



# Joint British Danish Fact Finding Mission to Baghdad and Amman on Conditions in Iraq

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## 1. Introduction

1.1 The mission was conducted between 1 and 8 September 2004. The delegation met with as many of the diplomatic representations and international humanitarian organisations that it was able to arrange to meet in Amman. The delegation also met with as many of the Iraqi ministries that it was able to arrange to meet in Baghdad. Due to logistical constraints (because of the security situation) the delegation was unable to meet representatives for Iraqi political parties and local NGO's in Baghdad within the given time frame. The Immigration Counsellor did however meet representatives from Ministry of Displacement and Migration, Ministry of Justice, Ministry of Human Rights and an international legal adviser based in Basra as well as other sources knowledgeable about the situation in Iraq. Some of the sources consulted in Baghdad and Amman wished to be referred to in the report as, for example, diplomatic sources or UN sources. In the report sources have been numbered in order to give an impression of the range of sources which commented on various issues raised. The report's content reflects a number of circumstances which are relevant to the processing of asylum applications submitted by Iraqi citizens in the U.K. and Denmark. Thus, reference is made to the numerous human rights reports on Iraq for a more complete view of the present situation.

## 2. Political development, political parties and militias

2.1 EU sources in Amman stated that the Iraqi Ministers were intent on improving the situation in Iraq and had the good will to do so, however it was a very difficult situation. Many Iraqis in the Ministries had previous knowledge from staying in other countries and were very good technicians. The administrative capacity within the Ministries however was minimal and the Ministries lacked staff. In addition there tended to be a lack of co-ordination between the Ministries. The decision making culture, where only the Minister is allowed to make decisions was ingrained and slowed down the administrative process. Moreover it was common for the Ministers to appoint relatives and friends to key positions in the Ministries.

2.2 The source added that the political process was slow due to the continual violent disruptions, and that it was hard to get the administration established. The source also noted that within the Ministries most of the appointments were selected on a personal basis, and that after the January elections a lot of those people were aware that they could be removed from office. As a result of this the individuals tended not to have long term vision.

2.3 The source added that security continued to be the key issue within Iraq. The situation was volatile, particularly for displaced people. The source stated that the Ministers were good technicians with good international experiences.

2.4 A diplomatic source in Amman (1) informed the delegation that every party and politician was trying to get the best political position possible prior to the general election in January 2005. In addition, the different tribes and religious groups were trying to improve their power basis. The source confirmed that all the Ministries and departments were now functioning but some still needed to be expanded. Every Minister was eager to improve the situation within his/her Ministry but none had a wider perspective because of the forthcoming election. As a consequence, ordinary Iraqi citizens did not expect much assistance from the present Government.

2.5 A diplomatic source in Amman (3) added that whilst not entirely being an American invention, the present Government was as good as it could be and had been endorsed by the UN Security Council. However the source stated that an elected Government would represent the Iraqi people in a more genuine way and would diminish support to the insurgents. The source noted that the main problem was that

the US-led Coalition wanted democracy and free parliamentary elections in Iraq and that this could lead to a Government dominated by Shia clerics, as the Shia population constituted a majority of 60%. The source added that almost every political party had its own army.

2.6 The source noted that the Iraqi Interim Government was not entirely representative, however it was a practical solution until the elections. The source stated that there was a gap between extremist religions and the current Government, and there were at that time no groups that could bridge that gap. The source added that the Ministries in power did not have any loyalty to Allawi so therefore there was no sustainable long term development. The Ministers were only loyal to the political parties that they represented.

2.7 The Jordanian Minister of State and Government spokesperson, Asma Khader, had an optimistic view on the political development of Iraq. She stated that the present interim Government was committed and serious in its efforts to create a better life for the Iraqi people. She added that according to the Transitional Administrative Law, 25% of the seats in the general assembly must be allocated to women.

2.8 Asma Khader informed the delegation that Iraq was currently in a transitional phase and was therefore in a difficult situation. She advised that Jordan was very ready to assist in improving the situation together with the international community.

2.9 The source stated that when a country was in a transitional state every group tried to obtain power, and that this was risky for everyone. The situation would take a while to improve, and that no one could work effectively without security and an efficient police system.

2.10 The source added that on 3<sup>rd</sup> September 2004 female police recruits graduated in Jordan. She stated that Jordan continued to train Iraqi police recruits, and continued to support the current Government who should be allowed to build on its foundations of democracy. The source advised that there would be no sustainable peace in the region until there was peace in Iraq, as well as in the West Bank and Gaza.

2.11 A diplomatic source in Amman (2) informed the delegation that there was conflict between the tribal, religious and political elements of Iraqi society and until those three reconciled the situation would not improve.

2.12 UN sources in Amman (2) stated that among others the Minister of Human Rights and the Minister of Justice were very competent and did a very fine

job. In general the Iraqi Ministers were serious and hard working. The source added that more than 6,000 laws had to be revised. Corruption was very common and it was still normal to pay bribes to obtain assistance from public services. Many ex-Ba'athist had returned to their former jobs. It would take a long time before the situation stabilized. It would be a problem for UN personnel who returned to Iraq until they could have an international force to protect them.

2.13 An IOM staff member in Amman advised that following the disintegration of the army there were a lot of disgruntled people who understood following orders. These army personnel remained in contact and formed militias who then targeted the Coalition. In addition to this there were the militias formed on a religious basis.

2.14 The source stated that IOM has been involved in assisting different Iraqi Ministries with IT, staff-training etc. Special emphasise was put on job-creation programmes. The source added that the coming parliamentary election could bring a Shia majority in the parliament and nobody knew how the Shia leaders would use that power basis.

### 3. Security

3.1 All sources in Amman agreed upon the fact that the security situation in Iraq still was very bad. Suicide bombing and other attacks occurred on a daily basis. The amount of kidnappings was increasing. However, security in the northern part of the country was much better than in central and southern part of Iraq. The main reason for the violence was the wish to destabilize Iraq and pressure the Multi National Force to leave the country.

#### Security incidents and kidnappings

3.2 A diplomatic source in Amman (1) informed the delegation that a range of people, for a range of reasons, carried out suicide bombings. No one could determine who they were however they kept the situation chaotic which benefited those who wished for disorder within Iraq.

3.3 UN sources in Amman (1) advised the delegation that Iraqis with some international experience would be considered trustworthier by the Multi National Forces. They would be viewed as less of a security threat than the local Iraqis.

3.4 The source stated that the kidnappers targeted Iraqi upper and middle classes, and the Iraqi police were ineffective in combating organised crime. It was much safer in the northern parts of Iraq; however, the source noted that the situation was tense in Mosul and Kirkuk. The criminal courts were now working but not very effectively, and the prisons were still being run by the Americans. The police were not armed properly yet.

3.5 A diplomatic source in Amman (2) informed the delegation that in general kidnapping was for economic reasons and tended to be targeted towards members of rich families. As a consequence of this, families tended to send their children and women out of the country, with the men staying behind to prevent the property being taken.

3.6 The source added that it was only since April 2004 that foreigners had become targets for political and economical reasons.

3.7 An IOM staff member in Amman advised that due to the extent of kidnappings foreign companies were facing numerous difficulties. The source noted that foreign companies employed foreign nationals rather than locals so that they could obtain security clearance. Now, a lot of companies would hire locals through sub-contractors, or local employment centres. The source surmised that those



working for the Interim Government and international companies were targeted out of envy of well-paid jobs. However they were also targeted to pressurise international companies to pull out of Iraq. The source advised that local companies were not being targeted.

3.8 A diplomatic source in Amman (3) advised the delegation that the spate of kidnappings in Iraq has been described as an “industry”, and that there were groups that kidnap, and groups that negotiate with the families for the ransom, and that the hostages get passed along the line. Criminal gangs would sell the hostages to more political oriented groups, that would then press the relatives and foreign Governments for a ransom.

3.9 EU sources in Amman advised the delegation that Sulaimaniyah and the surrounding areas were generally safer. Kirkuk was becoming more and more unstable as the authorities tried to divide the economic assets between the Sunni Arabs and the Kurds. Currently the Kurds were in control and were increasing taxes to generate revenue. This was causing tension between the Sunni Arabs and the Kurds. The source advised that this situation could get more and more unstable nearer to the elections.

3.10 A UN source in Amman (2) advised that there were problems in the south which were of a social and criminal nature. The population has a high percentage of commercial and business people and therefore they were less tolerant of the situation. In the north, Kirkuk was the epicentre of problems, and the UN was witnessing primary and secondary relocation. In the Kurdish north, the source stated that the Kurds had worked hard to regularise the situation. For those returning there were still problems, however on the whole the Kurds were generally dealing well with problems.

3.11 A diplomatic source in Amman (3) informed the delegation that in Mosul, Baquba, and Samarra the situation hadn't been stable since the handover to the Iraqis.

3.12 A diplomatic source in Amman (1) stated that the security situation hadn't improved much since December 2003. Fallujah and Najaf had so far been the most troubled cities but the same situation could easily occur at a later stage in Mosul. Multi National Forces and the Iraqi police were the target of most attacks. Convoys and UN cargo from abroad could be attacked for political or purely criminal purposes.

3.13 A diplomatic source in Amman (1) stated that the amount of kidnappings of foreigners had increased in the last 6 months with the political aim of blocking the reconstruction of Iraq and destabilizing the country. Kidnappings of rich Iraqis were

happening for a purely criminal purpose i.e. to collect a ransom. Some wealthy Iraqi families had chosen to send their children and female relatives to Jordan because of the kidnapping risk.

3.14 EU sources in Amman stated that lack of security still was the main factor for the slow pace in rebuilding Iraq. The general situation was volatile. Border control lacked efficiency, consequently it was very easy to enter Iraq from Iran illegally. The source stated that the security problems stemmed from the economic position. Sadr's men, Sunnis, Baathists, Saddam's private security, common criminals, organised criminals all had little or no political or religious base. Crime was prevalent because of the poor economic situation for individuals. Kidnappers will sell their hostages to those with more of a political/religious motive. The source advised that unemployment was at 60%, and generally salaries were low. The source advised that the main source of weapons was the black market, and that a police officer could sell his Kalashnikov for 4-5 times his monthly salary. The source added that 45% of policemen under Saddam's regime were now unemployed but still had their weapons. This accounted for a large proportion of frustrated, armed men.

3.15 A diplomatic source in Amman (3) added that it seems that the PKK at present was tolerated to a greater extent than before. KDP and PUK co-operated with each other on a long range of issues of common interest and the two organisations were not fighting each other anymore.

3.16 IOM in Amman stated, that it could be dangerous for Iraqis to work for foreign companies in Iraq. The insurgents targetted foreign companies and foreign workers.

3.17 UNHCR in Amman stated that the security problems were less significant in the north. In the centre and south of Iraq lack of security was the main concern. This was the reason for UNHCR not to encourage repatriation even where it was voluntary. Rich Iraqis were facing the risk of being kidnapped and pressed to pay a ransom to be released. Doctors, engineers, lawyers, judges and other professionals faced the kidnapping risk too as it was assumed they were in a position to be able to pay the ransom.

3.18 The UNHCR office was processing more asylum claims from Iraqis now than before the war. From 1 January to 31 August 2004, 4,248 Iraqis had asked for asylum at the office in Amman. More than 200,000 Iraqis were at present living in Jordan.

3.19 UN sources in Amman (2) stated that inside the international (green) zone in Baghdad, which covered 9 square kms, the security situation was tolerable.

However outside the zone the situation was extremely tense. The situation in Basra was tense as well.

3.20 Representatives for the Iraqi Ministry for Human Rights in Baghdad informed the delegation that the "dark forces" in Iraq primarily were persons affiliated with the former regime, organised criminals, Islamic fundamentalists and/or foreign terrorists with connections to al-Queda. More than 100 foreign terrorists were arrested in Iraq. These persons originated from Syria, Iran, Saudi Arabia, Jordan, the Occupied Territories, Egypt, Yemen and Australia. The following persons/groups were at particular risk in Iraq: rich businessmen, journalists, foreign contractors, and people working for foreign contractors, professors and doctors. Since April 2003, 252 doctors, professors and other university teachers had been killed. Currently the most dangerous areas in Iraq were the suburbs of Baghdad, Haifa Street in Baghdad, and the cities of Balad and Fallujah and the Sunni triangle.

3.21 Representatives for the Iraqi ministry of Justice in Baghdad stated that every Iraqi citizen being on the wrong spot at the wrong time ran the risk of being hit by the many explosions. The insurgents would attack Iraqi police, military, civil servants and others who co-operate with the foreigners.

### **Police**

3.22 UN sources in Amman (1) advised that the police force was not effective enough to provide security to ordinary Iraqis. The source added that the police force was more corrupt than ever before, and that the kidnapers were very rich and so could bribe police officers. In the rural areas crime rates were lower because the tribal system oversees the community. Tribal power was not so prevalent in the cities.

3.23 A diplomatic source in Amman (2) informed the delegation that the Iraqi police had widened their influence and that the Jordanians had increased their training of Iraqi police recruits. This visible increase of police presence rather than the Multi National Force was a positive sign to regular Iraqis. However the source informed the delegation that half of the police recruits had left because they felt they were targets.

3.24 As to whether Iraqis were reporting problems to the police, the source informed the delegation that they were not for two reasons: a) they were not accustomed to it (under the Iraqi regime, an Iraqi would need to have close contacts to get an investigation from the police), and b) the Iraqi people were using alternative routes for resolution such as tribal/family/community ties. Within the rural areas, a tribal resolution was effective, however in the city this route was only marginally effective.

3.25 UN sources in Amman (2) advised that the police service was present and functioning. There was a need to re-educate the command structure however the source advised that the general population would still view the police as Ba'athists. The source advised that the police had not had human rights training during their time in Jordan, however the training and structure of the police service was improving. The source added that quite often police ignored court orders. The source added that prisoners often showed signs of trauma when they were brought to court. However the source noted that the Minister of Human Rights was a very progressive Minister and should be able to improve the situation. It was recognised that during Saddam's regime there was no rule of law whatsoever; corruption was then, and was still, considered normal. The source stated that UNAMI was involved in the training of Iraqi police.

3.26 An international humanitarian organisation working in the region advised the delegation that the police were ever present in Iraq. They organised the traffic and could be seen on the streets. Police responding to emergencies were less well organised. The source added that US soldiers were hardly ever seen now. The source stated that the Iraq Civil Defence Corps was currently trying to recruit a mix of ethnic groups; the source was unaware whether the police had a proportional distribution of ethnic recruits. However a diplomatic source in Amman (1) informed the delegation that in Kirkuk there were many different types of police forces and that, depending on which ethnic group you belonged to, would affect which type of police force came to you. The source advised that since the handover the Iraqi police were trying harder, and that they had more of a sense of responsibility. There was venal corruption using money or politics. The source advised that there was a court system and the judges were largely politically neutral however the laws could be internally contradictory due to the additional laws put in place by the CPA.

3.27 The source added that the standard of the Iraqi police force had improved due to training conducted in Jordan, and the numbers had increased substantially. The police were working hard and patrolling the streets. This was viewed positively by many Iraqis and was considered to be an improvement to foreign military forces taking care of security. However, Iraqis were not used to reporting crimes to the police and many would prefer to go to the tribe-leaders to get a problem solved. The source advised that it was still possible to approach the Multi National Forces and ask for help. Many Iraqis had in fact received assistance from the Multi National Forces in various criminal cases but sometimes the soldiers were too busy to respond to the call for assistance.

3.28 UNHCR in Amman stated that sometimes the Iraqi police could protect people and sometimes they could not. It would depend on the situation and the status of the people involved.

### **Judiciary**

3.29 An international legal advisor based in Basra informed the delegation of the judiciary system in Iraq. To establish an independent judiciary, the full authority in all matters pertaining to the administration of the judiciary was transferred to the Council of Judges from the Ministry of Justice on 8<sup>th</sup> May 2004. The Court of Cassation, the Central Criminal Court, the Special Tribunal and the Constitutional Court are all located in Baghdad.

3.30 With regard to legislation the source stated that the Iraqi law complex from before the war remains largely in force. A number of amendments and changes were made by the CPA to ensure adherence to international standards on human rights. The Iraqi Penal Code and Criminal Procedural Code are from 1969 and 1971 respectively. The codes are of secular nature. Traditional tribal justice and other forms of conflict solution are accommodated for in the articles of reconciliation.

3.31 With regard to the criminal justice system the source stated that the criminal justice system in Iraq is inquisitorial and similar to that of Egypt. Beyond the very first stage all investigations are supervised in detail by an investigative judge directing the actual steps to be taken by the police. The prosecutor supervises the police in general and has specific appellate authority in certain cases. During trial the prosecutor and defence counsel-lawyer play a marginal role as all verbal proceedings go through the presiding judge. In general, cases can be appealed against providing there is acceptance by the Court of Cassation. The source found the prison service had improved greatly and was now functioning in a largely acceptable manner. The source saw the following problems in the justice system, which should be addressed:

- Weak cross-sector co-operation between judiciary, police and prison administration.
- Administration of justice was centrally focused with little inclusion of provincial structures.
- Whilst the quality of the judges in general was acceptable very little was being done to continue their legal education beyond the initial training. The judges were not continually informed of changes in jurisprudence resulting in inconsistent application of criminal justice. Traditional reliance on confessional

evidence, now limited through due process initiatives, resulted in lack of experience in obtaining and assessing other forms of evidence.

3.32 The source added that the requirement for law review was relevant in regards to the technical aspects of improving a fractured and impractical law complex as well as with respect to the more substantial question of reforming the criminal justice system.

3.33 UN sources in Amman (2) stated that with regard to the court system three different kinds of courts were working at that time. 1) Ordinary criminal and civil courts; 2) Property-Commission; and 3) Special Tribunal. In general the courts are functioning however some judges do not follow the laws and procedures. In general the courts were functioning without interference from the politicians. The Special Tribunal would handle cases against the top figures of the former regime.

3.34 The source added that there were rogue officials such as one judge in Basra who decided to bring back the death sentence before Allawi had announced it. The source stated that these problems stem from a lack of central authority, and confusion as to which laws should be applied (those during Saddam's regime or those added afterwards). In addition some judges' orders have been ignored exacerbating the problem further. The mentality, which stems from Saddam's regime, is that the police and/or security tell the court what sentence to give.

3.35 The UN source added that the Special Tribunal was independent and not linked in any way to the courts. This particular UN organisation was currently observing it directly and indirectly through other partners. The source stated that they were trying to discover how it was working so as to make a decision as to whether to support it in principle. The Special Tribunal has handed out a couple of death sentences.

3.36 The source added that two organisations have been set up in Iraq to deal with victims of torture and missing persons. The source stated that 262 sites of mass graves have been discovered so far. The Ministry of Human Rights has three priority areas: 1) to set up a centre to identify human remains; 2) to set up a centre to deal with victims of torture; and 3) to set up a documentation centre which can document and investigate incidents of human rights abuses. The source was unaware whether the Special Tribunal would use these centres to aid in prosecutions.

3.37 An international humanitarian organisation working in the region advised the delegation that the criminal courts were functioning. However in Mosul the judges were targets for the insurgents. Lawyers were available and it was possible to process a case through the courts. The source added that some judges worked during

the former regime and it was only the highest ranks of the Ba'ath party which had been excluded from such jobs.

3.38 A diplomatic source in Amman (2) informed the delegation that as a result of the assassination of judges and the sacking of many former regime judges, a long period of processing was to be expected. UNHCR in Amman confirmed that the pace of processing cases was slow.

3.39 Representatives for the Iraqi Ministry of Justice in Baghdad stated that anyone in Iraq could ask the courts to initiate a case. There was no fee unless a lawyer was hired, in which case his salary would have to be paid.

3.40 UN sources in Amman (1) advised the delegation that the prisons were still run by the USA, and that there was little information pertaining to who was in prison and for what reason.

### **Iraqi Property Commission**

3.41 An international representative for the Iraqi Property Claims Commission (IPCC) in Baghdad informed the delegation of IPCC's work to address the problem of the former regime's policy of confiscating land and property as a punishment for disloyalty and as a source of rewards for loyalty. According to IPCC's statute the commission covers all property confiscated by the former regime between July 1968 and April 2003. The main principle is that the original owners would get their property back and current owners would be compensated unless they belonged to leading Ba'ath party levels. So far, 20 offices are up and running and accepting property claims in 10 governorates across Iraq. 6,000 cases have been received. USD 180 million has been committed in the current Iraqi state budget to solve property claims.

3.42 UN sources in Amman (2) advised that the Iraqi Property Commission (IPCC) have a number of problems in investigating and delivering decisions. The infrastructure and lack of staffing dictate that the Commission cannot adequately investigate claims to property. In addition to this the Commission suffers from an absence of expertise and an absence of trust. Judges are drawn from the local population, which in the north is predominantly Kurds. Turkmen and Arabs argue that the judges therefore cannot be independent and objective.

3.43 An international humanitarian organisation working in the region advised the delegation that generally the land disputes were not being resolved. Kurdish and Turkmen parties were paying Kurds and Turks to try to obtain property. The source

advised that in April and May 2003 some Arabs were forcibly moved, however this was not now happening and Arabs still have a presence in the north.

**Amnesty and capital punishment**

3.44 EU sources in Amman advised the delegation that Prime Minister Allawi granted an amnesty law recently that states that those who had participated in a militia, and who had no blood on their hands, and who had given up their arms, could now participate legitimately in the political process without risking prosecution. UN sources in Amman (1) advised the delegation that the amnesty that Allawi announced is purely cosmetic; no one is disarming. A diplomatic source in Amman (2) added that they were unaware as to whether the amnesty was effective.

3.45 An international humanitarian organisation working in the region stated that capital punishment was reintroduced in Iraq. However, no executions have so far been implemented and according to the Prime Minister the death sentences will only be implemented against terrorists. EU sources in Amman advised the delegation that the death sentence has been reintroduced however it is a deterrent only. They advised that Allawi does not intend to use it.



#### 4. Tribal/clan system and ethnic tension

4.1 An international humanitarian organisation working in the region advised the delegation that tribes are very important in the country. PUK and KDP are political parties that grew from tribes. Tribes can resolve problems, but in the same way they can exclude people. Most of the political parties built on tribal practices. The conflict-solving system of the tribes is much more effective than the police and courts.

4.2 UN sources in Amman (2) advised that in the south tribes deal with problems in the traditional way; in the north there is more reliance on the court system. The source added that Moqtada al Sadr has his own courts and prisons.

4.3 A diplomatic source in Amman (1) informed the delegation that it was very common in Iraq to ask the tribal-leaders to solve different problems in respect of criminal cases and problems between members of different tribes. The system seems to be surprisingly effective. Sometimes religious leaders and leaders of political parties would intervene and try to create solutions to the problems as well.

4.4 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that in particular in the countryside, the tribal system worked well as a conflict solving institution. A decision of a sheik (tribal leader) was normally respected by everyone, even by the defeated party. Representatives for the Iraqi Ministry of Justice in Baghdad stated that tribal justice was most common in the southern parts of Iraq. The sources characterized tribal justice as medieval but still a reality in some parts of Iraq. UN sources in Amman (1) added that tribal leaders had an effective conflict solving power in the rural areas whereas in the bigger cities their competence was limited.

4.5 UNHCR in Amman however stated that the tribal conflict solving system was active all over Iraq. Moreover an international humanitarian organisation working in the region stated that the tribal system was very strong in Iraq. UNHCR added that the tribal system played a major role shortly after the fall of the regime. In the absence of authority, the tribal system was prevalent throughout Iraq.

## **5. Human Rights in particular with regard to:**

### **Christians**

5.1 An international humanitarian organisation working in the region advised the delegation that Christians were not a persecuted group in Iraq. The bombing in August 2004 had the aim of de-stabilising the country. Christians are a discreet minority and reside throughout the country. In Baghdad they reside in specific quarters. In Saddam's time they were a privileged group.

5.2 A diplomatic source in Amman (1) emphasized that the Christians in Iraq are a small group with very little political potential. No other religious community looked upon the Christians as a rival for political power and thus there would be no reason for persecution or even harassment. The Christians have never been persecuted in Iraq, neither during the former regime nor in the present situation. The bombing of churches on 1 August 2004 was an isolated incident and the source didn't see any reason for co-ordinated attacks on the Christians in the future. However, the situation was very unstable in Iraq and Christians, like other groups, were at risk of being caught by the many explosions. Rich Christians, like other rich people, faced the risk of being robbed or kidnapped.

5.3 The source added that the Assyrians were integrated into various communities. There was a concern for them in Hilla, however, and the Christians there were keeping a low profile. Assyrians are neutrals in Baghdad and Kirkuk; they hold a respected and valued place in society. Armenians should not be a target because they are a small non-political group. Chaldeans were sometimes seen as being affiliated to foreigners, however they do not face a problem. The source advised that Christians were leaving Iraq because 1) they felt they were a minority and 2) they have families outside of Iraq that they want to join.

5.4 An UN development agency in Amman informed the delegation that sometime ago Christian women in Basra were killed because they had sold alcohol. However, as some Shia men in Basra sell alcohol too the reason for the killings might have been focused on business rather than religion.

5.5 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad, of which one was a Christian himself, informed the delegation that Christian Iraqis were no more in a dangerous position in Iraq than Iraqis of other religious affiliations. The sources emphasised that Christians were in no way persecuted in Iraq. The church bombings on 1 August 2004 was a further attempt by the insurgents to split the Iraqi society thus creating chaos and anarchy. The church bombings were the latest attempt in a long range of attempts to intimidate different

groups in Iraq. Earlier the holy places of Shia Islam were bombed. In spite of that, the insurgents were not successful in creating conflicts between Shias and Sunnis in Iraq.

5.6 A diplomatic source in Amman (2) stated that the Christian communities were very well integrated into Iraq. In many places the Assyrians were the trusted ones who mediated in conflicts between Muslims. Christians were not persecuted or even discriminated against in Iraq. The bombing of churches on 1 August 2004 had surprised almost everyone. The reason for the bombing could be for criminal reasons or that someone felt envious due to the relatively wealthy members of Christian communities. Some new evangelic missionaries from abroad had appeared in Iraq and their proselyting could have annoyed some radical Muslims. Most of the Christians in Iraq have relatives abroad, which makes it easier for them to emigrate. The source stated that in reality the Christians in Iraq were better off compared with the Christians in, for example Egypt.

5.7 UN sources in Amman (1), of which one representative was an Iraqi Christian himself, stated that the church bombings in August 2004 were an abnormality. The Christians have never been persecuted in Iraq. Christianity is a part of the Iraqi culture. As the Christians were a respected minority in Iraq many Muslims helped the victims of the bombings. The source noted that many more mosques have been bombed than churches.

5.8 The same sources added that typical Iraqis did not orchestrate the bombing in August. The source advised that he, as a Christian, lives in the Sunni triangle and has faced no problems because of his religion. Within his town there are Christian Chaldeans, and a Christian funded orphanage. The source advised that Christians are a highly respected minority and following the bombs in August the Muslim community expressed their shock. The source advised that Christians are emigrating because of 1) economic reasons; 2) for education; and 3) because of the effect of the war. Primarily the source advised that people are leaving because Iraq is a place that offers little hope for their children. The source concluded that there was definitely no persecution of Christians in Iraq.

5.9 An international humanitarian organisation working in the region agreed, stating that the church bombing in August 2004 was very surprising. Christians do not form a threat to other groups and are not persecuted by anyone.

5.10 UNHCR in Amman noted that Christians, as such, are not persecuted in Iraq. However, the source added that they are a vulnerable group in respect of organised crime, as many of the Christians are businessmen and are thus assumed to be able to pay a substantial ransom. UN sources in Amman (2) stated that Christians as a minority group were more exposed to criminality than larger groups.

5.11 An IOM staff member in Amman advised that Christians are not targeted unless they are liquor sellers. The source advised that Iraqis need Christians, as they tend to be the businessmen within Iraq. Currently 97% of Iraqis are Muslims.

5.12 UN sources in Amman (1) noted that Assyrians have been caught in the conflict between Kurds and the Iraq Interim Government. Assyrians are identified as Assyrians, however they consider themselves as simply as Christians. They are currently represented in the Interim Government.

### **Mandeans/Sabeans**

5.13 UNHCR in Amman informed the delegation that those Mandeans/Sabeans that have applied for refugee status at the office in Amman are wealthy professionals. There was a Fatwa issued a few months ago against them. They are generally more at risk in the south than in Baghdad. There are at the moment approximately 1,000 Mandeans/Sabeans in Amman. However the source advised that they are not necessarily recognised as refugees.

5.14 The source stated that currently the Mandeans/Sabeans were not assumed to be persecuted in Iraq however the source noted that many of them have a subjective fear. The source added that persecution could happen in the future, and that as the Mandeans/Sabeans are assumed to be wealthy, there exists a certain risk of kidnapping.

5.15 UN sources in Amman (1) advised the delegation that the Mandeans tend to live in the marsh areas of the south. Under the previous regime they were discriminated as non-Ba'athists. Some joined the Communist party and they were considered as "non-Pan-Arabs" and therefore not trusted by the regime. The source added that they tend to use Arabic names, and one Mandaean has claimed some kind of fame by being the National Poet Laureate.

5.16 The source added that the rituals of the Mandeans were to some extent a secret. However, the religion was based on a holy book written in old Arabic called the "Treasurers of God". Thus Mandaeanism has similarities to Judaism, Christianity and Islam. As many of the Mandeans were silversmiths they were affected severely by the embargo in the 1990's. The former regime did not persecute the Mandeans and today they are not persecuted and have the same access to jobs, school, and health as other Iraqis. However, the Mandeans are a small group and so do not have strong political leaders or supporters. The source did not accept the rumours that Mandaean women have been forced to marry Sunni Muslim men as intermarriage would have been a disgrace for the men's families as well as the women's.

5.17 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that the Mandeans/Sabeans have the same rights and privileges as other religious communities in Iraq. The source added that even the Saddam regime had respected the Mandeans. The source stated that the leader of the Mandaean/Sabean society appeared on television and made speeches to members of the community in a similar way to the way al-Sistani spoke to the Iraqi Shia Muslims. The sources had no knowledge of any abuse or persecution of the Mandeans/Sabeans.

5.18 A diplomatic source in Amman (2) stated that the Mandeans/Sabeans are a very old community in Iraq. The source added that it was a small group which did not have leaders or spokespersons involved in the political process. The source stated that in the field of education and politics the group was discriminated against.

5.19 A diplomatic source in Amman (1) informed the delegation that minorities such as Mandeans/Sabeans suffer more problems than Christians. This is because they are concentrated in specific parts of the country and they feel that nobody represents them in the country, hence they are the less likely to get jobs and education.

## **Women**

5.20 A diplomatic source in Amman (3) advised the delegation that within Iraq there are political and religious groups that are trying to impede women's development. The source added that these groups were present before but that it is only recently that their views have surfaced with such support.

### **Women in politics**

5.20.1 An IOM staff member in Amman advised that 6 out of the 29 Ministers are women. These are the Ministers for Labour, Displacement and Migration, Public Works, Agriculture, Women's Affairs and Health. The source highlighted that women have significantly fallen outside of their traditional roles such as Minister of Health, and Women's Affairs. The source also advised that within the Ministry of Labour three out of four of the directors were women. The source advised that women's problems are economical and educational rather than a clear division with men.

5.20.2 A representative from a UN development agency in Amman stated that there are now more women's movements than there have ever been. The source noted the 25% quota of the political process and that 25% of the Ministries, the Government and the National Assembly are to be women, however the source considered that the National Assembly quota had been hijacked by the political

parties and viewed only 2 of the women elected as being strong independent women. The others were pawns for political parties. The source noted that there are strong women's groups within Iraq who provide awareness workshops, training, and education in relation to the elections. The source considered that women are more organised than before and despite the insecurity women are very eager to improve. Women gained confidence by successfully opposing Resolution 137, which involves absorbing Sharia law into national law. The source expected the situation to improve however noted that it is still very fluid. The source noted that there are only 2 political parties in Iraq, which have a strong women's movement, the Communist Party and the Independent Democratic Party led by Padachi.

5.20.3 UN sources in Amman (1) advised the delegation that 25% of the seats in Parliament are reserved for women. However, Islamic fundamentalism is increasing all over the Middle East, and in Iraq as well there is a trend to limit women's rights.

5.20.4 Representatives for the Iraqi Ministry for Women in Baghdad informed the delegation that the Minister for Women has raised the question of gender equality in the Government, however, with no significant results so far. The Islamic parties in particular are against women rights. However the leading Shia cleric al-Sistani had invited women to participate in politics.

### **Women and work**

5.20.5 UN sources in Amman (1) advised the delegation that there are no limits on women getting employment. Nursing and teaching have the highest proportion of women. The source added that 5 to 6 women are Ministers and that for the region this figure is excellent. More women than ever are reaching senior professional levels. The source added that from a legalistic perspective no barriers existed with regards to women's access to the labour market.

5.20.6 A diplomatic source in Amman (2) stated that despite concern that women's rights in the future could diminish, currently all women have free access to education, jobs, travel, and activities in politics and in associations, to hold property etc. A humanitarian organisation working in the region advised the delegation that particularly in Baghdad women can work freely. A diplomatic source in Amman (2) agreed stating that women can work in the Ministries and in local administration, and in private companies.

5.20.7 An UN development agency in Amman stated that the situation for women is economically better in the rural areas. In the cities there is a real economic problem, however women do have access to the job market.

5.20.8 The same source stated that trafficking, drugs and prostitution is prevalent in Iraq and that it is very obvious in Baghdad. Girls between the ages of 8 – 15 years old are prostituting themselves, women with babies and children are observed begging in Baghdad. The system is very well organised by Mafia groups; prostitutes live in hotels, and minibuses take them to the streets. They give money to their organisers in exchange for food and shelter.

### **Women's shelters**

5.20.9 A diplomatic source in Amman (3) stated that there are numerous NGO's, which help women and that some are quite well organised. Some have been based in the Kurdish area since 1991 and have only recently moved down to central Iraq. There are women's shelters in Iraq and they can, and do, arrange meetings between women and their communities. The source advised that people working for these organisations have received death threats. There are women's shelters in Dohuk, Arbil and Sulaimaniyah. The shelter in Sulaimaniyah receives women and then sends them to the Arbil shelter. The Arbil shelter is not particularly large. The source advised that the shelter in Dohuk is fully functioning with no problems. The majority of women who seek protection from these shelters have had disagreements on marriage with their father. Mediation tends to be the traditional solution for the women's organisations. Tribal justice is also an effective remedy for family and community problems, and the source advised that in the current unstable environment the traditional ways are surfacing. The source concluded that women are a vulnerable group in Iraq.

5.20.10 A humanitarian organisation working in the region advised the delegation that women's shelters are viewed as "social institutions" by Iraqis and do not have a positive image.

5.20.11 A representative from an UN development agency in Amman stated that city councils are against women's shelters, as they believe they encourage women to leave their husbands. Also shelters have been accused of being brothels. Unlike other sources this source stated that there are two shelters in Iraq, one in Arbil and one in Baghdad. Women are scared of the social stigma attached to the shelters, and often consider them a dead-end or a prison. The shelters are secret and few people know where they are. There are a number of drop-in refuges run by the US, and then the women are referred to the shelters. More often than not women eventually return to their families.

5.20.12 A diplomatic source in Amman (1) informed the delegation that there is an organisation that provides refuge to victims of domestic violence however it has a

very low profile. As well as 2 refugees in Baghdad and Arbil, there are also two in Hilla and Kirkuk.

5.20.13 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that the minister for MoDM herself was a woman and an Assyrian Christian. Womens groups and other NGOs were established in Iraq with the aim of assisting women in distress. The sources didn't have any further knowledge of these NGOs.

5.20.14 UNHCR in Amman is concerned about the backlash to women in Iraq. They can see the situation at two different levels; the policy and the reality on the ground. They note that there are many women's organisations in Iraq and they have significant programmes to build capacity. UNHCR is assisting capacity building and trying to empower women's organisations. With regards to shelters, UNHCR note that they have immediate and short term benefits, however in the long term they isolate and make a target of women. For example with regards to the Anfal widowers, UNHCR recommends integration into society rather than isolation in camps.

### **Security**

5.20.15 A diplomatic source in Amman (1) informed the delegation that the situation for women depends on the specific part of the country the woman is in. It is a concern that the rights of women have diminished since the fall of the Saddam regime, however this is not necessarily a reality. The Ministries within Iraq do not consider that there has been an institutional shift in the rights for women. Women have freedom to work, drive, go to university, hold money, etc.

5.20.16 Mrs Asma Khader, the Jordanian Minister of State and Government spokesperson, informed the delegation that the public policy of the Iraqi Interim Government dictates that women will be better off than previously. The source stated that the graduation of women police officers is a good sign. She added that there are 25% of women in Government and that women have jobs in the Ministries. Mrs Khader confirmed that the public policy is positive, however implementing the policies on the ground is a more complex process.

5.20.17 EU sources in Amman advised the delegation that the situation has not improved for women, if anything it has worsened. Kidnapping of women and children has increased. Children are kidnapped for financial gain, however women are kidnapped for rape or forced prostitution. The source advised that as the development of radical Islam increases, women's freedom decreases.



5.20.18 The same source advised the delegation that the police are not the most effective institution for complaints, and such complaints would not be on their list of priorities. The source advised that the judiciary is not fully functioning. However the source did note that there are quite a few NGO's for women, albeit they may not be very well organised and have relatively little capacity. There is currently no framework legislation for the registering of NGO's at the Ministry of Planning, and so it is very easy to create an NGO and register it. A representative from a UN development agency in Amman stated that NGO's are new to Iraq and they are falling short on providing an effective support system. They are lacking a sufficient technical and financial network.

5.20.19 A humanitarian organisation working in the region advised the delegation that women don't like to go out alone. The same source stated that hairdressers are particularly scared although the source advised that this is more of a perceived threat than an actual threat. The source advised that Arbil is a conservative town but generally the women are not at risk here.

5.20.20 An UN development agency in Amman stated that the overall situation for women in Iraq is not good. Socially, security is non-existent, women do not go out alone for fear of abuse, that they might get chased, and/or kidnapped. Women can't go out without the company of a man. The source added that the main problem for women in Iraq is the culture, which influences the family, who then value respect and honour above all else. The "weight of social pressure" affects women's freedom.

5.20.21 A diplomatic source in Amman (2) added as a personal view that the general situation of women in Iraq was better compared with the situation in Saudi Arabia and Egypt. The laws of Iraq are in favour of women. It is possible for women to complain to the police over, for example, domestic violence. Sometimes the police will make investigations, sometimes not.

#### **Freedom of movement and acquiring a passport**

5.20.22 UN sources in Amman (1) advised the delegation that when questioned on whether women need a male escort in order to acquire a passport the source stated that it would not be unusual in the Middle East for that to be the case.

5.20.23 A representative from a UN development agency in Amman stated that women have freedom of movement within Iraq however there is becoming an increased need for a male companion otherwise the woman is vulnerable. Women are generally safe in the Kurdish area however if they are escaping a family problem, the

family will follow them wherever they go in Iraq. Women can leave Iraq without needing a male escort however they cannot obtain a passport without being accompanied by their guardian – this may be their father, brother, uncle or even son.

5.20.24 Representatives for the Iraqi Ministry of Human Rights in Baghdad informed the delegation that it would take generations for the Iraqi women to obtain a similar position to the one of women in the Scandinavian countries. The Iraqi laws discriminate against women in many ways. For example to get a passport issued women must have the permission from her husband, father or other legal guardian. With regard to inheritance, males still have a privileged position.

### **Clothing**

5.20.25 UN sources in Amman (1) advised the delegation that more women are covering their heads with scarves, however in the rural areas women used to have full black headwear so for women to just wear the veil, this is considered an improvement. The situation for women in Iraq was quite similar to their situation in other countries in the Middle East. However, lack of security was a bigger problem in Iraq than in other states in the region. The source added that many Iraqi women wear a veil, some because it can diminish the risk of verbal reprimands; others for economic reasons; to save money on haircuts or hair dye or make up.

5.20.26 A humanitarian organisation working in the region advised the delegation that in Basra women are completely covered in black, more so than before the regime fell. In Baghdad women tend to be dressed in western clothing. EU sources advised the delegation that women wear headscarves more for security reasons, than any other.

5.20.27 A diplomatic source in Amman (1) informed the delegation that north of Baghdad you rarely see the Hijab, however in Kerbala and Najaf you will see it. This is a cultural difference rather than any other reason.

### **Honour killings**

5.20.28 An UN development agency in Amman stated that honour killings have gone up in Iraq since the end of the Saddam regime however the source stated that this is an excuse more than anything to settle old scores.

5.20.29 A diplomatic source in Amman (1) informed the delegation that with regards to honour crimes the victim can go to the police however whether they got

support from the police would rely on whom within the police you talk to and whether you have a contact via your family.

### **Women and religion**

5.20.30 An UN development agency in Amman stated that Christian women in Basra and Baghdad have been killed for selling liquor, however this has not been the case for men in the bazaars of Baghdad. There is little difference between Sunni and Shia women. There is more of an emphasis on class than religious divide however there is no intermarrying of Sunni and Shia. A humanitarian organisation working in the region also advised the delegation that Christian women are particularly scared, especially of selling alcohol.

5.20.31 A diplomatic source in Amman (1) informed the delegation that in the south there is a stronger sense of religious belonging for women, however Grand Ayatollah Sistani is viewed as being liberal. Most women's organisations have an ethnic or religious link. Single women tend to stay within the family. The source advised that women do not suffer disproportionately as a result of the security situation, and that the situation for women is far better than in Saudi Arabia.

5.20.32 A diplomatic source in Amman (2) noted that the rise of more conservative Islam especially in the south could in the future reduce women's rights. However, al-Sistani, the Shia leader, had not in his speeches appealed to a reduction in the activities of women.

5.20.33 A UN development agency in Amman stated that women suffer the same problems politically irrespective of whether they are Sunni, Shia, or Christian.

### **Single women**

5.20.34 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that single women returning to Iraq from abroad were in a less favourable position compared with women travelling with their family.

5.20.35 UNHCR in Amman noted that single women have a more vulnerable situation. Families can protect them, however tribes can target them just as easily as they can protect them.

5.20.36 A humanitarian organisation working in the region advised the delegation that there are plenty of women's associations that can provide basic needs for those women who are the single head of household. The source advised that it is difficult for women to live alone and that the government are currently working to improve

that. The source stated that women who had married non-Iraqis would be unlikely to stay within Iraq.

5.20.37 An UN development agency in Amman stated that in the rural areas it is not possible for women to be single, and they would be supported by families or in the case of their husband's death, they would marry the husband's brother. Women can refuse to marry the brother, however this makes the situation much harder for the woman.

5.20.38 UNHCR in Amman noted that Jordanian men have married a substantial proportion of Iraqi women and as a result 400 persons have been allowed to stay in Jordan. However due to the political sensitivities it may not be possible for those to gain Jordanian nationality.

### **Third country nationals**

5.21 UNHCR in Amman advised that there are currently 136 Palestinians in the Jordan refugee camps. The rest have returned to Iraq and have been assisted by UNHCR. The returnees do not face any persecution from the Iraqi Government, but some Iraqis had showed resentment against the group. In 1948 the Iraqi army, whilst pulling out of the occupied territories, took 5-7,000 Palestinians from Haifa. These Palestinians were looked after very well under Saddam's regime, and as a consequence the general population rather than the current Iraqi authorities have resentment towards them.

5.22 However UNHCR advised that the Government has not been firm in providing protection for the Palestinians.

5.23 The source advised that the draft Nationality law excludes Palestinians. It does address statelessness however, and those that were de-nationalised during Saddam's regime should receive citizenship. The draft law makes it difficult for Bedoons, however those born in Iraq to an Iraqi mother and a non-Iraqi father should be able to receive citizenship, as well as those born to an Iraqi father. However UNHCR were careful to advise that this law is in draft form and will not be confirmed until after the elections.

5.24 Furthermore the source advised the delegation that there are 1,200 persons who remain in Al Tash camp. In addition Jordan has set up a camp in no-man's land. Within the camps there are Iranian Kurds that left Iran over 23 years ago. People have dispersed but not back to Iran. There exists no perspective of returning home or to being integrated in the Jordanian society. 300-400 of them have now been

accepted for resettlement in Sweden. The source stated that Syrian citizens living in Iraq were in a vulnerable position.

5.25 An international humanitarian organisation working in the region advised the delegation that following the fall of the Saddam regime the Palestinians fled their subsidised flats. They are now in no-man's land together with the Iranian Kurds.

5.26 The same source stated that 150 Palestinians stayed in no-man's land and did not want to return to Baghdad. Of those that went to Jordan 70 went back with the aid of UNHCR, 100-200 remained.

5.27 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad didn't have any information of abuse or persecution of Sudanese, Syrian or stateless Palestinian nationals in Iraq. Just after the war in April 2003 many stateless Palestinians had been evicted from their apartments as the owners wanted a higher rent. The Palestinians have had a privileged position during the former regime, which had created animosity among some Iraqis. Now the Palestinians, with assistance from UNHCR, are resettled in other apartments. Some Iraqis returning to Iraq from refugee camps in Saudi Arabia have shown envy against the Palestinians due to their relatively comfortable situation in Iraq.

5.28 A diplomatic source in Amman (1) informed the delegation that Palestinians suffer hostility and discrimination because they are viewed as being affiliated to Saddam Hussein.

#### **Iraqi citizens from Kuwait/Saudi Arabia**

5.29 Sources in the ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that Iraqis returning from Kuwait or Saudi Arabia were in a more dangerous situation in Iraq compared with other Iraqis. However, there wasn't any suspicion that these returnees co-operated with authorities in Kuwait or Saudi Arabia.

5.30 A diplomatic source in Amman (2) stated that many thousands of Iraqis have returned to Iraq from Kuwait and Saudi Arabia. The source has not heard of problems for this group as a result of their previous stay abroad.

5.31 UNHCR in Amman confirmed that they also had not heard of any specific security problems for Iraqis returning from Kuwait or Saudi Arabia. They concluded that if any Iraqi had faced problems the reason might be a business quarrel or something similar.

## 6. Freedom of movement

6.1 A diplomatic source in Amman (1) informed the delegation that there is complete freedom of movement; there are no formal restrictions within Iraq. From Basra to Kirkuk and Mosul there is entire internal movement and you can live anywhere you want. However at the Green Line (the former border to the Kurdish Autonomous Area) there is restriction of movement into the three northern governorates. There are Turkmens and Assyrians living above the Green Line however Turkmens and Assyrians suffer significant harassment at the Green Line. National meetings in Sulaimaniyah therefore have a disproportionately high amount of Kurds. The source advised that it is not possible to resettle in Sulaimaniyah.

6.2 The source added that Shia Arabs who have moved to Kurdish houses are considered representatives of Saddam's regime. The source stressed that a lot of these Shia Arabs were moved involuntarily. Many had left under extreme duress, others have stayed. The source advised that as a conservative estimate there are 100,000 recent internally displaced people in Iraq. 400 villages were destroyed as a result of war and fighting. Furthermore the population has grown and dispersed, i.e. culturally families no longer tend to live under one roof anymore. As a consequence of these factors, housing is a big problem.

6.3 A diplomatic source in Amman (3) advised the delegation that freedom of movement has improved in principle, however security throughout the country is still a problem. The source also advised that certain cities limit certain ethnic groups. In Baghdad however resettlement is easier.

6.4 The source added that the PKK are tolerated in the north. The PUK and KDP share a common challenge to improve the Kurdish north however they are not actively merging, and there seems little communication between the two. The source advised that there is no evidence to show whether PUK or KDP are persecuting each other's members.

6.5 A diplomatic source in Amman (2) informed the delegation that the main obstacle in Iraq is the security situation. The source advised that the route from Jordan is attacked regularly however this is more likely to be criminal elements rather than political insurgents. On this route the attackers will target both foreigners and Iraqis, and there is no distinction of the nationality of the individual. Even Arabs from the neighbouring countries are attacked on this route.

6.6 The source added that the Kurdish area is much more stable, that it is easy to move around and that Arabs are going to the Kurdish area, however, they are generally not welcome there. The source also advised that young Kurds, who have

grown up in the area since it had autonomy, couldn't speak Arabic and therefore have communication problems with other Iraqis. The source also advised that there are some Kurdish towns that have not got a good sewerage control, water, or electricity as Baghdad.

6.7 The same source stated that freedom of movement exists in Iraq. However, some routes could be dangerous to travel. In principle it is possible to resettle anywhere in Iraq, however, Arabs would have difficulties settling in the Kurdish areas in the north. The source added that the Kurdish authorities want the Arab population to leave the three governorates in the north. Baghdad, however, is an open city for everyone to resettle in.

6.8 An international humanitarian organisation working in the region advised the delegation that prior to the beginning of February 2004 it was very easy to move between the north and central Iraq. However since the bombing of the PUK and KDP offices on 1 February 2004 security measures have been tightened up. Those arriving in the area have to get registered at the security offices. The source advised that the number of people arrested had increased, and the north had become more isolated than before. The source advised that Arabs could relocate to the north however it would be difficult and it's likely that many would be arrested. The source advised that this area is very sensitive and that there are more tribal and ethnic problems.

6.9 EU sources in Amman advised the delegation that it is fairly easy to move around within Iraq. Society is tribal based so it would be easy to relocate to an area where the family or tribe is based. However unemployment affects freedom of movement, and there is no possibility of moving if there is no work. There are no formal restrictions on movement; the main concern would be kidnapping.

6.10 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that Iraqis can move freely all over the country. Due to the tense security situation some roads are however dangerous to travel on. Roads to Fallujah and Tikrit are frequently attacked.

6.11 The source added that Iraqi Arabs could visit the Kurdish areas in the north on business or holiday but not to resettle in the area permanently. The Kurds from the northern part of the country could resettle in the areas outside the Kurdish controlled zone. Every ethnic group could resettle in the Baghdad area, which was a real multi- ethnic and multi-religious city.

6.12 UNsources in Amman (2) advised that the international (green) zone is 9km<sup>2</sup> and that UN staff are only allowed out twice a week once they have given 48 hours notice so that they can receive protection. Protection will include two armed

cars in front of them and 2 behind. The source stated that the situation is very tense because of the high levels of military presence. The source advised that the UN is concentrating its efforts on the electoral process and is providing staff to help with that. Currently the UN directs most of its staff from Amman and Kuwait.



## 7. Return to Iraq from abroad

7.1 UNHCR informed the delegation that they do not promote return. However, they will facilitate passage for those who want to return from neighbouring countries.

7.2 The source stated that Iraqis returning from abroad are not in general exposed and thus are not in any more danger than other Iraqis. According to the source the Iraqi Ministry of Displacement and Migration expressed in strong terms that no return can be encouraged because the country has neither the capacity nor the infrastructure to cope with it.

7.3 The source added that since 2003 UNHCR had facilitated the return of 13,500 Iraqis from Iran, Saudi Arabia, and Lebanon. At times the authorities within Iraq had offered incentives for people to return. For example the authorities within Sulaimaniyah have offered plots of land and USD 1,000 for people to return. The source added that this is so people could return to vote in the 2005 elections. The authorities in Sulaimaniyah had encouraged 45 families to return to Kirkuk. The authorities in Arbil had offered 20% funding on the construction of housing, however returns to Arbil had stopped because the authorities had said unless UNHCR provided housing they would not accept returnees.

7.4 The source added that in Sulaimaniyah citizenship was being offered to returnees, however UNHCR was dubious of this 1) because it would mean the immediate revocation of the person's refugee status, and 2) they questioned whether it was genuine citizenship as provided in Baghdad. UNHCR was also dubious of the land that Sulaimaniyah was offering, i.e. who owned the land that was being offered.

7.5 The source added that on the voluntary return form that UNHCR provided to the returnees, there is a question: "do you have a place to return to?" The answer tended to be yes, however 20% in fact did not have a place to return to. The authorities were not able to assist these people. Often the returnees found that the situation was worse than the refugee camp that they had left in Iran.

7.6 The source added that there were three fundamental problems in Iraq: the security, the lack of housing, and the lack of jobs.

7.7 Those that were at risk on return, according to the UNHCR, were professionals, or those that were wealthy or who were perceived to be wealthy. They would be a target for kidnapping either because the kidnappers believed they could receive a substantial amount through the ransom, or because those individuals could contribute to the wealth and stability of the country and this was not conducive to

those who wanted to keep the country in chaos. There was no indication that the kidnappings were ethnically based. UNHCR advised that those returning from Iran were given USD 20 and this amount lasted quite a while. The wages were currently very low and could be on average \$10 a month.

7.8 A diplomatic source in Amman (1) informed the delegation that on the one hand Iraqi authorities required ID papers for nationality for a returnee. However on the other the authorities would accept third country identification that the individual was Iraqi. They would also rely on some presumption that the person was Iraqi. However the source reiterated that nationality would be facilitated with ID papers.

7.9 The source added that the Government would not support returnees who had an alternative residence. This was for two reasons 1) the country did not have the capacity to support those that returned, and 2) the security situation did not support return. The source advised that there had been a large number of returnees from Iran however this had diminished in the last few months due to the security situation. Returnees needed family support in the area as housing was short and it took a while to get onto the food distribution list. UNHCR had assisted on economical packages for housing, and UNHCR and IOM had facilitated returns. The amount of returnees varied depending on the part of the country the person was returning to.

7.10 The source added that thousands had returned from Saudi Arabia however they had struggled to get housing, jobs and education.

7.11 The source advised that those returning from the West were more in danger of being a target because they would be identified as being “Westernised”. For example they had acquired skills and language, which gave them a high profile, and a perception of collaborating with Westerners. This perception would put them at risk.

7.12 An IOM staff member in Amman advised that IOM ceased returns in April 2004 because of security, however they soon resumed returns. 800 had recently returned from Beirut. IOM rarely used flights because of a previous CPA agreement. Furthermore only Royal Jordanian flew into Baghdad at that time. IOM used Iraqi buses and there were difficulties with permits and visas. IOM stated that the Jordanian Government was very helpful in allowing Iraqis to transit through Jordan. At the Iraqi border, guards checked the person’s documents, including UK/DK documents, but they also listened to the Iraqi accent as proof of nationality.

7.13 The source added that in the last 6 months there had been no problems on the Jordan-Baghdad highway. IOM also returned from Syria and there was no

difference in the safety along that route either. IOM were looking into using Iraqi planes for returns.

7.14 The source added that those returning from the West would be identified through their tribes however there would not be any problems unless the individual was linked to Saddam's regime.

7.15 EU sources in Amman advised the delegation that returnees would only suffer problems if they were "perceived" to be collaborators with the West. If they were to return and had no political links to any group then there were no reports that there would be a problem.

7.16 The sources added that there were 4 million people living outside Iraq. The question for the politicians was whether they should be included in the census or not. This issue was crucial to the success or failure of the elections. The UN and International Community advised that it would be impossible to get census and votes from outside of Iraq within the deadline of the January elections. There were also 1 million internally displaced people to consider. The source advised that there was no capacity to house returnees, and that there was no plan or strategy to resettle those people in their areas. The source advised that there was no plan for issuing visas, and that there were no consulate facilities or embassies. The source added that at the borders the situation was precarious. There were 20,000 border guards but they were badly equipped and the department had no material means to implement the proper policy. The source added that people believed that because the border guards were Shia the Iranians could influence them.

7.17 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that every Iraqi citizen was entitled to an Iraqi passport.

7.18 An individual would need to supply his/her name, father's name, place of birth, tribal affiliation and copy of his/her own, or family members', ID-card. This would be sufficient information.

7.19 The source stated that the insurgents did not target Iraqis returning from abroad. Thus, returning Iraqis were in no more danger in Iraq than any other Iraqis. The source had several acquaintances that had returned from abroad and was very well informed of the situation for returnees. The source however emphasised that Iraq was in a precarious phase at that time with regard to security, reconstruction, economy, housing etc. Returning large numbers of Iraqis from the West would stress the society severely.

7.20 A diplomatic source in Amman (2) did not consider the general situation in Iraq as suited to accept an influx of Iraqi refugees from Western Europe. The spontaneous return of more than 100,000 Iraqis from the neighbouring countries had put a strain on Iraqi society. The lack of houses was one of the problems.

7.21 The source added that returning Iraqis had access to the food-package system and to schools and health system, although it could take time to become registered. Every Iraqi who wanted to return would be permitted re-admission to Iraq. A passport was not necessary to cross the border into Iraq. An ID card or just that the returnee spoke with an Iraqi accent was sufficient proof of Iraqi nationality. Iraqis returning from abroad were not targets of the violence. However, Iraqis who were in contact with foreigners in Iraq were in bigger danger than other Iraqis. Coming back from the West could, in some areas of Iraq, for example in Sadr-city of Baghdad, be perceived as having some sympathy for the West.

7.22 UN sources in Amman (1) stated that every Iraqi citizen could enter Jordan and stay in Jordan indefinitely as long as they pay 1 Jordanian dinar (USD 1.3) per day to the Jordanian authorities. With regard to security there was no difference between the situation for an Iraqi returning from abroad and an Iraqi who had stayed in Iraq all the time. The critical point was whether you work with the foreigners or not.

7.23 An international humanitarian organisation working in the region stated that wealthy Iraqis returning from abroad were at risk of being kidnapped. They would not be targeted by the political insurgents but by the organised criminals in order to get a ransom.

7.24 Representatives for the Iraqi Ministry of the Interior in Baghdad informed the delegation that the Iraqi Government would not accept the forced return of Iraqis from abroad. They had requested a slow pace in the voluntary repatriation of Iraqis. They were concerned that a large proportion of repatriated Iraqis would disturb the fragile infrastructure of Iraq. They stated that they had to focus on the risk of Iranian citizens pretending to be Iraqi citizens and thus voting in the parliamentary election in January 2005. As many of the registration books were destroyed during the war, it could be difficult to establish whether a person actually was an Iraqi citizen or not.

## 8. Access to education, health services and social welfare

8.1 Sources in the Ministry of Displacement and Migration (MoDM) in Baghdad informed the delegation that Iraqis returning from abroad had full access to the education and health system. They would also receive the monthly food package. UN-sources in Amman (2) added that the distribution of food was working very well.

8.2 Representatives for the Iraqi Ministry of Justice in Baghdad stated that all Iraqi citizens, including Iraqis returning from abroad, had equal rights. Dual citizenship was accepted.

### Medical care

8.3 EU sources in Amman advised the delegation that the biggest difficulty in terms of health care for Iraqis was access to primary health care. The source advised that in the past the Iraq regime had focused on specialisation, channelling a lot of money into specialist hospitals. Little was done on primary health care. The source advised that the situation was not at critical levels, however it was a problem. The source added that access to fresh water was a problem, especially in the south and water management (cleaning and sewerage) was a concern.

8.4 A diplomatic source in Amman (1) stated that the health system within Iraq was abysmal. The medicines were out of date, and the hospital equipment was from the 1970's and 1980's; consequently it was not in good working order and there were no replacement parts. However there were many highly committed doctors and nurses and, given the ability to improve, then it had a sound foundation. Primary healthcare was free and most people had reasonable access. However it was unlikely full treatment was possible.

8.5 An international humanitarian organization working in the region stated that it had established an education programme for Iraqi doctors and nurses. It sent medical supplies to Iraq on a weekly basis and assisted in rebuilding Iraqi hospitals, in particular al-Rashad, a psychiatric hospital in Baghdad. The hospital lacked equipment but had begun treating patients. There existed well functioning clinics, hospitals and competent doctors. In areas without an ongoing conflict the primary health system was working well. Every citizen could approach a doctor, clinic, or hospital to get medical assistance freely. Ordinary medication was free and available. However more specified medication might attract a charge. Lack of medication was not a big problem in Iraq. Iraqi doctors were normally very competent. However, the amount of doctors was not sufficient as many doctors had left Iraq and some had been

kidnapped. The quality of nurses was not as high as the doctors and this was because before 1991 foreign nurses were encouraged to work in Iraq, decreasing the amount of national nurses. Since the onset of sanctions foreign nurses had left leaving a deficit of nurses. Muslim women consider working as a nurse to be degrading. The source of this organisation preferred to keep the medical capacity within Iraq by sending medical experts and professors to do more complicated surgery in Iraq and only if necessary sending Iraqi patients to Jordan for medical treatment. On the whole patients were cared for within the country in order to maintain the infrastructure and level of professionals. If patients needed to be evacuated they would be taken to another country within the region and with a relative. Iraqis coming home from abroad would also have full and free access to the health system.

### **Education**

8.6 EU sources in Amman added that there is little capacity within schools as a proportion have been destroyed. Each child can only have 3 hours of classes. Some girls have decreased their attendance at school because 1) families are afraid and 2) it has been forbidden because fathers are enforcing the strict Islamic dress code. The source stated that education is free and in principle every child has access to education.

8.7 A diplomatic source in Amman (1) informed the delegation that all children can receive education, however in practical terms the system is not able to provide education for all children. For example IDP camps rarely have adequate education. Furthermore Iraqi women married to non-Iraqi men would have to go to the Ministry of Education in Baghdad to get permission for their child to get an education. This is not happening because of the security situation.

8.8 A representative from a UN development agency stated that primary and secondary education is very bad. The classrooms are very crowded and the source gave one example in Baghdad of 80 kids in one classroom. However, every child in Iraq has the right to go to school. Children give money to teachers to help with wages. In universities the situation is bad as Islamic political parties harass women to wear the hijab. In the university of Baghdad there is graffiti on the wall, which states that uncovered women should be punished, and in Basra University a lot of women are too scared to attend.

8.9 UN sources in Amman (1) stated that also before the war school buildings were in very bad conditions and the schoolteachers were very poorly paid. Now UNESCO initialised a rebuilding programme and other UN agencies rebuilt schools and raised the level of education. Every Iraqi child has the right to go to school and

education is compulsory. Every Iraqi has access to a health clinic and every Iraqi has the right to receive the monthly food package. There is no starvation in Iraq.

## 9. Rebuilding Iraq

9.1 UN sources in Amman (2) advised that many Iraqis do not view the UN positively because of the economic sanctions that they had to endure. The UN is therefore prioritising their public relations in order to improve on their image. An additional problem is that the Iraqis do not see the UN and the US as separate entities, and this problem is exacerbated by the fact that the UN relies on the US for security and protection.

9.2 The source added that 35 internationals work in Iraq to prepare/rehabilitate the new UN headquarters in Baghdad. Many rebuilding activities were taking place inside Iraq and some UN-financed ones, including the rebuilding of schools, vaccination programmes, the health system and the food-package system.

9.3 The source added that recently two surveys had been conducted; an unemployment survey and a food survey. The unemployment survey stated that there is 28.1% unemployment, and that the figure represented those actively seeking work; however another figure was 68% which took into account all those who were out of work. Non-working females accounted for 80% however the reasons for these individuals not working is not necessarily because they wish to work and are unable. The source stated that probably a more realistic figure was 55%, which would account for non-working adults. The food survey put poverty at 50%. The source stated that over 50% of those heading families with 7 members earned less than \$75 a month. Inflation also impacted on Iraqis and the source stated that real estate had gone up 5-6 times over the last year, and that returning Iraqis would struggle to get housing. The consensus over all was that Iraqis were in dire economic hardship.

9.4 The source added that there were regional disparities in Iraq, and that generally the south ranked low. The economic sanctions meant that no new buildings had been constructed in Iraq and that from 1990 until now the buildings were the same but with dilapidation. All the key government buildings had been bombed. Basra and further south in the 4 governorates, Iraqis had problems associating themselves with the central government both politically and socially. The source advised that slowly Basra was losing its relationship with Baghdad. The water within Basra was extremely bad, the electricity was on for 3 hours and then off for 3 hours, and there were no job opportunities. The source advised that the British soldiers in Basra were involved minimally in the society, letting the Iraqis take control. The

source stated that they did not exacerbate the problems however they did not improve the situation either. In the south, income was very low because the main industry is agriculture, which doesn't pay much. Generally in Iraq construction is the main job creator. The source advised that the north is safer because it had been so since 1991 and the institutions were not dismantled during the war. The Kurdish authorities have their own peshmerga and control everything. The Green Line (the border between central Iraq and the Kurdish areas) was tightly controlled. Arab taxi drivers were often turned back. The source advised that Mosul and Kirkuk were very tense.

9.5 UN sources in Amman (1) advised the delegation that prior to the war 8,000 schools needed to be renovated, some were considered health hazards due to the lack of latrines. Teachers were poorly paid – USD 5 per month. Shortly after the end of the war a lot of teachers left Iraq. In the mid-80's Iraq had the best primary schools in the Middle East; there was now a huge focus on the rebuilding of schools to claim that title once again. The Ministry's had initiated a rebuilding scheme, which was very visible and created jobs. However the source indicated that there was less emphasis on training teachers and focusing on the curriculum. This would be a priority once the elections were over.

9.6 An IOM staff member in Amman advised that within the department of employment assistance within the Ministry of Labour and Social Affairs the employees lacked customer mentality. Their responses to an individual requesting assistance tended to be 1) do I know you? 2) should I help you? This was a mentality entrenched by the Saddam regime. Prior to the fall of the regime there were no employment centres, no vocational centres, and no employment department.

9.7 The source advised that people were brought into Amman to be trained in customer services. Since October 2003, 150 Ministry employees had been trained. The source advised that the system was now working effectively, and that all employment centres could communicate through a database.

9.8 The source advised that people were under-employed rather than unemployed, and that the informal economy gathered 60% of the overall economy. Employers did not come forward to the employment departments because they were already employing people on an illegal basis.

9.9 The source added that IOM assisted in vocational training. Previously this was with traditional jobs however recently this had expanded to hairdressing, telephone maintenance, mechanics, etc. The USA had donated \$65 million for vocational training, and the Koreans had a big employment centre in Baghdad with dormitories for those who lived outside the city.



9.10 The source stated that people could still get jobs through family or tribal contacts. A lot of people were going back to the army or the police for work. There were 700,000 people in the army when it was disbanded and this included support facility employees. The source stated that those from the rank of Lieutenant down were being re-hired. The intention was to recruit 800,000 into the army.

9.11 A diplomatic source in Amman (1) informed the delegation that lack of security prevented the rebuilding of Iraq. However, the electricity, power and water plants in the Baghdad area were functioning much better than before. The embargo and general negligence had undermined the system much more than the war in 2003.

9.12 A diplomatic source in Amman (3) added that some UN-organisations, for example UNDP, had returned to Iraq in order to prepare the rebuilding programmes. The Iraq section of UNHCR goes in and out of Iraq on regular basis.

## ANNEX A

### Terms of Reference

Building on previous co operation in conducting fact finding missions, the Country Information & Policy Unit (CIPU) of the UK's Immigration and Nationality Directorate and the Documentation and Research Division of the Danish Immigration Service agreed to conduct a further joint fact finding mission to Baghdad and Amman to gather information about the situation in Iraq.

During the last few years Iraqi asylum seekers to the UK and Denmark have constituted a large part of the total number of asylum seekers. The decision-making process in these cases needs, as a necessary prerequisite, an intimate knowledge of the present situation in Iraq and in particular of the security situation for Iraqis returning home. A mission to Baghdad and Amman was therefor considered to be the most appropriate way to obtain the necessary information.

It was agreed that the Immigration Counsellor at the Danish Embassy in Baghdad would gather information from sources inside Iraq, and that the other members of the delegation would obtain information from sources located in Amman.

The fact-finding team would, as far as possible, obtain information on the following issues:

- the political development; political parties and militias;
- security;
- tribal/clan system and ethnic tension;
- human rights, in particular with regard to:

*Christians*

*Mandean*

*women*

*third country nationals*

*Iraqi citizens from Kuwait*

- rebuilding Iraq;
- freedom of movement;
- return;
- access to education, health services and social welfare.
- With the kind assistance of the British and Danish diplomatic representations in Baghdad and Amman the delegation were able to make contact with sources in the relevant Iraqi ministries, including the Ministry of Displacement and Immigration, the Ministry of Human Rights, Ministry of Justice and the Ministry of Defence. The delegation also met with representatives for the Coalition forces in Iraq; police and courts; political parties; women's organizations and local human rights groups in Iraq. In Amman, the delegation obtained information from relevant international humanitarian organizations, including UNHCR and other UN organizations; ICRC and IOM, and also gained information from relevant diplomatic representations and the Jordanian authorities.

The delegation also met with representatives of organizations in Baghdad and Amman, which were in opposition to the current Iraqi administration.

**Glossary of terms**

CPA	Coalition Provisional Authority
EU	European Union
ICRC	International Committee for the Red Cross
IOM	International Organisation for Migration
IPCC	Iraqi Property Claims Commission
KDP	Kurdistan Democratic Party
PKK	Kurdistan Workers' Party (now known as KONGRA-GEL)
PUK	Patriotic Union of Kurdistan
MoDM	Ministry of Displacement and Migration
MNF	Multi National Forces
NGO	Non Governmental Organisation
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	Office of the United Nations High Commissioner for Refugees

## ANNEX C

### Map of Iraq



## Annex D

### List of sources

1. Representatives for the Iraqi Ministry for Women in Baghdad
2. Representatives for the Iraqi Ministry of Human Rights in Baghdad
3. Representatives for the Iraqi Ministry of the Interior in Baghdad
4. Representatives for the Iraqi Ministry of Justice in Baghdad
5. The Ministry of Displacement and Migration in Baghdad (MoDM)
6. An international legal advisor based in Basra
7. Mrs Asma Khader, the Jordanian Minister of State and Government spokesperson
8. The Office of the United Nations High Commissioner for Refugees UNHCR
9. UN sources in Amman (1)
10. UN sources in Amman (2)
11. A UN development agency
12. EU sources in Amman
13. The International Organisation for Migration (IOM)
14. An international humanitarian organisation
15. Diplomatic sources in Amman (1)
16. Diplomatic sources in Amman (2)
17. Diplomatic sources in Amman (3)