in the final conclusion.

The information in this letter is to a large extent based on reports from the Netherlands embassy in Ankara, which maintains a network of contacts. These include the representations in Ankara of the EU Member States and other countries, UN organisations, representatives of the main Northern Iraqi parties and representatives of NGOs operating in Northern Iraq.

2. Country information

2.1. Political developments

The situation in Northern Iraq has further stabilised as compared with that described in the report of 31 March 1998. Relations between the Kurdistan Democratic Party (KDP) under Mas'ud al Barzani and the Patriotic Union of Kurdistan (PUK) under Jalal Talabani seem to have further improved since March 1998, culminating in an agreement between the two leaders which was signed in Washington on 17 September 1998 under the auspices of the United States.

The ceasefire along the KDP-PUK demarcation line is on the whole being observed. Both parties have made positive noises over the last few months on a number of issues, such as supplying electricity and water, reciprocal trade and cutting back on media campaigns against each other. Over that period prisoners of war have regularly been released on both sides. There is also said to be a common position on

implementation of the UN "Food for Oil" Resolution.

On 27 and 28 May 1998 a conference was held in Cairo on the situation of Kurds in Iraq, as part of the Arab-Kurdish dialogue. Among the participants in the conference were prominent KDP and PUK politicians. The aim was to convince the Arab countries of the common interest shared by Arabs and Kurds in cooperating in and with Northern Iraq, one of the reasons being the joint aspiration of the KDP and the PUK towards a form of Kurdish self-government within the Iraqi State.

In mid-July a UN mission led by Under-Secretary for Middle Eastern Affairs David Welch visited Northern Iraq. The mission, which entered the region via Turkey rather than Baghdad, held talks with leading PUK and KDP politicians and with representatives of the Assyrian and Turkmen parties. The government in Baghdad protested against what it regarded as an illegal visit, seeing it as interference in internal matters.

KDP-PUK agreement

Following Mr Welch's visit, the KDP and PUK leaders were invited to Washington for further discussions. It was Mas'ud al Barzani and Jalal al Talabani's first meeting in years. The outcome of the talks came as a surprise to the outside world. Under the auspices of the United States agreement was reached on 17 September 1998 that, *inter alia*, elections would be held in mid-1999 for a new regional parliament for the whole of Northern Iraq ⁽¹⁾.

The agreement contains three points: distribution of incomes, power sharing and cooperation in security matters ⁽²⁾.

It was agreed that in the following summer parliamentary elections would be held, followed by the formation of a joint regional government. The agreement would provide for a transitional authority, the Higher Coordination Committee (HCC). As agreed, that Committee will work for further reconciliation between the two parties and the establishment of a common administration. The HCC's aim is to form a joint

⁽¹⁾ The text of this agreement has not yet been officially released.

⁽²⁾ Neue Zürcher Zeitung, 30 September 1998. Turkish Daily News, 5 October 1998. This was confirmed by the representatives of both Kurdish parties.

regional interim government within three months. The composition of the interim government will have to be approved by a regional interim assembly comprising members elected to the Northern Iraqi parliament in 1992.

Under the agreement, the HCC will support the repatriation of those made homeless as a result of the conflict between the KDP and the PUK.

It has also been agreed that a census will be carried out prior to the elections. Seats are to be reserved for the Turks and Assyrian minorities in the new parliament. Government revenue is to benefit the whole population of Northern Iraq; this removes one of the PUK's grievances. As stated in the report of 31 March 1998, the KDP is said to earn one million dollars a day from oil trading at Ibrahimkhail on the Turkish-Iraqi border. Earlier agreements often foundered on the position of power held by the KDP as a result of oil revenue. A solution to this problem will again be crucial to the success of the new agreement.

Both the Kurdish leaders have stated that they will combat the Kurdish Workers' Party (PKK). The agreement apparently makes it clear that the PKK is no longer allowed to have bases in Northern Iraq, and this will undoubtedly contribute towards further stabilisation of the situation in the area. Following the KDP's example, the PUK is also said to have distanced itself more from the PKK in recent months. According to estimates there are a few thousand PKK members in Northern Iraq. Finally, the two parties are said to have agreed to cooperate more closely to provide better protection for Northern Iraq's borders.

In cooperation with the HCC, the KDP and PUK leaders will be holding regular meetings up to the elections, in Northern Iraq, the United States, the United Kingdom or Turkey.

Social and economic situation

In recent months there seems to have been some improvement in the poor economic situation, certainly in comparison with Central and Southern Iraq. There is large-scale smuggling of goods to and from Northern Iraq ⁽²⁾.

⁽²⁾ Large-scale smuggling takes place, for example, on the Mosul lake (border between KDP region and government territory), at Kamasimarash, an Iranian border-crossing point between the PUK region (Qala Diza) and Iran (Sar Dasht), and at Ibrahimkhail, the border crossing with Turkey.

2.2. Government authority

The legal government of the whole of Iraq is not in a position to exercise effective authority over Northern Iraq from Baghdad.

The parties which exercise actual authority in Northern Iraq, the KDP and the PUK, do not, moreover, advocate independence for the region. Both parties claim to be seeking a federal association within the Iraqi State. The UN has also confirmed time and again that the integrity of Iraqi State borders is not up for discussion. Both the KDP and the PUK have the areas which they rule well under control, generally speaking ⁽¹⁾. The Kurdish regions under their authority both have a system of justice, based on Iraqi legislation. There are police to enforce public order; there are hospitals, schools ⁽²⁾ and universities. Both regions have their own government, in which several parties have seats. There are for example "Peshmerga" ministries (Defence ministries) in both Arbil (the KDP "capital") and Sulaymaniyah (the PUK "capital").

Neither the KDP nor the PUK will tolerate any aggression from other groups in their respective regions. While not every attack can be prevented, both the KDP and the PUK can in principle be regarded as capable of defending their populations against attacks by outsiders (see footnote 4 in this connection, however). If a violent incident takes place this is generally reported in the press. Incidents of this kind are now much less common than in the period before 1995.

The nature of the regime in Northern Iraq has not changed substantially since the report of 31 March 1998 ⁽³⁾.

⁽¹⁾ Except perhaps for Halabja (PUK region), where the IMIK (see Annex) is influential, and in the mountains of Northern Iraq (KDP region), where the PKK has bases.

⁽²⁾ A system of school inspections exists, covering both primary and secondary schools. It is the Inspector's task to ensure that schools function properly. In practice almost all children finish primary school. Education is given maximum encouragement, so that children normally attend school until the age of at least 14 or 15. UNICEF often supplies books and educational materials, but there is a shortage. Where books and funds are lacking the government in the PUK area is known to use school books supplied by the Baghdad government.

⁽³⁾ In an open letter of 8 April 1998 to "VluchtelingenWerk" Amnesty International set forth its view of the situation in Iraq, also giving detailed attention to the situation in Northern Iraq. The paragraph concerning the situation in the "Safe Haven" of Northern Iraq (p. 4 et seq) gives a picture of almost complete lawlessness in Northern Iraq. There would still appear to be no evidence of a functioning Kurdish administration. This image does not square with the findings of the fact-finding mission to Northern Iraq in January and the sources committed by the Netherlands embassy in Ankara. Amnesty writes on p. 18 of its letter that there seems to be no question of an improvement in the general situation in Northern Iraq. That assessment is not shared here. In its letter Amnesty ignores the fact that the KDP and the PUK have been engaged in talks since February 1998 and that exchanges of prisoners have been taking place since March 1998 (see 3.2.4). Amnesty International talks of diminished international presence in Northern Iraq, e.g. a reduction in the number of UN staff (p. 5), and considers that this is to be attributed to the security situation. There has, however, been an increase in UN staff since the implementation of UN Resolution 986.

2.2.1. Role of central government in Baghdad

The relationship between the KDP and the PUK and Baghdad seems to be improving. The fact that the relationship between the KDP and the Iraqi authorities has normalised in many respects is demonstrated inter alia by the frequent journeys made by individuals between the KDP area and Central Iraq. It is quite possible to travel from Kirkuk (government territory) to Arbil (KDP area) and vice versa, although checks are rather rigorous⁽⁷⁾. The "ordinary" population of the KDP area can travel mostly unhindered to Central Iraq. It is also quite easy for inhabitants of Central Iraq, e.g. "day trippers", to visit the KDP and PUK areas.

The further normalisation of relations between the Northern Iraqi parties and the central government in Baghdad should not automatically lead to the conclusion that an alliance exists⁽⁸⁾. Rather this smacks of a pragmatic approach. There is cooperation where this suits the parties concerned.

At present there is no question of a direct threat from the regime in Baghdad. Occasional targeted strikes by the Iraqi security services against someone in Northern Iraq cannot, however, be completely ruled out. Prominent political activists or army deserters above the rank of captain could be targets of such attacks.

⁽⁷⁾ There are at least six checkpoints between Kirkuk and Arbil; up until a year and a half ago there were even more. There are now said to be at least five checkpoints on this route in government territory: one on leaving Kirkuk town, one at the entrance to Altin Kâprü one at the exit from Altin Kâprü and two on the government side before the de facto border with KDP territory. There are also various checkpoints on the KDP side. Checks by the Iraqi government side are especially rigorous for persons against whom complaints have been made on political or security grounds, but less strict for others. No particular checks are made on deserters or draft dodgers.

⁽⁸⁾ Amnesty International erroneously concludes from the fact that the KDP and the PUK are holding talks with the Iraqi government that the latter has more or less a free hand in Northern Iraq. The view that the Iraqi troops remained in Northern Iraq for some months after the invasion of Arbil in 1996 is not shared here. (Amnesty International letter of 8 April 1998, p. 9. See also report of 31 March 1998, pp. 5,6 and 11).

It is very possible that the Iraqi authorities are attempting to infiltrate Northern Iraqi groups ⁽⁹⁾ or border control posts in Northern Iraq. Nor can we exclude the possibility that individuals are being pressurised into doing this. The Iraqi authorities' interest is, however, not so much in the person as in his position. If problems are encountered with the Iraqi authorities the protection of the KDP or the PUK authorities can be sought.

Both the KDP and the PUK leave supporters of the central regime in Baghdad undisturbed so long as they refrain from openly anti-KDP or anti-PUK activities in the areas under their control.

2.2.2. Role of Turkey and the PKK

The Turkish army seems to have a semi-permanent presence in the border region (on KDP territory), which fluctuates between a few hundred and several thousand men. Turkey regularly carries out military action in Northern Iraq.

In April 1998 the Turkish army abducted the second-in-command of the PKK, Semdin Sakik, who had gone over to the KDP, from the town of Dihok to Turkey. Sakik is said to have supplied important information on PKK positions in Northern Iraq during his interrogation by the Turkish military intelligence service.

The PKK is still active in the thinly populated mountainous northern region of Northern Iraq, particularly the KDP area. There is continuing evidence of recurring military action by Turkey against the PKK in Northern Iraq. If the Washington agreement is actually implemented the PKK will in future be completely excluded from Northern Iraq, which will make the Turkish military presence superfluous. Over the period in question the PKK has regularly carried out attacks, some with fatal consequences. According to media reports a regional KDP leader in Dihok, together with his family, was killed by a PKK car bomb in August 1998 ⁽¹⁰⁾. The PKK is also said to lay landmines. As far as can be ascertained, however, the PKK is being pushed more and more on to the defensive as a result of the cooperation between the KDP and Turkey. The PKK leader Öcalan offered a ceasefire in December 1997 and recently repeated

⁽⁹⁾ Amnesty International claims that the Iraqi authorities have infiltrated the PUK's administrative system and have even penetrated to higher managerial levels. (Letter from A.I. of 23 July 1998 to the IND country desk). We cannot confirm this.

⁽¹⁰⁾ Iranian press agency IRNA, 4 August 1998.

the offer; it was rejected by the Turkish government.

The PKK tends to force the local Iraqi-Kurdish population in the north of Northern Iraq to provide food or to help in other ways. It also puts pressure on the local population to serve as PKK combatants. This is made attractive by holding out the prospect of a good income, and a promise that after a certain period of service they will be able to go to Western Europe. Sometimes help is given to the PKK as a result of coercion, and sometimes for financial gain.

The military cooperation between the Turkish and KDP authorities seems to have relatively few repercussions for the local civilian population. In that sense the military action carried out by the Turkish army and that undertaken over the last year and a half in Northern Iraq differ considerably from other action. It is likely that a fairly large number of civilians were killed in the period before the Turkish army started cooperating with the KDP. Since 1997 Turkey and the KDP have been cooperating closely in combating the PKK, and since then the number of civilian victims has fallen sharply and the conflict has been concentrated on a geographically limited area, the sparsely populated mountainous northern region of Northern Iraq.

The attacks have nevertheless produced a flood of homeless persons. Villagers in areas where the PKK is active have in many instances fled to the area ruled by the KDP, where they are accommodated in camps for the homeless (Internally Displaced Persons).

The PUK is now said to be giving the PKK less room to manoeuvre than in the past. Under the Washington agreement of 17 September 1998 the controlling parties are to put an end to the PKK's activities in Northern Iraq.

At the end of May 1998 the Iraqi authorities in Baghdad gave permission for a group of some 4800 Kurdish refugees from Turkey, assumed to be PKK supporters, to settle in a reception camp in the vicinity of Makhmur, about 70 km south of Ain Sifni. The UNHCR is supporting the refugees in that camp.

The group was previously accommodated in Ain Sifni, a camp situated in the no-man's-land between the KDP region and the Iraqi government area ('').

(11) See also report from UNHCR to ECOSOC, 27 April 1998 under 512 (p. 36) E/1998/7.

3. Human rights

3.1. Safeguards

The basis for the legislation in Northern Iraq is the Iraqi constitution with adjustments to those points where the position of Northern Iraq is at issue. There is said to be a functioning legal system in the PUK and KDP area. The International Red Cross (ICRC) is able to visit prisons in Northern Iraq. Representatives of the United Nations Operational Headquarters Contingent in Iraq (UNOHCI) deal *inter alia* with the homeless issue and intercede with the KDP and the PUK in that connection.

3.2. Respect and violations

3.2.1. Freedom of expression

Within certain limits freedom of expression exists and one's own opinions can be put forward. Criticism of the KDP in KDP territory and of the PUK in PUK territory is nevertheless tolerated only up to a certain point. Members of other parties and (minority) groups must observe the laws and rules of the KDP and PUK-dominated governments.

The Amnesty International letter of 8 April 1998 gives the impression that the civilian population is under a great deal of pressure to work actively for the KDP or the PUK⁽¹²⁾. However, the majority of the population is not politically committed. The general view that politically non-active citizens are drawn against their will into the conflict between the KDP and the PUK does not square with our information. There may well perforce have been passive involvement in the past when the KDP and the PUK were engaged in armed conflict in areas where homes and property were under threat. The families of rival activists were likewise incidentally and passively drawn in.

3.2.2. Freedom of association and assembly

In Northern Iraq there are countless organisations, including many political parties, which are active (see Annex). Political freedoms in Northern Iraq are nevertheless subject to restrictions. As stated in 3.2.1 above, the room to manoeuvre which the respective *de facto* governments allow must be borne in mind.

⁽¹²⁾ Amnesty International letter to VluchtelingenWerk, 8 April 1998, p. 6.

3.2.3. Freedom of movement

In Iraq

Private travel for "ordinary" citizens between Central Iraq and the three northern governorates is possible, as is private travel between the KDP and PUK regions.

Deportations

In Northern Iraq

With the opening of negotiations between the KDP and the PUK in February 1998, the deportations from both sides came to an end, as far as we know. The agreement of 17 September 1998 gives attention to the situation of the displaced (IDPs). Under the agreement a new authority to be set up, the Higher Coordination Committee, is to mediate in the repatriation of displaced persons.

From Central Iraq

In this period Kurds, Assyrians and Turkmen from the Kirkuk and Mosul region have also been the victims of deportation by the Iraqi authorities to the south or to KDP or PUK territory ⁽¹³⁾. These deportations are carried out as part of the arabisation policy of the Ba'ath regime in Baghdad ⁽¹⁴⁾.

We cannot confirm that the KDP has actually deported Turkmen to government territory ⁽¹⁵⁾.

There are a number of IDP camps in both KDP and PUK territory. Living conditions in such camps leave a lot to be desired.

⁽¹³⁾ As stated on p. 14 of the report of 31 March 1998, in the event of receiving notice to leave the choice is between the south and the KDP or PUK area.

⁽¹⁴⁾ The reason why a particular individual (and his/her family) from one of these communities should be deported can be completely arbitrary, or can be linked to the fact that a family member in Northern Iraq or abroad has been engaging in political activities.

⁽¹⁵⁾ See also report of 31 March 1998, p. 15.

Travel to and from abroad ⁽¹⁵⁾

The exodus from Northern Iraq has not come to a stop in the period since the previous report appeared. Improved relations between the KDP and the PUK could help to reduce the number of persons leaving Northern Iraq, although no figures are available on this.

The following considerations could influence a decision to leave:

- lack of confidence in the future of the region, together with fear that Saddam Hussein's troops might return;
- rivalry between KDP and PUK. The rapprochement of recent months is a positive development which may be influential in the long run;
- recurring action by the Turkish army in Northern Iraq against the PKK and action by the PKK;
- persistent economic difficulties;
- fear of human rights violations amongst high-risk groups ⁽¹⁷⁾.

The Kurdish *de facto* authorities say they are deeply concerned at the exodus from Northern Iraq, which is causing a shortage of educated people in the region.

Documents used

In Northern Iraq the issuing of official documents, including passports, is fraught with problems and outside the control of the central authority. Thus every passport, whether "genuine" or "false", has limited value. If a non-authentic document is used this does not necessarily mean that the user's identity is not correct. Both authentic and forged documents can be obtained relatively easily in Northern Iraq. Hence even authentic documents from Northern Iraq do not *a priori* give a definitive answer as to the person's identity.

Passports produced can almost never be checked and/or legalised. However, with passports of this kind and a Turkish visa individuals have no problems in travelling from Northern Iraq to Turkey.

⁽¹⁶⁾ See also report of 31 March 1998, pp. 25 and 26.

⁽¹⁷⁾ On high-risk groups, see report of 31 March 1998, pp. 21-23.

Visa for Turkey

In addition to what was stated in the report of 31 March 1998 concerning obtaining a visa for Turkey, the following should be noted.

Visas issued by the Turkish embassy in Baghdad do not come within the specified quota of forty per day. The number of Iraqis who avail themselves of this possibility should, however, be disregarded.

The Turkish authorities and UNHCR note that the 280 visas ⁽¹⁹⁾ that are available on a weekly basis are seldom all issued. In practice, an average of around seventy to one hundred people each day enter Turkey in this way. The main reason is that the Turks do not fill their quota and offer the remainder to others at too high a price.

The border crossing with Turkey

The border between Northern Iraq and Turkey is formed by the river Khabur, which flows into the Tigris some ten kilometers downstream.

Legal

The Ibrahimkhalil/Khabur border post is open for private traffic from 8.00 to 16.00. Crossing at this point is via two bridges, one for entering Turkey and one for entering Northern Iraq. There is no no-man's-land. The border is heavily guarded; on the Turkish side there are nine successive checkpoints. The Turkish army, police and customs are involved in controlling the border. There are 3 to 4 km between the first Iraqi checkpoint and the last Turkish one. On the way into Turkey passports and identity cards are checked. There is also a security check.

On entry into Turkey a round, red entry stamp is placed over the Turkish visa in the travel document, containing the words "Hapur" and "giris" (entry). On the way into entry into Northern Iraq the Turkish customs place a black exit stamp containing the words "Hapur" and "cikis" (exit). Stamps are given on each entry and exit. It is impossible to have a Turkish exit stamp in one's passport without having actually entered Iraq.

The KDP border authorities do not stamp passports on entry and exit. A loose sheet of paper is given as proof of payment of the "fees" charged for entering and leaving.

⁽¹⁹⁾ These are visas for families. This can easily amount to over a thousand persons a week.

Those not of Iraqi or Turkish nationality cannot generally cross the border. An exception is made for holders of a travel document indicating that they were born in Iraq.

A full list of entries and departures is kept on the Turkish side. Every day twenty to forty Iraqis would appear to return to Northern Iraq via the Khabur/Ibrahimkhail crossing, many of them with a German, Dutch or Swedish travel document. The annual figure is estimated at between 7 000 and 15 000.

People from Western Europe travelling to Iraq via Turkey normally obtain a 72-hour visa for Turkey: this allows a total of 72 hours in Turkey for the outward and return journey. The period commences on entry, is suspended on departure from Turkey and starts again on the next entry. If the period has elapsed an extension to the 72-hour period can be obtained on payment of an additional sum at the border, at least in Khabur for persons wishing to re-enter Turkey from Iraq.

The above confirms the impression that substantial numbers of Iraqis who have obtained residence in Western Europe return to Northern Iraq, in particular in order to collect their families or to marry.

The Netherlands embassy in Ankara knows of a number of people from Northern Iraq who, after obtaining refugee status in the Netherlands, returned home to collect family members or others. They were able to travel unhindered on the new travel document and to stay in Northern Iraq without any problem.

Illegal

Illegal entry into Turkey from Northern Iraq avoiding the Ibrahimkhail/Khabur border post (via the "green" border) is greatly complicated by the military situation in the border area: PKK activities, military action by the Turkish army, border patrols and the presence of landmines. Yet there is reliable evidence of illegal border crossing, although the extent of it is difficult to estimate.

The border crossing with Syria

Entry and exit possibilities between Northern Iraq (KDP territory) and Syria are limited. The Syrian authorities do not issue entry or exit stamps at the unofficial border post "Fayshkhabur", in the extreme north-east of the country. Under the auspices of representatives of the Iraqi opposition and Kurdish parties there is limited daily passenger traffic to and fro with the approval of the Syrian security service. It was noted by the fact-finding mission on the spot in January 1998 that persons from

countries like Germany and the Netherlands with a Northern Iraqi background were travelling between Syria and Northern Iraq without undue difficulties.

3.2.4. Arrests and detentions

Conditions in prisons in Northern Iraq do not meet the international minimum standards laid down in 1955 in the United Nations standard minimum rules for the treatment of prisoners. Human rights violations can occur on arrest and during detention ⁽¹⁸⁾. Hygiene conditions are poor. The International Red Cross (ICRC) is able to visit all prisons. At detainees' request it will issue statements as evidence of their detention, for those imprisoned by both the KDP and the PUK authorities.

Exchange of prisoners

The holding of prisoners of war on both sides was a significant obstacle to the establishment of trust between the KDP and the PUK. Since March 1998 prisoners have been exchanged. Not all prisoners had been exchanged by mid-October 1998, but there should be no more than a few dozen left at this stage. This exchange between the KDP and the PUK has lessened the tension between the two sides in recent months.

3.3. Position of specific groups

3.3.1. Turkmen

In the KDP region

The overwhelming majority of the few hundred thousand Turkmen in Northern Iraq live in KDP territory. Turkmen are generally Sunni Muslims, although there is also a small community of Shites ⁽²⁰⁾.

The Turkmen parties do not participate in government. The KDP did offer the Turkmen ministerial posts but, under pressure from the Turkish authorities, they did not take them up. Turkey has special ties with the Turkmen in Iraq, and this gives the Turkmen a special position in the political and socio-economic spectrum in

⁽¹⁸⁾ See also section 3.2 of the report of 31 March 1998.

⁽²⁰⁾ About 65 % of Turkmen are apparently Sunnis, 30% Shites and 3% Christians. Religion is not a source of conflict between Turkmen.

Northern Iraq: for example, the priority they enjoy in obtaining visas from the Turkish authorities and the role of Turkmen in the Peace Monitoring Force ⁽²¹⁾.

Relations between the Iraqi Turkmen Front (ITF, see Annex) and the KDP are difficult. The ITF accuses the KDP of not providing sufficient Turkmen education; Turkmen are claimed to have less chance of employment with the authorities. In addition, the KDP is said not to allow the use of the Latin alphabet, as this is not in accord with Iraqi legislation. Sources consulted in the region, however, do not consider these accusations founded, except for the last one.

On 10 August 1998 skirmishes took place between KDP peshmargas and a number of Turkmen at the ITF office in Arbil.

Some offices were apparently ransacked in the course of these disturbances. The KDP denied responsibility for this action and claimed it was the unplanned work of individuals. It did however make reparation ⁽²²⁾.

In the PUK region

The ITF maintains better relations with the PUK than with the KDP. However, there are relatively few Turkmen in PUK territory. An ITF spokesman put the number at ten thousand, mainly living in the town of Kifri.

3.3.2. NGOs

Various regional and international Non-Governmental Organisations are active in Northern Iraq. Most international NGOs are not officially accredited in Baghdad, in contrast to United Nations bodies. The NGOs work together with the KDP or the PUK and their governments.

Aid organisations employ armed guards. In addition, the local administration makes military personnel available to an NGO on a temporary basis: for economic and political reasons it obviously attaches great importance to the provision of assistance by foreign aid organisations not being disrupted.

⁽²¹⁾ On the issuing of visas to Turkmen, see report of 31 March 1998, p. 25.

⁽²²⁾ A technical commission comprising three Turkmen and three KDP members has been set up to determine the precise extent of the damage. The damage to KDP-Turkmen relations is also to be discussed.

NGO employees generally have no reason to fear persecution by the Iraqi authorities. Since 1995 no further attacks on NGO workers have occurred. There may nevertheless be a higher risk for certain NGOs. The report of 31 March 1998 indicates which NGO employees may be at risk.

After the evacuation of US NGOs in 1996 it was assumed that the staff of UK NGOs would be particularly vulnerable, partly because of the close relations between the United Kingdom and the United States and the UK position in the international conflict with the Iraqi government. However, in recent years no problems have arisen in connection with the presence of UK NGOs in Northern Iraq.

Claims by persons alleging fear of persecution because of their activities on behalf of local or international NGOs seem increasingly untenable as time goes on and there is no concrete evidence of attacks or threats, except in the case of particular employees of specific NGOs.

3.3.3. Conscripts and servicemen

Men from Northern Iraq are not called up for military service in the central Iraqi army. Military service has been suspended for this category of persons since 1992. Nor do the Kurdish authorities impose this requirement. In general there is no pressure on people to become peshmergas, nor is any pressure necessary as it is regarded by many as an honourable career providing a guaranteed income.

Iraqi deserters and draft dodgers are deemed to be allowed to remain in Northern Iraq unhindered, with the exception of deserters from the Iraqi army above the rank of captain.

4. Refugees

4.1. Internal settlement alternative

As the central government in Baghdad has no actual authority in Northern Iraq, the territory can be classified as an internal settlement alternative for refugees from Saddam Hussein's regime provided no fundamental changes occur in the security situation there.

Generally speaking, both the KDP and the PUK have their respective territories well under control. Where a person fears he may experience problems at the hands of the KDP or the PUK, he may be expected to avoid these by moving to the area ruled by the other, where he can call for protection from the authorities.

PUK supporters and their families may be at risk in KDP territory; they have a settlement alternative in the PUK region. The same applies to KDP supporters in PUK territory.

Villagers who fear PKK action can seek protection elsewhere in the KDP region. Women who wear western-style clothes and strike up independent attitudes may encounter problems at the hands of the IMIK in and around Halabja; there is a settlement alternative for them elsewhere in the PUK area.

Kurds, Assyrians and Turks from Central Iraq would normally be expected to find an internal settlement alternative in Northern Iraq. There are at present no concrete indications that Iraqis of Arab descent who have fled to Northern Iraq or were already resident there are in any danger from the Iraqi security services.

An exception needs to be made for the at-risk groups already mentioned on pp. 21-23 of the report of 31 March 1998, namely:

- intellectuals who take a critical stance towards both leading Kurdish factions;
 - women who cannot rely on firm protection from the Kurdish authorities as a result of a conflict between clans;
 - prominent members of the Arab opposition to Saddam Hussein's regime with a high profile in Northern Iraq;
 - certain employees of specific NGOs;
 - Iraqi army deserters above the rank of captain;
 - (alleged) members of the Iranian-Kurdish opposition who are at risk of attack in PUK territory from the Iranian security services who have infiltrated the area.
- They have virtually no chance of settling in KDP territory.

Belonging to any of these at-risk groups exposes one to human rights violations at the hands of one of the many parties, and the KDP and the PUK would not be able or willing to provide genuine protection.

The UNHCR has taken the line that in certain circumstances Northern Iraq can be regarded as a settlement alternative. See also section 4.4 on the position of the UNHCR.

4.2. Country of first admission

Iran

Kurdish refugees voluntarily return from Iran to Northern Iraq via the Piranshahr border crossing with some regularity. This takes place under UNHCR auspices.

Turkey

The UNHCR does not consider Turkey a "safe third country" for non-European asylum-seekers. Turkey has not signed up to international asylum law in respect of persons from outside Europe. Asylum-seekers from Iraq for instance do not receive permission for longer-term residence in Turkey. According to the UNHCR cases still occur in which UNHCR recognised refugees and asylum-seekers whose status has not yet been determined are returned to their countries of origin by the Turkish authorities. There is nevertheless a distinct downward trend in the number of such cases.

4.3. Policy of other Western countries

Germany, Austria and Denmark consider Northern Iraq a settlement alternative for certain categories of Iraqis. Nonetheless those countries do not actually return people to Northern Iraq at present. Other Western countries have not (yet) adopted a clear position on the settlement alternative and likewise do not return persons to Northern Iraq.

The German authorities examine the files of Iraqi refugees residing in Germany who travel to Northern Iraq for short visits. In many cases it subsequently turns out that the status of such persons can be withdrawn.

4.4. UNHCR position

In a confidential report the UNHCR took the line that Northern Iraq can be considered a settlement alternative for certain categories of Iraqis. This was confirmed by a UNHCR spokeswoman ⁽²³⁾. The UNHCR's confidential position was repeated in an

⁽²³⁾ NRC Handelsblad, 30 May 1998.

annex to an open letter of 13 August 1998 from VluchtelingenWerk to the Minister for Foreign Affairs. The UNHCR considers that in a limited number of cases an internal settlement alternative does exist, but that this cannot be argued for Iraqi asylum-seekers in general. The question of whether an internal settlement alternative exists needs to be answered by reference to the existence of family, political or community ties. However, the UNHCR, like VluchtelingenWerk, states that the situation is highly unstable and can change at any moment. The UNHCR will review its position if the situation should alter ⁽²⁴⁾.

Consultations with the UNHCR have confirmed the above view.

⁽²⁴⁾ Letter of 13 August 1998 from VluchtelingenWerk to Minister for Foreign Affairs; Annex entitled "Het EU-actieplan inzake asielzoekers uit Irak en het omliggende gebied" (The EU action plan for asylum-seekers from Iraq and surrounding area) (pp. 8, 9).

5. Conclusion

The conclusions of the report of 31 March 1998 remain completely valid. The situation in Northern Iraq has further stabilised compared with that described in the report.

The KDP and the PUK exercise actual power in part of Northern Iraq. Both regions are relatively quiet at present. However, little can be said with any certainty about how long this will last. The recent rapprochement between the KDP and the PUK is nevertheless a promising development. Although the Kurdish leaders claim that the future of the region must lie in a federal Iraq, there is no prospect of this at present.

On the question of an internal settlement alternative the conclusion stands that, except in the case of specified at-risk groups, the Northern Iraq region can be seen as a settlement alternative for those who fear persecution at the hands of the regime in Baghdad, provided no fundamental changes occur in the prevailing security situation. The UNHCR takes the view that for the purposes of an internal settlement alternative account needs to be taken of existing family, political or community ties. The position is that PUK and KDP supporters have a settlement alternative in the area controlled by their party.

There are no indications that rejected asylum-seekers are exposed to a particular risk when they return as compared with the local population.

For Minister for Foreign Affairs
The Director, Travel, Migration and Consular Affairs

P.P. van Wulfften Palthe

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To supplement the information on political parties given in the official report of 31 march 1998, additional information concerning the KDP, the PUK and a number of smaller political groups is given below.

1. KDP and PUK

Organisation of the KDP party

The KDP is headed by the Chairman, Massoud Barzani. The Chairman has a deputy.

Below the Chairman is the *working committee* consisting of three persons who are also members of the *Politburo* consisting of eleven persons. The members of the *Politburo* are members of the Central Committee consisting of 36 persons ⁽¹⁾. Elections for the posts of the members of the Central Committee are held at KDP congresses. The person who obtains the most preference votes also becomes a member of the *Politburo*. Separate elections are held for the post of the KDP chairman and his deputy. The KDP has twelve *branches* ("lakhs") including three abroad. Several members of the Central Committee are also leaders of some of the KDP's regional branches. There is a top-down structure under the regional branch: *regional branch, local organisation, large cell, cell*.

The KDP issues membership cards indicating the post held by the person concerned. Generally "member" is filled in. If one is a pashmerga, this is indicated on the card.

Organisation of the PUK party

The PUK is headed by Secretary-General Jalal Talabani. The *Central Committee* consists of 38 persons including twelve members and five alternate members of the *Politburo*.

The PUK's *local branches* are called "malbands". There were previously five and now there are eleven of them. The PUK also has branches abroad, inter alia in the United States and Europe.

Each "malband" consists of a General Purposes Committee and an Executive Committee. Elections for the representatives in the "malband" are held annually within the local PUK branch. The PUK has a top-down structure at local level: committee, "pol", "kart", cell. The cell, "pol" and "kart" are mostly geographical entities.

The PUK also issues membership cards.

⁽¹⁾ The names of the party leaders are known to the Ministry of Foreign Affairs.

2. Other parties

The KDP and PUK have a dominant position in the region of Northern Iraq. In both areas there are however reported to be innumerable smaller political parties. The fundamentalist IMIK, the Assyrian ADM and the Kurdish Communist Party are the most important smaller parties. Further information on a number of smaller political parties in Northern Iraq is given below.

2.1. Islamic groups

Various small Islamic parties are active in Northern Iraq. In general, they operate within the limits set by the KDP and PUK in the areas which they control. The character of these groups ranges from peaceful to extremely violent. From a political viewpoint, the groups concerned are not entirely unimportant because they lend themselves well to foreign intervention. Although the KDP and PUK are dependent on the neighbouring countries for their military security and their economy, they are more difficult to influence than these smaller parties.

Hereke Islamiye (Islamic Movement of Iraqi Kurdistan: IMIK)

The fundamentalist IMIK is very influential particularly in the PUK region in and around the town of Halabja. The current leader of the IMIK is mullah Ali Abdulaziz Halepchei. He took over the leadership after an internal dispute with his brother mullah Osman Abdulaziz Halepchei. The latter moved to Arbil with a number of moderate IMIK supporters.

It would be going too far to talk of a third region in Northern Iraq. The PUK is present in Halabja and the IMIK participates in the PUK-dominated government. The IMIK maintains relatively good relations with both the KDP and the PUK. Cooperation between the westward-leaning PUK and the Islamic IMIK seems principally to be an opportunistic coalition dictated by pragmatic considerations.

Various sources in the region confirm that the IMIK is still in a position to carry out intimidation and assaults in and around Halabja, for example on persons with a "western life-style". Inter alia on the basis of information from the region, we contradict the claim that the IMIK can constitute a real threat to dissenters outside the area around Halabja. The PUK authorities are in a position to offer protection.

El Rabita/Jegertou (the alliance)

The Kurdish name for this party is "Jegertou"; it is also called the "Islamic Unity Party" in English ⁽¹⁾. It is reported to be active in both the KDP and the PUK areas. El Rabita is active particularly in the KDP area to an increasing extent and participates in the KDP-dominated government. It is principally an intellectuals' party. The party does not have its own peshmergas. The party carries out social activities at local level and maintains good relations with both the KDP and the PUK.

Hamas

The North Iraqi Hamas, not to be confused with the Palestinian movement with the same name, is reported to be increasingly active in the PUK area. Hamas is illegal and has no official representation. Several recent bomb attacks and assassinations have been attributed to Hamas. In April 1998 there were three bomb attacks in Sulaymaniyah aimed inter alia at the Ministry of Education. There were no victims in those attacks. In May two Communists were reported to have been assassinated in Arbil. Both assassinations are reported to have been carried out by Hamas.

El Nahda el Islamiya (Islamic Awakening)

This movement occupies itself chiefly with political awareness. It is active in both the KDP and the PUK areas. El Nahda's main office is in Sulaymaniyah. The party has a few peshmergas in its service.

Hezbollah

There are two Hezbollah parties in Northern Iraq. Both are headed by members of the Barzani clan. One of the parties is called the "Leading Revolutionary Hezbollah". This party is reported to have been set up by Iran in the early '80s and to be still supported by Iran. The party is reported to have approximately 150 peshmergas in its service. Both Hezbollah parties are reported to recruit members principally among Iraqi Kurds who are living or have lived in Iranian refugee camps.

2.2. Christian parties*Assyrian Democratic Movement (ADM)*

The ADM is the main Christian party in Northern Iraq. The ADM is represented in the government in the KDP area but also maintains normal relations with the PUK.

⁽¹⁾ This party should be differentiated from the non-religious "Jegerteen" which was

absorbed by the KDP in 1993. That party was a partnership between the Socialist Party, the Social Democratic Party and the People's Party.

The ADM remains neutral in the conflict between the KDP and the PUK. ADM members, including armed peshmergas, are able to travel from the KDP area to the PUK area and vice versa without any problems. Few Christians live in the PUK area.

Beth Nareen democratic movement

Beth Nareen means "between the two rivers" and refers to Mesopotamia.

Beth Nareen is a small Assyrian Christian party which is active in the KDP area primarily in cultural and political spheres. Beth Nareen publishes inter alia an eponymous party journal.

Beth Nareen is a considerably smaller party than the ADM. There are no known activities in the PUK area or in Central Iraq. The party is not represented in the government or parliament in the KDP area. The party has close ties with the KDP. However, relations with the ADM are low-key. This can be explained inter alia by the fact that the ADM has taken an independent line in relation to the KDP.

2.3. Turkmen parties

Most of the Turkmen population in Northern Iraq lives in the KDP area. Most of the Turkmen groups there have come together in the *Iraqi Turkmen Front (ITF)*, which was formally established on 24 April 1995. The front consists of half a dozen groups of Turkmen in (or from) Northern Iraq who have joined forces under pressure from the Turkish authorities. The parties concerned support the idea of a unitary Iraqi state although the Turkmeneli Party is striving for an autonomous region. The Turkmen parties do not participate in the de facto Kurdish government. This can be attributed to pressure by the Turkish government which has reservations about the independent Kurdish government institutions in Iraq. The ITF consists of four organisations in Northern Iraq and two outside. The four groups in Northern Iraq are:

1. *Iraqi National Turkmen Party (INTP)*
chairman: Mustafa Kemal Yavcili
2. *Turkmeneli Party*
chairman: Riyaz Sarikaya
3. *Brotherhood Association-Arbil* ⁽¹⁾
chairman: Vedat Arslan

⁽¹⁾ There is a *Brotherhood Association* in Baghdad but that is a different organisation from the above.

4. *Non-Alliance Movement*, also called *Independents' Movement* current chairman: Kenan Shakir, chairman until 1997: Farid Chalabi.

The two groups outside Northern Iraq are:

5. *Iraqi Turkish Culture and Assistance Association* chairman: Savash Avci

6. *Turkmeneli Cooperation and Culture Foundation* (*) chairman: Hassan Ozmen.

The ITF is reported to have approximately thirty offices in Northern Iraq, inter alia for the purpose of cultural and social activities. Most of them, including the main office, are established in Arbil. The ITF also has offices in Ankara, Western Europe and Canada. The ITF has approximately four hundred armed guards called "akinja". The ITF also has four hundred militia men who participate in the Peace Monitoring Force (*). The ITF has a clinic in Arbil, its own television and radio station (TERT) and publishes a weekly journal.

Other Turkmen groups

Turkmens Union Party (Hizb al-Ittihad al-Turkumani)

This is a small local party in Arbil. The party is reported to be closely linked with the KDP. The party leader is Sefettin Demirci.

Turkmens Islamic Union (Al Ittihad al-Islami al-Turkumani)

This Shiite Muslim party is active in Iran and Syria. The party does not carry out any activities in Iraq. The party chairman is Abbas Beyatli. The party's main office is established in Damascus. The Islamic Union also has offices in Iran and a representation office in London. It is estimated that the Islamic Union has a thousand members, most of whom live in Iran. The party's aim is to set up a democratic Shiite republic in Iraq. The party maintains good relations with the ITF.

(*) The TCCF is primarily occupied with information on human rights and providing assistance to Turkmenis who have been deported and/or have fled abroad. This foundation publishes periodical reports concerning the human rights situation of the Turkmenis population in Northern Iraq. The foundation has offices abroad, including the main office in Ankara, and in Northern Iraq (Arbil).

(*) Re the Peace Monitoring Force, see the official report of 31 March 1998, p. 9. Although the PMF is not operational at present, it still exists officially. PMF militia men are in the barracks in Arbil.

2.4. Other small parties

Iraqi Communist Party (ICP)

The ICP's influence and activities in Northern Iraq have declined since the raid on Arbil in August 1996 ⁽⁶⁾. Many Arab members of the ICP have moved out of Northern Iraq. The ICP has some offices in Northern Iraq, inter alia in Shaglaw and Sulaymaniyah. The party publishes some journals in the region, including "Tarig al Sha'ab". The party maintains normal relations with the KDP and PUK.

Kurdistan Communist Party

This party operates in the KDP and PUK areas. The KCP participates in the PUK-dominated government.

Toilers' Party

This leftward-leaning party publishes the newspaper "Alam Azadi" (Flag of Freedom) in Sulaymaniyah and participates in the PUK-dominated government.

Kurdistan Socialist Democratic Party (KSDP)

The KSDP is a small tribally-oriented party under the leadership of Muhamed (or Hama) Hadji Mahmoud. He was a member of the KDP for a short time when the Socialist Party, of which he was a member, amalgamated with the KDP in 1993. Mahmoud soon fell foul of the KDP leadership, left the party and established the KSDP. This party does not openly carry out any activities in the KDP area. The KDP would not allow this because relations with the KDP are too bad ⁽⁷⁾. The KSDP is reported to have hundreds of peshmergas in the PUK area.

KSDP supporters have a settlement alternative in the PUK area. Relations with the PUK are good. The party operates openly in this area. Its main office is reported to be in Gulakhan.

Conservative Party of Kurdistan (CPK)

The CPK was established in late 1991/early 1992. The party is primarily clan-oriented and not very ideological. The party is linked to the Surchi tribe. The party initially had normal relations with both leading Kurdish parties, the KDP and the PUK. Relations with the KDP have however considerably deteriorated since 1995/1996. The KDP suspects the CPK of having links with the PUK. Since then, the CPK has actually no

⁽⁶⁾ Re the raid on Arbil, see the report of 31 March 1998, pp. 5-6.

⁽⁷⁾ A KSDP splinter group is however reported to have offices in Dihok and Arbil (KDP area).

longer been tolerated in the KDP area. The party is no longer active there, although the CPK has never been officially banned.

On 16 June 1996 KDP troops raided the village of Kalachin where members of the Surchi clan lived. One of the leaders of the tribe, the brother of the current party leader Omar Khider Surchi, was taken prisoner and later killed. After 31 August 1996 the CPK office was moved from Arbil to Sulaymaniyah. The party has its own television station. The party provided the Minister for Transport, the son of the current party leader, in the PUK-dominated cabinet.

Iraqi Democratic Liberation Movement (IDLMI)

This is a tribal Arab party under the leadership of the Jebouri family which is reported to be very rich. The party is reported to maintain good relations with the KDP and PUK but to carry out hardly any activities in Northern Iraq.
