



# Joint British-Danish Fact Finding Mission to Damascus, Amman and Geneva on Conditions in Iraq

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## **Preface**

When Coalition military operations in Iraq began in March 2003, the uncertainty of the situation led Denmark and the UK, in common with many other countries, to suspend processing of Iraqi asylum applications. The UK resumed processing of claims and listing of appeals on 16 June 2003 while Denmark is keeping the situation under review. As much information as possible to inform the asylum decision making process has been gathered from available sources but the situation is changing rapidly and there was a clear need for more information about the situation in Iraq for Iraqis (as opposed to the threat to Coalition forces).

Following the success of previous joint UK - Danish fact-finding missions to gather information relevant to asylum claims a decision was therefore taken by the Danish and UK immigration departments to conduct a joint mission to Damascus in Syria, Amman in Jordan and to meet representatives of UNHCR in Geneva. The mission comprised delegates from the Danish Immigration Service, the UK Home Office Immigration and Nationality Directorate and a representative of the Danish Refugee Council and was conducted from 1 – 13 July and on 23 July 2003. The Danish Immigration Service and Refugee Council met with sources in Damascus while representatives of all three parties met with the sources in Amman and Geneva.

The mission met with diplomatic representatives, inter-governmental organisations, non-governmental organisations, political and religious groups. The mission would like to express their gratitude for the help and information they were given.

Some of the sources consulted by the mission have consented to the use of the information they have provided on condition that they are not identified in the Report. In such cases the source has been referred to in a way which protects the anonymity of the individuals concerned, for example "a diplomatic source", "an international humanitarian organisation".

This report has been compiled solely to inform the decision making process for Iraqi asylum application. It is not exhaustive and will be used alongside other available information on the current situation in Iraq. In the report, care is taken to present the views of the various spokespersons in an accurate and transparent way. It is inevitable that this report will contain a number of seemingly contradictory statements. However, it should be noted that the report has been produced to accurately reflect, as far as is possible, what the fact-finding mission team were told in its various meetings and does not contain any opinion or policy of the Danish Immigration Service, the Home Office or the Danish Refugee Council.

Before finalising the Report, the contents were shared with representatives of the United Nations High Commissioner for Refugees in Damascus, Amman and Geneva, the International Organisation for Migration in Amman and the World Health Organisation in Amman.

This mission was conducted as part of an ongoing process of ensuring that country information relevant to the determination of asylum applications is accurate and up to date. The parties to the mission will continue to update and expand the information they have on conditions in Iraq using all available sources including media reports, reports from international organisations and, when appropriate, further fact-finding missions including to Iraq itself.

# **1. Political Development**

## **General**

1.1 According to the Iraqi Communist Party (ICP) in Damascus, the former opposition parties can operate freely in Iraq and most opposition parties have opened offices in Baghdad and other cities in Iraq. There is co-operation between communists, Islamists, and former Ba'ath Party members not involved in the human rights abuses of the former regime. The exceptions are in Najaf and Kerbala because of the high percentage of Shi'a Muslims, but there are communists there too. The ICP informed the delegation that while all parties in Iraq have their own agenda there are also many shared goals and that the Iraqi parties wish for the Iraqi people to live in peace and stability. According to the ICP there will be no civil war: there are very few disagreements amongst the Iraqis and these are on a small scale.

1.2 A diplomatic source in Damascus confirmed that at the moment there are no serious conflicts amongst the various ethnic and religious communities in Iraq, but this may change when talks about power sharing begin, for example between Sunni and Shi'a, Kurds and Arabs. Another diplomatic source in Damascus suggested that the opposition groups are co-operating now because they are all in the same boat but if the situation does not improve they may start to lose credibility with their own constituencies. The source considered that although the main concerns of the Iraqi population are economic, as people become more frustrated there is a risk that they will start listening to the agitators. Beneath the surface there are many potential conflicts, e.g. between Sunni and Shi'a, Kurds and Turcomen, as well as potential friction within the Shi'a community. The source reported that while the ICP has grassroots support in Iraq, Iraqi National Accord (INA) has no popular base within Iraq.

1.3 According to representative Jamal al-Jawahiri from the humanitarian organisation Al-Amal, at the beginning of the occupation the Iraqi people supported the Americans but as time has passed it seems that the Americans are unable to manage the situation: the electricity and water supplies are still not functioning; not a single government institution is working in Baghdad; the Coalition Provisional Authority (CPA) has no direct relations with the Iraqis. People have started complaining and animosity against the Americans has developed. A lot of the dissatisfied people hold weapons. Mr Al-Jawahiri believes that the situation might turn against the Americans and will worsen if the Americans do not establish state institutions and find a way to involve the Iraqi people.

1.4 The ICP has called for a national conference for all Iraqis; the preparation of a constitution; and elections with the help and supervision of the UN. The ICP's hope is that the Iraqi parties will negotiate with the CPA and that in time the Iraqis will be their own masters. Political development depends on the Iraqi people and co-operation between the Iraqi people and the CPA. To date, there have been no problems with co-operation between the CPA and ICP although the ICP believes the CPA might face problems because the Americans do not understand the way Iraqis think.

1.5 The ICP has met with the CPA and the UN to discuss problems that must quickly be resolved, including the provision of basic necessities such as water, electricity and food. The ICP

considers the establishment of security and stability to be another priority, without which Iraq can never be rebuilt, and in order to achieve this the remnants of the Ba'ath Party must be uprooted.

1.6 A middle eastern official source stated that there is a small threat from Saddam and the Ba'ath Party as there is some indication that the Ba'ath Party may re-emerge. There are between 5 and 6 million members at present, many of whom believe that Saddam will return to power. However, the source informed the delegation that membership was necessary for a wide range of jobs and that not all members actually supported the policies of the party: the people who achieved success and wealth under Saddam will be the ones most likely to want him to return. The same source also informed the delegation that in the run-up to the war the Iraqi security services were instructed to infiltrate Shi'a areas such as Najaf in order to gather information and to make contacts, in the hope that they would be able to re-organise after the war was over. It was also suggested that by hiding in Shi'a dominated areas they would reduce the risk of them being apprehended.

1.7 According to the ICP, Iraqis had hoped that regime change could be achieved by Iraqi force alone. This had not happened, but even so the majority of the Iraqi people are satisfied or happy that Saddam's government is no longer in power.

### **The Rise of Shi'ite Muslim Groups**

1.8 The Office of the United Nations High Commission for Refugees (UNHCR) in Amman reported that the CPA has voiced concern about the return of Iraqi Shi'a from Iran: they are very well organised and are capable of filling the power gap left by the fall of the previous regime. A diplomatic source in Damascus explained that it was a serious problem for CPA on one hand to try to democratise Iraq and on the other to try to limit the influence of fundamentalist Shi'a Muslims.

1.9 A Middle Eastern official source advised the delegation that the Shi'a majority in Iraq is seeking to establish an Islamic state. The source informed the delegation that Shi'a clerics are guided by Iran : if they are successful, Iran will have an influential role in Iraq, which would not be acceptable to the US.

1.10 The Middle Eastern official source also informed the delegation that there are differences between the numerous Shi'a clerics in Iraq and there is competition over who will have authority and a prominent role in ruling the country. There are disputes between the Shi'a themselves, but not necessarily between them and the previous regime. The most prominent Shi'as are: Grand Ayotollah Ali Sistani, head of the Supreme Council for the Islamic Revolution in Iraq (SCIRI); Mohamad Bakr Al-Hakim; and Moqtada Sadr.

1.11 According to Mr. Bayan Jabor of SCIRI in Damascus, security will only be established once a democratic government has been elected. SCIRI has been in regular contact with the head of CPA to create a national, Iraqi government. SCIRI wants a federal Iraq with five or six local governments built on geographic, not ethnic, affiliation. SCIRI says it is not planning to introduce Sharia law. According to Mr. Jabor, the people of Iraq should decide on the future political system of Iraq. However, the ICP informed the delegation that extreme Islamists call for the use of the hijab (veil), the teaching of Islam and banning of alcohol. In one incident, a cleric had threatened a cinema owner because he showed movies with romantic content; pub owners and wine salesman have also been threatened.

### **The Kurdish Autonomous Zone and the north**

1.12 According to the representative of the Patriotic Union of Kurdistan (PUK) in Damascus, Ms. Haojen Mnmy, Iraq should be a federal state consisting of powerful local governments. Ms Mnmy said that the PUK has seized control over Kirkuk and Khanaqin in the former government controlled area of Iraq, but according to UNHCR in Damascus, although Peshmergas are present in Kirkuk, that does not mean that PUK has taken control of the area. A diplomatic source in Damascus informed the delegation that the CPA had formed a municipal council in Kirkuk with consultative powers only. A Kurd had been appointed head of the council; other seats have been assigned to Turcomens, Assyrians and Arabs.

1.13 A Middle Eastern official source advised the delegation that the merging of the administrations of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) was done at the instigation of the CPA and does not represent a genuine meeting of minds. UNHCR in Damascus were of the opinion that the parties controlling northern Iraq behave as they did before the fall of Saddam's regime.

### **Diplomatic Representation**

1.14 According to a diplomatic source in Damascus there are no Embassies working in Baghdad because there is no Iraqi Government or administration to recognise and give immunity to the diplomats. All diplomats have had their immunity lifted by the Americans because the Coalition forces cannot guarantee their security. Thus, the diplomatic personnel in Baghdad are at the moment seen by CPA as liaison officers. Currently, there is no contact between the liaison offices and the Bremer administration. The same source considered the main problem to be that there is no functioning administration: until an Iraqi administration is in place, the source saw no sense in opening an embassy in Baghdad.



## **2. Security Situation**

### **General**

2.1 UNHCR in Damascus informed the delegation that ethnic tension was not a big issue at the moment. UNHCR in Amman said that there were no reports of internal conflict between different groups and that it was not in any group's interests to fight each other at the present time. However, UNHCR in Geneva was of the opinion that although major confrontations between Kurds, Arabs and Turkmen in northern Iraq have been avoided so far, there are reports of tensions caused by "reverse movements" to the Arabisation policy, in particular in the area of Kirkuk and Mosul. If property disputes are not solved through fair and equitable procedures, secondary displacement and new injustices might be caused and might lead to inter-ethnic conflicts. UNHCR Geneva furthermore fully agrees with the findings in the report of the UN Secretary General pursuant to paragraph 24 of Security Council Resolution 1483 (2003) which clearly indicates that the security situation remains a strong concern and "affects every aspect of life in Iraq today in a fundamental way. It was mentioned in every discussion as a hindrance to progress in all sectors of activity, from basic personal security and freedom of movement to the reopening of banks and economic development, reform of the legal system, developing free and independent media, and, not least, providing a stable environment for the political process."

2.2 UNHCR in Geneva added that, as they are unable to monitor and verify the situation in many areas (because it is unsafe for them to travel), and the lack of communication facilities does not allow regular exchanges of information, a considerable number of incidents are likely to go unreported. Furthermore, as the situation is unstable and changing continuously, neither persecution by non-state agents nor further deterioration in physical, material and legal safety for an increasing number of persons in Iraq can be excluded.

2.3 A diplomatic source in Damascus said that currently the general situation in Iraq is insecure. The ICP underlined that without security and stability Iraq cannot be rebuilt. Formation of a transitional government will play a big role in accomplishing these goals and secure security and stability. The ICP added that in their opinion the clashes are between the occupation forces and Iraqis, not between the Iraqis themselves, and that the security situation is deteriorating. After 7 p.m. people cannot walk in the streets. Shooting and explosions are also heard in the daytime. ICP calls for a unified front that would reduce the risk. UNHCR in Geneva informed the delegation that clashes are taking place not only between the occupation forces and Iraqis but also between the Iraqis themselves. On average, there are twenty attacks in Baghdad each day.

2.4 A diplomatic source in Damascus said that he sensed a deep frustration that electricity and other basic services were not yet functioning, and that unless the Americans resolve the problems this could lead to an explosive situation: the more time that passes without anything happening, the worse the situation will get. The source considers that there is a danger that this frustration may turn into open hostility against the Americans, although currently the population does not generally behave with hostility towards coalition forces.

2.5 The same source said that they do not consider crime generally to be politically motivated. However, the large number of weapons in the hands of Iraqi people is of great concern. Theoretically, a weapon licence is required in order to possess a gun but many Iraqis are reluctant to give up their weapons due to the high crime rate in Baghdad. The same source thought that resistance to Coalition forces is to some extent organised and that the former regime may be behind much of it. However, Ms Mnmy of the PUK said that while members of the former regime are committing acts of sabotage, she does not think the resistance is organised as such and that criminals released before the war are responsible for the looting.

2.6 The European Commission Humanitarian Aid Office (ECHO) in Amman informed the delegation that it is not safe for NGOs to travel to Baghdad and that it is possibly worse for Iraqis. The only way in is by road, there are continuous reports of robberies, car jacking and muggings and the situation is getting worse. The ECHO representative was not aware of any specific targeted group but said that there are daily reports in Baghdad of burglaries, car-jacking, shootings, and muggings both by day and night. The hospitals are full of people in the morning who have been shot the night before.

2.7 The ECHO representative has travelled to Iraq four times since the war and reported that it was much safer immediately after the war than now. It had been hoped that conditions would improve after the war but this has not been the case and no improvement is expected over the next few months. ECHO informed the delegation that there are three main categories of people fighting the occupation: common criminals; people associated with the former regime; and others who are not necessarily associated with the old regime. There are also inter-group disputes amongst the Shi'a.

2.8 ECHO stated that conditions are clearly different in the north and have improved since the war, but conditions in the centre and south have deteriorated since the war. Conditions in Mosul and Kirkuk were fairly good immediately after the war. They have deteriorated since early/mid June, with increasing tension between Kurds and Arabs over de-Arabisation although these problems have not been as severe as anticipated.

2.9 ECHO said there are reports that the UN is considering withdrawing up to 50% of its presence in Iraq because of the deteriorating security situation for international staff.

2.10 A Middle Eastern official source informed the delegation that the security situation is better in areas outside of Fallujah, Baghdad, Samarra, and Ramadi. These areas are occupied by very religious Sunnis (not fundamentalists) and this is why they have security problems: there is friction when US troops enter houses without permission and search women in contravention of Islamic law/custom.

2.11 Mr Jabor of SCIRI thought that because of the absence of Iraqi policemen and a democratic Iraqi government it was very difficult for the Coalition to re-establish law and order. It will be at least six months before security and stability is established. Soldiers from the Coalition forces were not even able to take care of their own security. According to Mr. Jabor, the murder of six British soldiers in a village near Basrah on 23 June 2003 was not organised but the situation got out of control. The Coalition was able to bring down the old government, but so far it has been unable to provide security for the Iraqi people: the establishment of a police force must be a priority.

2.12 On the general security situation in Iraq, one representative of the International Organisation for Migration (IOM) in Amman thought that the risk to ordinary Iraqis was greater than to e.g. NGOs because the latter were more organised and able to avoid trouble-spots. Another IOM staff member thought that the situation for ordinary Iraqis was reasonable and that ordinary Iraqis travelling in private vehicles would not be at particular risk as evidenced by the fact that life was going on more or less normally. The example was given of Jordanian taxis, which travel freely between Jordan and Iraq. Initially the price had been very high, as much as \$2000, presumably reflecting the perceived risk involved. The price has now fallen to around \$200. However, UNHCR in Geneva informed the delegation that the UN Secretary General and Human Rights Watch are clear that the lack of security is seriously affecting the life of every Iraqi and that life is far from normal.

2.13 In terms of their own operations the World Food Programme (WFP) in Amman considered that security problems could occur anywhere in the country. The situation had calmed down in the immediate aftermath of the war but had worsened in recent weeks. However, there have been no reports that individuals are robbed of their food supplies after collecting them. More generally, WFP reported that there was a great deal of trade between Jordan and Iraq. Amman markets were cleared of goods such as televisions, satellite dishes and used cars for resale in Baghdad, taking advantage of the lack of customs controls on the border. UNHCR in Geneva however informed the delegation that whereas there are more consumer goods for sale on the Iraqi market than there was before the war, as a result of successive wars and international sanctions the majority of Iraq's population is depending on external assistance to cover their basic needs, in particular food through the Oil-for Food Program.

2.14 According to UNHCR in Geneva, there have been a number of reports of isolated cars being attacked on deserted roads, with no casualty so far in the three northern Governorates. Security measures are being reinforced as there are fears that terrorist activities may be 'imported' into the three Governorates. The situation in the Centre Governorates (Kirkuk, Mosul and Tikrit) remains unstable, with regular violent incidents, confrontations between ethnic groups and manifestations organised by former government employees. The motivations behind these incidents are often a mixture of political, economic and ethnic considerations.

### **Baghdad and the centre**

2.15 A diplomatic source in Damascus says that Baghdad seems to be everybody's big problem. The security situation is unstable and patience is running out with the Coalition forces. However, people do not really want to end the US presence as long as Saddam is still thought to be alive.

2.16 According to UNHCR in Amman the situation in Baghdad, Fallujah, Ramadi, Balad and other areas of central Iraq with a Sunni majority is generally unstable and insecure, a view shared by Ms Haojen Mnmy of PUK. According to Bayan Jabor of SCIRI in Damascus, the situation in central Iraq is unstable, with incidences of sabotage and resistance against the Americans. Robberies, theft and assaults on civilians are very common. Women are particularly targeted and many do not dare to leave their homes for fear that they will fall victims to random crime. Most of these crimes are perpetrated by the criminals who were released when Saddam emptied his prisons prior to the war. The security situation is much better in the north.

2.17 According to the International Committee for the Red Cross (ICRC) the highway between Amman and Baghdad is not safe for lorries belonging to international organisations. Remnants of unexploded bombs and mines are spread all over the country and will remain a problem for many years to come.

### **The Kurdish Autonomous Zone and the north**

2.18 A diplomatic source in Amman considered that the situation in northern Iraq was much the same as it had been before the war and that the situation there may be conducive to returns of asylum seekers before the rest of the country is ready.

2.19 According to Ms. Haojen Mnmy of PUK, the situation is stable and normal in KAZ and other territories under Kurdish control. The appointment of municipal councils in Mosul and Kirkuk has stabilised the situation. There is no looting and the different ethnic groups live together in peace. Arabs dominate the local police force in Mosul whereas Kurds predominate in Kirkuk.

2.20 UNHCR in Damascus considered that the traditional power structures in northern Iraq have not changed. The parties controlling northern Iraq behave in the same way as they did before the war and tribal and political structures have remained the same. They advised the delegation that services in Mosul seem to be working, though disorganised, the main problem being the health sector. In Kirkuk and Erbil, they report that the situation had been safe and well organised but that there have been a couple of recent incidents. When asked about the situation away from the main cities, UNHCR in Amman gave the example of a group of small inter-ethnic villages approximately 50km north of Mosul which are well organised and apparently safe.

2.21 According to a Middle Eastern official source the security situation in Kirkuk and Mosul is much better than other parts of the country because most of the population are Kurds and Turcomen. However, UNHCR in Amman informed the delegation that the situation remains tense between Turcomen and Kurds and Arabs and Kurds in the north of Iraq. ECHO stated that conditions are clearly different in the north and have improved since the war. Conditions in Mosul and Kirkuk were fairly good immediately after the war but have deteriorated since early/mid June, with increasing tension between Kurds and Arabs over de-Arabisation, although these problems have not been as severe as anticipated and the Kurdish regional government is trying to contain the problem. UNHCR in Geneva informed the mission that the security situation in Mosul remains unstable and that on 12 June a large meeting of former Iraqi military personnel in Mosul city had turned into a demonstration against the local administration and the coalition forces. The soldiers marched to the City Council, broke through the gates and stoned the building. The local police station was set on fire. The coalition forces clashed with demonstrators resulting in two civilian deaths and several injuries.

2.22 The IOM office in Mosul was attacked with a rocket propelled grenade in early July. One security guard was injured and two vehicles damaged. The motivation for the attack is unclear. It was thought that the attack may have been a vendetta against the guard personally but leaflets had been distributed in Mosul saying that the IOM is an Israeli organisation whose agenda is to people Iraq with Jews and create a new Palestine. The attack was reported to the police and armed guards for the IOM office requested.

## **Basrah and the south**

2.23 One of the international organisations consulted told the delegation that the situation in the south of Iraq around Basrah is not as disorderly as in Central Iraq but is still a matter of concern. The area south-east of Baghdad is well organised and administered: Al-Kut is safe and Al-Amarah appears organised, safe and stable with no major army presence. In the deep south the situation is more unstable.

2.24 According to UNHCR in Geneva, as the war-fighting has stopped coalition troops are rapidly scaling down and, despite efforts to train Iraqi police, criminality remains high in southern Iraq, particularly in Basrah City. To date, most criminal activity is between Iraqis and not specifically targeted at the UN. For example there are increasing kidnappings of wealthy Iraqis for ransom, car jacking is common and there are opportunist killings and shootings with turf battles in the city between competing groups. UNHCR Geneva also points out that prior to the war, the Government of Iraq announced an amnesty for political prisoners and opened the prisons; however convicted criminals were also released into the streets. In this transition period, old criminal gangs are resurfacing, new groups being formed and crime is rife. The population is armed and most if not all families have weapons at home to protect their families.

2.25 A diplomatic source in Damascus said that clerics in the south had told Iraqis not to attack the US and UK forces (this was confirmed by a Middle East official source). The crime rate in the south is lower due to a greater social control. The attacks on the US and UK forces might be motivated by lack of money rather than by ideological or political motives. People are rewarded economically by supporters of the former regime for killing Coalition soldiers.

2.26 A UNICEF representative in Amman informed the delegation that the situation in Basrah is generally better than it was. UNICEF usually send Iraqi staff on assessment missions because they can move around more freely (although there are some restrictions on them); threats to western staff have increased.

## **Threat from members of Saddam's Regime**

2.27 A middle eastern official source informed the delegation that some former Ba'ath Party members are targeting Coalition forces and those who work with the Coalition forces, but not those who, for example, were opponents of the deposed regime. However, the source pointed out that not all Ba'ath members were dangerous and not all of them had committed abuses against civilians under the previous regime.

2.28 According to the International Red Cross Committee (ICRC) in Amman, security problems have increased not only for Coalition forces and international staff but also for Iraqis who openly co-operate with the CPA, such as the police. UNHCR in Damascus informed the delegation that the attacks on Coalition forces are a destabilising factor and seem to herald a guerrilla-type warfare instigated by remnants of the Ba'ath Party. The main target is the Coalition forces and those supporting them.

## **Ansar Al Islam**

2.29 A Middle Eastern official source informed the delegation that there is some information which suggests that members of Ansar Al Islam are in the border region between

Sulaymaniyah and Iran. After the attack by the US forces they left their camps and moved away. Some escaped to Iran: they may have tried to return but they have not been active.

**PKK (KADEK)**

2.30 A Middle Eastern official source informed the delegation that there is no longer any PKK activity in Iraq.

**Justice System**

2.31 ECHO informed the delegation that the USA sent a number of judges to work alongside Iraqi judges to set up a functioning judicial system. According to a diplomatic source in Damascus some local criminal courts have resumed their work in Iraq. The source did not have any information as to who served as judges in these courts, whether they had been vetted by the CPA and what legislation was being applied.

## **3. Humanitarian Situation**

### **General**

3.1 According to the WFP in Amman there is no significant hunger in Iraq, a view shared by an international humanitarian organisation in Damascus. WFP informed the delegation that all Iraqis are entitled to coupons which they can exchange for their monthly food ration at local supply points. This applies equally to Iraqis returning from abroad. WFP does not anticipate that hunger will be an issue in the foreseeable future. However, one problem, which is ongoing, is that poorer people are forced to barter some of their food supplies for other essential supplies such as medicines. UNHCR in Geneva informed the mission that almost 8% of the children in Baghdad under the age of five are suffering from acute malnutrition and that numbers have doubled since early last year according to UNICEF.

3.2 The administration of the food distribution programme is undertaken in partnership with the Iraqi Ministry of Trade. The WFP food distribution effort had exceeded its targets in June with 750,000 tonnes of food being supplied. At the peak, 600 trucks a day were crossing the border between Jordan and Iraq, contributing to long tailbacks at the border until a special lane through border control was introduced. The WFP has reached an agreement with the Jordanian government to store supplies in a bonded warehouse in order to simplify and speed up the supply line. The WFP has 200 international staff working in Iraq; this is less than the 300 planned because of the security risk to the staff. They expect their programme to end in November although they will continue in an advisory role.

3.3 However, according to UNHCR in Geneva, levels of poverty in southern Iraq after 13 years of sanctions and three costly wars in the last two decades have reduced the majority of Iraqi citizens to a state of dependency. UNHCR in Geneva informed the delegation that WFP assessments carried out after May 2003 in southern Iraq reveal that many persons are so vulnerable that they can not even pay the minimal registration fee to access food rations and are selling food to pay the 250 Iraqi Dinar fee (approx. USD 0.20). Interim results of UN agency assessments carried out in southern Iraq reveal that many citizens can not meet their basic needs of food, water, clothing, health or education. UNHCR in Geneva also told the mission that WFP and the Food and Agriculture Organisation of the United Nations are assessing the availability of resources against needs, and interim results have shown worrying levels of malnutrition. UNHCR field staff (nutritionists) have also observed signs of malnutrition amongst the domicile population in potential returnee areas. In the Marshlands area, where many Iraqi refugees presently in Iran may wish at some time in the future to repatriate to, 85% of the population lives below the poverty line.

3.4 According to the Red Crescent in Jordan, ICRC is not fully operational in Iraq due to the security situation. ICRC delegates are advised not to go to Baghdad by road from Jordan although the source considered the situation to be better for Iraqi nationals.

3.5 ECHO informed the delegation that living conditions are very bad with water and electricity shortages making the situation increasingly volatile and people very tense. They reported that the US military admit that electricity supplies are worse now than before the war. ECHO

informed the delegation that the public distribution system is functioning fully. ECHO reported that World Food Programme had some difficulties when their warehouses were attacked but this did not impact on the distribution of food, with 23 million people receiving the food ration. ECHO could see no reason why an Iraqi returning to Iraq would not be able to access the food basket. ECHO stated that conditions are clearly different in the north and have improved since the war, but conditions in the centre and south have deteriorated since the war.

3.6 According to a diplomatic source in Damascus many hotels and family run hostels are open in Baghdad, which make it easy to get accommodation there. It is possible to buy anything in Baghdad if you have the money but the cuts in the electricity and water supply systems have created deep resentment among the Iraqi population. According to the source it was incredible that it was not possible for CPA to create a sustainable power and water supply system, at least in Baghdad. With temperatures exceeding 50 C degrees in July and August it will be very uncomfortable to live and work without air-conditioning. The hospitals are open in Iraq but their service have to be paid for and there are long queues for treatment. In general the humanitarian situation does not look good at the moment and frustration and anger among the population is growing. Under the "Oil for Food programme" the population continue to receive food baskets on a regular basis; however, it is unclear what will replace the "Oil for Food programme" when it expires at the end of the year.

3.7 According to Mr Jabor, the representative of SCIRI in Damascus, the southern part of Iraq was ignored by the former regime, hence the task of bringing the humanitarian situation to an acceptable level is a huge task. Iraqis who are used to living in Europe will have difficulty adapting to the situation. There are infectious diseases such as cholera in the southern areas.

3.8 Jamal al-Jawahiri of the humanitarian organisation Al-Amal informed the delegation that the humanitarian situation in the rural districts of Iraq is a matter of great concern, in particular in the areas south of Baghdad which were perceived not to be loyal to the former regime and therefore used to receive fewer resources than other areas during the Saddam era.

3.9 ICRC in Amman reported that looting of spare parts is the main reason for the malfunction of the power and water supply systems. There is enough food and other commodities. Almost everything can be bought in Baghdad, although the distribution could be more effective. Several hundreds trucks are entering Iraq every day from Jordan. ICRC has established a communication centre where Iraqis can rent a satellite phone for US \$1 a minute.

3.10 UNICEF in Amman told the delegation that sewage systems had deteriorated over the years and that when the power went off sewage treatment ceased and sewage overflowed. Water is available, and pumps work, but people are drilling holes in pipes and extracting the water. Tanker trucks are targeted as they are seen as symbols of occupation. Pay, workers and transport companies are gradually getting organised.

## **Medical Services**

3.11 The World Health Organisation (WHO) in Amman has responsibility for emergency medical provision in Iraq. Their work is co-ordinated with the CPA. Currently, 300 local Iraqis are working in WHO offices in Iraq: Baghdad, Dohuk, Erbil, Sulaymaniyah, Al-Hilla and Mosul. According to WHO the last 12 years have seen a dramatic decline in the Iraqi health care system. At the present time some health care is available but not at a level comparable with European standards or even the level of Iraqi health care 15 years ago. The infant mortality rate is 140 out of



1000 children. ECHO's view is that currently only 20% of hospitals are operating at their pre-war capacity, when they were degraded but still functioning at a satisfactory level; the rest have been damaged and looted. UNICEF informed the delegation that hospital care works well.

3.12 WHO carried out an assessment of health facilities after the war ended to establish what the acute needs were. They found that many facilities had been looted and some destroyed. The security situation remains a problem, particular for UN-personnel, but healthcare is in better shape than it was two months ago. WHO would like to deploy more staff in Iraq but this is not possible at the moment because of the lack of security.

3.13 WHO informed the delegation that the provision of medical services is worse outside Baghdad, but even in Baghdad it is not possible to get sophisticated treatments such as cardiac surgery or cancer therapy. The situation is however improving and will continue to do so when the security and economic situation improves. A lot of medical staff left Iraq for political or economic reasons: many of them are eager to return.

3.14 WHO report that two months ago the main problem was security for doctors and nurses. Currently, the main problem is getting medical supplies to the Iraqi people. For example it may be that medicines are stored in one location while the trucks to transport them are elsewhere. WHO have been sending 35-50 trucks a week of medical supplies into the country. Over the next few days they expected to send a further 70 shipments, each shipment consisting of 46 trucks. Because the Iraqi Public Health Laboratory is badly damaged, quality control of the medical supplies is carried out in Jordan by the Jordanian Ministry of Health. WHO paid warm tribute to the help and co-operation of the Jordanian authorities.

3.15 ICRC also informed the delegation that all basic medication and drugs are available in Iraq but that to a certain extent distribution creates problems. An international humanitarian organisation in Damascus says sufficient medical supplies are available, but lack of security and organisation makes it difficult to operate the hospitals. According to UNHCR in Amman, in principle everything is available within the health sector but the absence of administrative structures hampers the functioning of hospitals.

3.16 According to UNICEF, most treatments are available; the difficulty is a practical one of getting the drugs to where they are needed. UNICEF informed the delegation that health and public services are rapidly being seen as a political power lever, with up to sixty five per cent of the services being run by Shi'a groups. There have been no reports of certain groups being refused health care or public services but the current situation can be seen as a political tool. Without a central government in place, it is feared that certain groups could be refused treatment. WHO confirmed that in some places Shi'as have taken responsibility for hospitals but has said that this has had no effect on the distribution of drugs nor are they aware of anyone being denied treatment because of religious affiliation.

3.17 An international organisation in Damascus informed the delegation that in the power vacuum that followed the war, religious groups took control of and started running many hospitals, and that even though people with other religious affiliations have access, they tend primarily to admit persons of their own faith for treatment. The ECHO representative confirmed that many healthcare facilities had been taken over by Shi'a but had not heard of any people being refused treatment on religious grounds, although they thought that it is possible that non-Shi'a may choose not to seek treatment at those facilities.

3.18 WHO informed the delegation that the general level of health care is among the lowest in the region and comparable to countries like Yemen and Djibouti, but slightly above that in Pakistan. In principle the most common drugs can be sent to Iraq within a few days. In some cases, more specialised medication might take longer to obtain. Radiotherapy can at the moment only be administered in Baghdad and Mosul and there is a lack of many chemotherapy drugs. Only basic drugs are available for the treatment of cardio-vascular diseases.

3.19 WHO reports that there is a one year supply of insulin in the warehouses (a 6 month supply of insulin for a returnee would be sufficient). There is a shortage of systems for distributing the medicine but nonetheless, in the event that the WHO is informed about a lack of insulin in a particular Governorate they are able to ship it within 24 hours.

3.20 WHO also informed the delegation that there are no institutions for treating mental illnesses at present: these were among the worst hit by looting and the patients simply walked out. It is not possible to get treatment for PTSD at the moment, but according to WHO this would probably be a minor concern at the moment.

3.21 UNICEF told the delegation that cholera is an endemic disease in the south and that currently there a significant number of cases. The number of cases has not reached epidemic levels; the situation could deteriorate but UNICEF does not think there will be an epidemic this summer and there are sufficient drugs and medical staff to treat cholera cases that do occur.

### **Property Issues**

3.22 According to UNHCR in Geneva, under Saddam there were several land reforms including the appropriation of lands to distribute available agricultural land more equally (except in the three northern Governorates). However, persons belonging to some ethnic groups (Shiites, Kurds, Assyrians, Turkmen, Asides, Marsh Arabs) or holding political opinions contrary to those of the Ba'ath Party were singled out and forced to leave their places of origin or habitual residences, their properties confiscated, in certain instances against compensation. In many cases, the regime deliberately destroyed villages in the north and south to ensure that these groups had no place to return to. Land and housing were then allocated to other Arabs to use or, in the case of persons holding high ranks in the Ba'ath Party or in the military, to own. Many of the Arab resettlers were poor labourers attracted by the settlement packages (the right to use the agricultural land and 10,000 Dinars), but others were forced to move. In addition, further displacement was caused by the conflict between the two Kurdish parties and the Turkish invasion.

3.23 In southern Iraq, the construction of dams and drainage schemes in the marshes destroyed the livelihood of the Marsh Arabs. This, combined with the fact that the Al Hawizeh Marshes were a front-line combat zone during the Iran-Iraq war and the effects of Saddam's brutal suppression of the uprising by southern Shiites (which included some Marsh Arabs), combined to force people leave their own villages, moving from village to village or across the border and back.

3.24 UNHCR in Geneva informed the delegation that Saddam's regime adopted a policy of confiscating the properties of those who had been expelled from Iraq due to accusations of being of Iranian origin. The action of confiscation was officially undertaken by the "Real Property State Directorate", a governmental body affiliated with the Iraqi Ministry of Finance. Some of these properties, which included both houses and lands, were sold to new persons with valid ownership documents.

3.25 The mission was informed by UNHCR in Geneva that the intervention by Coalition forces has caused some further displacement and it is estimated by UN Habitat that some 1,000 housing units were damaged and/or destroyed. For the past 30 years, Iraqis have suffered and are still suffering from severe housing problems. In addition to damaged and illegally occupied property, UN Habitat estimates that 1.4 million housing units (approximately 8.4 million people) are in poor condition. A survey undertaken by UN Habitat in the three northern Governorates revealed that there is an additional need for 130,000 new homes to assist those who currently live in overcrowded accommodation, illegally occupy public buildings or other private homes, or live in tents or makeshift accommodation.

3.26 UNHCR Geneva said that the Coalition Provisional Authority (CPA) has not yet set in place a fair and equitable framework for restitution and compensation. Through Regulation Number 4 (CPA/REG/25 June 2003/04), the CPA created an Iraqi Property Reconciliation Facility, pending the establishment of a means of finally resolving property-related claims by a future Iraqi government. The task of this facility will be to receive claims from individuals with property disputes and to provide a voluntary dispute resolution and reconciliation facility. The International Organisation for Migration (IOM) has been tasked by the CPA to set up this facility.

## **Education**

3.27 UNICEF informed the delegation that schools are generally back and functioning, which has come as a surprise to many. Teachers continue to work even though they have not received salaries, only promises of salaries. Attendance is running at 65% of pre-war levels although this varies widely amongst communities. UNHCR in Geneva referred the mission to the Human Rights Watch Report "Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad" where it is stated on page 9 that: "The current fear of sexual violence and abduction also has disproportionately affected women's and girls' school attendance. In mid-May, Save the Children U.K. conducted an assessment of three schools in the Baghdad area finding attendance in the schools surveyed less than 50%; the survey found that lack of security and fear of kidnapping topped the reasons for girls' non-attendance. School attendance had increased by the first week of June to approximately 75% as families arranged for their daughters to travel to and from school in groups, and as more male relatives began escorting female students to school. Still, such solutions often left women and girls dependent on the availability and willingness of others to be able to go to school."

## **The Kurdish Autonomous Zone and the north**

3.28 UNICEF in Amman informed the delegation that everything is fairly settled in the north, communities and local Government handled the situation well pre-war regarding such issues as the risk of IDP's etc. UNICEF thought that an Iraqi child in the north would be able to access food, water and healthcare.

3.29 According to Emmanuel Khoshaba of ADM, the Assyrian community, as well as other Christian communities, are running hospitals and schools. Assyrian schools have existed in northern Iraq for some years and Assyrian children can be taught in the Assyrian language.

**Internally Displaced Persons**

3.30 A diplomatic source in Amman reports that conditions in IDP and refugee camps within Iraq are much as they were before the war except that there is a shortage of medical supplies.

## **4. Human Rights – Specific Groups**

### **Ba’ath Party members and supporters of the former regime**

4.1 A Middle Eastern official advised the delegation that there have been many attempts to seek reconciliation in Iraq. Prominent figures in tribes have advised the people not to attack or judge Ba’ath members. The majority of the Iraqi people object to de-Ba’athification by the CPA. However, the official said that Iraqis are searching for those who committed crimes against them.

4.2 According to Jamal al-Jawahiri of Al-Amal, some revenge killings have taken place, although fewer than some had expected: he estimates that more than a hundred people from the security apparatus of the former regime have been killed.

4.3 A Middle Eastern official source informed the delegation that Iraqis are only targeting those who killed or committed crimes against them (or confiscated their property). Those at risk of attack would belong to one of three groups: the intelligence services; the security services; and Fedayeen Saddam. Even among these groups, the only individuals at risk would be those known by Iraqis to have committed abuses. This could however mean that relatively low ranking members could be at risk because they had operated at street level: there was no specific rank within the Ba’ath which carried out these crimes, it was done by the most dangerous men within the party. Furthermore this source advised that any other group who had killed or injured Iraqis would also be in danger.

4.4 The same source did not consider that ordinary members of the Ba’ath Party would be at risk because the Iraqi people understand that such people only joined the Party because it was necessary for them to get jobs. The Middle Eastern official source could not give specific examples of killings, nor could they provide information on whether attacks were committed by organised groups or individual criminals. They advised the delegation that any Ba’ath members who were involved in executions and torture have already escaped Iraq.

4.5 A representative of an international humanitarian organisation in Damascus stated that during a recent visit to Baghdad she had been passing through a neighbourhood of Baghdad where members of the former regime used to live in isolation from the surrounding city. All the big villas were now empty, and the neighbourhood was like a ghost town. The source believed that Iraqis affiliated to the former regime and who left the country due to the fall of Saddam Hussein would be at risk of reprisals from other Iraqis and that their property might be taken.

4.6 ICP in Damascus is aware that there are different types of Ba’ath Party membership. Some Ba’ath Party members have not been involved in the security and intelligence services. Many Iraqis have suffered injustice at the hands of the former regime which is why there have already been some assassinations of members of the security and intelligence services. Since Saddam’s regime was deposed, some former Ba’ath Party members who were not genuinely committed to the Party philosophy have co-operated with e.g. Islamists and communists but the Ba’ath Party label is still attached to them. It is the goal of the ICP that people from the security and intelligence

services should have a fair trial when fair courts have been established. The ICP renounced vengeance.

4.7 The Red Crescent in Jordan stated that the Ba'athist regime had fostered a culture of informing on your neighbour. Therefore it is quite possible that Ba'ath members will be targeted for reprisal attacks from victims or their families.

### **Family Members of Ba'ath officials**

4.8 A Middle Eastern official source informed the delegation that the families of Ba'ath Party officials or people associated with the former regime would not be targeted in revenge for crimes committed during the Saddam regime. The delegation was told that Muslims do not attack family members and that such reprisals would not occur in Iraq. It was added that families are likely to have escaped or changed address anyway.

### **De-Arabisation**

4.9 One of the international organisations the delegation spoke to said that there are reports of a limited number of Arabs being expelled by Kurds. A Middle Eastern official source said that, after the war, Kurds returned to areas that they had been pushed out of under Saddam's Arabisation process. There were disputes between Arabs and Kurds, in particular the Al Jabur and Al Jabadi clans, over the properties from which the Kurds had been evicted, but not as many as had been predicted. Kurdish Peshmergas returned in a civil manner to towns such as Kirkuk and Mosul and after a time peace was restored. An ECHO representative confirmed that some Kurds have returned to their homes, forcing several hundred Arab families to leave. There have not been as many fatalities as feared and the Kurdish government is trying to resolve the problem.

4.10 According to Ms Haojen Mnmy of PUK, some internally displaced Kurds had tried to evict Arab families living in the Mosul and Kirkuk areas from their homes. The Arabs had moved into the houses when the former regime launched the Arabisation campaign in the 1990s. The Kurdish authorities are advising people to wait until property repossession can take place in an orderly manner based on legislation that is to be adopted.

4.11 According to UNHCR in Damascus the Kurdish parties have tried to add territories to the Kurdish controlled region since the end of the war. Leaders of Arab tribes in these areas have approached KDP and PUK and informed them that the former regime brought these Arab tribes to the Kurdish areas under pressure. The Arab tribal leaders acknowledged that they inhabited Kurdish properties and assured the Kurdish parties that they would leave but asked for this process to be implemented in an orderly way. The Kurdish parties had agreed to this but, according to UNHCR in Amman, to date no mechanism for the orderly and peaceful resolution of property disputes has been put in place.

4.12 According to UNHCR in Amman's information, some camps for internally displaced Arabs have been established south of the Kurdish controlled areas.

### **Assyrians**

4.13 Emmanuel Khoshaba from the Assyrian Democratic Movement (ADM) informed the delegation that the ADM worked for the establishment of a situation where Iraqis will no longer leave Iraq. He thought that security is a problem and ADM have had meetings with the CPA to

discuss the issue. In the immediate aftermath of the war, Assyrians in northern Iraq in some cases had been attacked by criminal Kurds. ADM's armed wing is licensed to carry weapons and has protected Assyrians in northern Iraq in the area from Mosul to Al Qush and from Mosul towards the north-west. There are at moment no security problems for Assyrians in northern Iraq: ADM co-operates with KDP, PUK and Arabic and Islamist parties in the area.

## **Christians**

4.14 ADM representative Emmanuel Khoshaba informed the delegation that the overall situation for Christians in Iraq is good except in the south. In June 2003 three Christians were killed in Basrah for selling liquor and liquor shops had been destroyed. Christian women in southern Iraq had been harassed for not covering their hair. In Baghdad three factories owned by Christians had been destroyed. ADM had approached the Islamic organisations SCIRI and Dawa to stop this. During a recent trip to Iraq, Emmanuel Khoshaba had visited Shi'a Muslims in southern Iraq. The Assyrians work together with other Christian societies, as well as with Islamists, towards the goal of securing one Iraqi national state. According to Emmanuel Khoshaba, *converts* to Christianity will face problems, not from the authorities, but from relatives, neighbours, etc.

4.15 A Middle Eastern official source informed the delegation that Christians live equally alongside Muslims and that in many cases their social conditions were better. The source had no information about attacks against Christians, and said that although fears had been expressed that civil war may break out, this has not occurred. Shi'a and Sunni clerics have stated that their first identity is as Iraqis, and that they should unify. They told the delegation that in Baghdad there have been reports of two rocket propelled grenade attacks on shops selling alcohol but that this was an attack on the alcohol rather than the seller as the shop was closed at the time. The source does not accept that Christians are targeted because of their religion and pointed out that some alcohol sellers are Muslims. However, UNHCR in Geneva told the mission that systematic attacks on the minority Christian community in Basrah have been reported and that in June 2003, 2 liquor vendors were killed and some shops selling liquor came under fire. Approximately 120 Christian families (over 1000 persons) remain in Basrah, with most persons having left Iraq fearing the resurgence of religious leaders.

4.16 One of the international organisations the delegation spoke to reported that Christians in the south may be at risk when Iraqi clerics return from Iran. The Christian communities in the south of Iraq are watching developments very closely, concerned that the growing influence of the Shi'a Muslims might adversely impact on their situation. A diplomatic source in Amman was not aware of any reports of persecution of Christians in Iraq but is concerned that they may be persecuted because they are perceived by other Iraqis to have been favoured by Saddam.

4.17 According to the representative of SCIRI, Bayan Jabor, the attacks on Christians in Basrah in May 2003 were stopped by SCIRI, which will not tolerate such acts in the future. Mr Jabor also said that Christian women do not need to follow the Muslim customs for clothing and behaviour and that the Christian shops which sell liquor and the cinemas showing international movies have reopened.

## **Women**

4.18 According to Bayan Jabor of SCIRI, robberies, theft and assaults on civilians are very common. Women are particularly targeted and many do not dare to leave their homes for fear that

they will fall victim to random crime. However, Christian women do not need to follow the Muslim customs for clothing and behaviour.

4.19 UNHCR in Geneva informed the delegation that HRW's report "Climate of fear" clearly describes how the general insecurity and the fear of sexual violence and abduction are affecting the life of women and girls. So far, there are no mechanisms in place to investigate allegations of sexual violence and abductions, services for victims of rape and sexual violence such as counselling, medical assistance and legal services are not existent or insufficient, and the CPA and the Iraqi authorities are not capable of protecting women and girls from "honour killings". According to UNHCR in Geneva, the re-emergence of Shi'a Muslim religious representation across southern Iraq has already had an impact on Iraqi women and girls. There are pressures to institute Sharia law in place of civil law, and related social pressures are being felt by Iraqi women and girls. Iraqi women's associations have told UNHCR in Basrah that Iraqi women are afraid to speak out about their concerns and that their men-folk should speak for the family. Women feel under pressure now to cover their heads, and withdraw from public life in order to concentrate on the family. Iraqi girls are under pressure not to attend school.

4.20 According to UNHCR in Damascus some persecution still takes place in northern Iraq. Women activists expressing liberal views might find themselves at risk of persecution. Women are also at risk from honour killings, gender based persecution and arbitrary detention without the KDP or PUK being involved, especially around the Halabja and Sulaymaniyah areas. Erbil and Sulaymaniyah have sanctuaries for women but the reach of the protection provided by the KDP and PUK is limited.

4.21 The Red Crescent in Jordan advised the delegation that, because of a lack of supplies, some women are forced into prostitution to feed their children.

## **Children**

4.22 UNICEF informed the delegation that Iraq is a signatory to the Convention on the Rights of the Child and that this commitment is deemed to remain intact. There is a committee structure that reviews violation reports with a group currently working on it. UNICEF, WHO and the World Bank are working on assessments of the situation in Iraq. Initial reports are being compiled and should be ready by late July.

4.23 UNICEF informed the delegation that there are now many street children who have been released from orphanages and prisons in addition to those who were on the streets already; accurate numbers are not available. A big problem is how to deal with children who are in trouble with the law for e.g. looting until a Ministry is created to deal with these issues. The pre-war social services were like those in Eastern Europe and de-institutionalising these will be a major challenge. There has been some reform in foster care. UNICEF said that the rest remains in a mess.

4.24 UNICEF told the delegation that orphanages are better in the north but there are also provisions for orphanages in the south. The UNICEF representative referred in particular to two well-run orphanages in the south but was unable to say who they were run by.



### **Former opposition parties**

4.25 A diplomatic source in Damascus told the delegation that Damascus had been home to many Iraqi opposition groups for the past three decades. Most of these groups have now opened offices in Iraq, without, however, closing down their offices in Damascus. Most go back and forth, while waiting for the situation in Iraq to stabilise.

4.26 A diplomatic source in Damascus said that all opposition parties and groups are planning to maintain a presence in Syria. Returning opposition members are concerned about their own security but no incidents involving returning political opposition have been reported. The source said that nobody really believes that Saddam is gone: the returning opposition people are very visible and fear that after the US and the UK they will be the next target.

4.27 So far, there have been no incidents of harassment of ICP members in Iraq. There might be a danger from followers of Saddam Hussein, people from the security forces, etc. but so far there have been no incidents.

4.28 According to Mr. Jabor of SCIRI, profiled Shi'a may be at risk of persecution from remnants of the former regime. Mr. Jabor feels that he may himself be targeted. However, he planned to go to Iraq as soon as possible. Mr Jabor's assessment of the situation was echoed by a diplomatic source in Damascus who thought that in particular high-profiled religious leaders could be targeted.

### **Third country nationals**

4.29 According to UNHCR in Amman, third country nationals in Iraq are viewed with suspicion by many Iraqis due to their perceived affiliation with the former regime. In particular Palestinian refugees have been targeted in the aftermath of the war. Several hundred Palestinian families have been evicted, mainly by landlords who were unhappy with the lease terms imposed by the former regime. The evictions, which have in some instances been violent, continue. Recently, there have been reports of harassment against couples of mixed nationality, e.g. Egyptians married to Iraqi nationals.

4.30 The World Food Programme (WFP) reported that 3rd country nationals such as Somalis, Sudanese, Palestinians and a few Egyptians are being forced out of their homes and jobs by Iraqis who consider them to be supporters of the former regime because they received favourable treatment under Saddam. The Jordanian government is very sensitive about Palestinian refugees because of fears that an influx could upset the delicate social balance in Jordan. Palestinians are therefore refused entry and kept in camps.

4.31 WFP said that the Iranian Kurds in al-Tash Camp 180km west of Baghdad were militarily trained by Saddam. After the war they were moved to the no-man's land between Jordan and Iraq. The Jordanian government will not admit them and conditions in the camp are reportedly poor. They are presumed not to be receiving WFP food aid. A diplomatic source in Amman has identified Palestinians, Syrians, Iranian Kurds as being groups that may be at risk in the future but have no knowledge of any incidents except for the eviction of Palestinians large numbers of whom have been evicted from their homes: some by landlords who were compelled by Saddam to let them houses at artificially low rents and are now demanding huge rent increases or that the Palestinians leave the properties; others by Arabs returning from the north where they in turn have been evicted

by Kurds under de-Arabisation. The source estimates that there are 800 such displaced Palestinian families in a camp in Baghdad and perhaps a further 900 families in Jordan.

4.32 A Middle Eastern official source stated that there is evidence that some Arab youths (Palestinians, Jordanians, Syrians, Iranians, Saudis, Lebanese) are travelling to Iraq to help defend the country against the US. However, after the fall of Saddam's regime, Iraqis attacked these groups and handed them over to Coalition forces. The delegation was informed by the same source that the US has a fear of Islamic organisations and believe that these foreign nationals belonged to such groups. They arrested them and some still remain in detention.

4.33 The Red Crescent in Jordan informed the delegation that 150 Moroccan nationals who were resident in southern Iraq were forced to leave as a result of an ultimatum by the Shi'as living there. Apparently, foreigners living in Iraq are being targeted because of their country's collusion with the former regime.

## **5. Returns to Iraq**

### **General**

5.1 UNHCR in Geneva informed the mission that the prevailing conditions in Iraq are characterised by lack of physical security, absence of the rule of law, irregular provision of basic services and continued dependency of large parts of the population on food assistance and other aid for survival. UNHCR is in the process of releasing an advisory note on the International Protection Response to Asylum-Seekers from Iraq. UNHCR has requested that states maintain a moratorium on the forcible return of rejected Iraqi asylum seekers and encourages states to extend forms of temporary protection granted. If governments wish, nonetheless, to resume individual processing of asylum claims, UNHCR advises States to be mindful of the possibility of persecution emanating from non-state agents, particularly given the absence of effective national protection in Iraq. Similarly atrocious forms of past persecution should favourably be taken into account in the determination process. UNHCR Geneva informed the delegation that, on the basis of the information received from the field, it is in the process of preparing a comprehensive assessment on the present conditions in Iraq, which will be shared with the relevant counterparts in due time. UNHCR advised that the severe security constraints in a volatile and rapidly evolving situation and the restricted movement of UNHCR staff in Iraq have limited UNHCR's ability to assess the situation on the ground, and prevents the issuance of new eligibility guidelines for Iraqi asylum-seekers at this moment in time.

5.2 According to UNHCR in Amman, 100 Iraqi border guards have recently taken up duty at the Jordanian-Iraqi border, where they will work under close supervision by the Americans. People have to show a travel document to enter and exit Iraq. There are no visa requirements. Haojen Mnmy of PUK said that Iraqi Kurds should now return to northern Iraq as their capabilities are needed. However, the return should only happen on a totally voluntary basis.

5.3 Emmanuel Khoshaba from the Assyrian Democratic Movement (ADM) informed the delegation that ADM wanted to stop the emigration of Assyrians from Iraq and wanted Assyrians to return from abroad. Before the fall of Saddam Hussein, Islamic groups and conditions in Iraq had pushed Christians to leave Iraq. ADM worked for the return of Assyrian Iraqis to Iraq and had so far facilitated the return of 65 families to Iraq. Furthermore ADM informed the delegation that Christian Iraqis by themselves had returned to Iraq from USA and Canada. ADM has expressed its view to the CPA that the establishment of a secure environment is an essential requirement for convincing Iraqis to return.

5.4 The Red Crescent in Jordan informed the delegation that 5000 Iraqis had returned to Iraq from Jordan after the war. However as a result of poor security some have returned to Jordan.

5.5 UNHCR in Amman informed the delegation that fraudulent passports have been issued since the war and that Iraqis are using these to try to leave the country. These passports' numbers start with H06.

5.6 According to the UNHCR in Damascus, Iraq is not a stable country and lacks government. Returns should not be rushed and a humanitarian approach should be taken. It is very difficult to know about the situation for returnees inside the country as no monitoring mechanisms are in place.

5.7 UNHCR in Damascus finds that the changed situation in Iraq calls for new guidelines on refugee status determination. Iraq is in a transitional period and it has to be determined who are the persecutors and for what reason. It will take some time to see how the situation will develop and it is therefore premature to make an assessment now - it will come in two to three months. At the moment no-one can say what the benchmark will be since anything is possible.

5.8 According to UNHCR in Amman, UNHCR's position regarding repatriation of Iraqis is that it is too early to send people back. UNHCR is willing to look at the return of selected groups, once it is sure that the returnees will have means to sustain themselves and UNHCR will be able to monitor their conditions on return.

5.9 So far, UNHCR in Amman has received few requests for voluntary repatriation to Iraq. On the contrary, there has been an increase in the number of Iraqis coming to register for temporary protection. UNHCR in Amman has put a freeze on refugee status determination, while waiting to see how the situation in Iraq develops.

5.10 According to UNHCR in Amman, UNHCR has established a presence in Baghdad, Basrah and in the north. Due to the security situation, travel outside these areas is subject to security restriction by the UN Security Co-ordinator and can only take place in convoys of four vehicles with a minimum of eight persons. As a consequence, UNHCR's mobility in Iraq is restricted and it is in no position to monitor the conditions of returnees.

5.11 UNHCR in Damascus has begun organised registration of all Iraqis in Syria willing to repatriate. They are informing Iraqis who do register for voluntary repatriation that they will be helped to return to Iraq once the situation is conducive and organised voluntary repatriation operations are commenced by UNHCR from neighbouring countries. At the present time UNHCR Damascus is not engaged in voluntary repatriation of Iraqis and although some Iraqis are returning spontaneously the numbers are less than in the period immediately after the fall of the Saddam regime. UNHCR Damascus expressed the view that European countries should delay the return of Iraqis until the situation is conducive.

5.12 A diplomatic source in Amman reported that the CPA does not want large numbers of returns to Iraq until it is a functioning country again. The CPA is working closely with UNHCR on the assessment of the situation on returns. However, they estimate that 23,000 have returned spontaneously from Jordan and perhaps 20,000 from Syria, although they pointed out that figures are not kept and that it is impossible to know how many of these have remained in Iraq. There had been fewer returnees from Lebanon because of practical difficulties but nonetheless several busloads amounting to about 580 returnees were sent back to Iraq from Lebanon in May. When the Lebanese tried to send a second batch in late June UNHCR informed them that the CPA was not yet ready to receive them; the Lebanese sent them anyway and they got through, largely, according to the source, because the CPA does not have systems in place to stop them. The CPA did agree the return of a first group of around 300 Iraqi refugees who had been in Rafha camp in Saudi Arabia since the 1991 Gulf War.

5.13 According to a diplomatic source in Damascus the CPA accepts voluntary repatriation in principle, but would prefer return to take place in small groups of 10 to 40 persons a time. The CPA is at the moment reluctant to accept mass returns of Iraqis from abroad. The source expected CPA to accept returns to Iraq in larger scale within 3-4 months. The source did not expect that CPA would accept larger-scale, assisted repatriation movements to begin before September at the earliest.

5.14 The same source informed the delegation that, when returning Iraqis, the CPA requires that the relevant American Embassy is notified four days prior to departure. The CPA further requires that returnees should be returned all the way home, with the means to survive, although it is not necessary for the returnee to have an actual physical address to return to: ties and a social support network would suffice. The source was not however sure whether return to family members living in a condition of internal displacement would qualify as "return home". No exact guidelines have been issued yet, and details such as these are still being worked out by the CPA. However, the bottom line is that the CPA does not want a lot of failed repatriations. According to the source, a resettlement grant of US\$3,000 was more than sufficient. A laissez-passer would be sufficient travel legitimisation.

5.15 According to UNHCR in Geneva, the main obstacles preventing the return of refugees and displaced persons, particularly in relation to property issues, are:

- ❑ lack of fair and equitable framework for the restitution or compensation of property rights, including, institutions and enforcement mechanisms;
- ❑ alleged manipulation of property records coupled with an alleged lack of documentation, in particular for houses in villages;
- ❑ current practice not to accept documents as evidence issued under the Ba'ath party regime;
- ❑ occupied, damaged or destroyed homes;
- ❑ disputed housing and land rights;
- ❑ lack of absorption capacities for those who cannot return immediately to their former homes or for those who have no place to return to because accommodation was rented before their displacement;
- ❑ environmental and ecological damage in the marshes, preventing return owing to the lack of livelihood;
- ❑ lack of solutions for those who gained legal titles over property but find themselves in displacement;
- ❑ lack of reconciliation measures to enable the different ethnic groups or members of the same group (e.g. PUK, KDP) to live together;
- ❑ lack of basic necessities in the villages such as shelter, water, non-functioning services (schools, clinics) to ensure sustainable, human settlements.

### **Returns to the Kurdish Autonomous Zone**

5.16 The ECHO representative was not aware of Kurds facing problems when returning to the KAZ from outside: several thousand have done so without problems and it was not thought that the war would make any difference to this situation. ECHO thought it would be very difficult to relocate a Kurd from Baghdad to the KAZ because it is effectively a separate country despite the CPA's determination to treat Iraq as one country.

5.17 UNHCR in Geneva advised that return to the three northern Governorates is in principle possible for refugees and displaced persons who originate or had their former habitual residence there and have relatives or property to return to. But a person originating from Erbil is not going to be accepted in Kirkuk. Authorities there said that they welcome back their former residents but they do not accept residents from other Governorates to counter ongoing intentions to change the ethnic make-up in this Governorate. The return of refugees to internal displacement would increase the already existing displaced population of 800,000 and exacerbate the already poor living conditions. Internal relocation is therefore not an alternative.

### **Returns to the Baghdad area**

5.18 According to UNHCR in Geneva, displaced persons and third country refugees face increasing housing problems. Many displaced persons no longer have the financial means to pay their rents, or increased rents since there is no longer enforcement of rent controls post-Saddam. Among the third country refugees living in the Baghdad area, Palestinian refugees were the most affected. For decades, Palestinian refugees have been enjoying equal treatment to Iraqi nationals with few exceptions. After the war, many were forced to leave the homes provided to them by the previous regime (under ownership or rental agreements). Currently there are more than 1,000 Palestinian refugees who were evicted from their homes, of whom 284 families are currently accommodated in tents, exposed to a daily temperatures of more than 40 degrees Celsius. The Palestinian Red Crescent estimates that another 600 families are threatened with eviction and would be in need of shelter. The CPA estimates that there are between 65,000 to 75,000 displaced persons and 55 Palestinian refugee families illegally occupying public buildings.

### **Returns to southern Iraq**

5.19 According to UNHCR in Geneva, like in other parts of the country, the return process is hampered by a chronic shortage of housing units for displaced persons and refugees have no place to return to. As a result, every empty property has been occupied and the right to return to their original homes or former habitual residences is not guaranteed (e.g. Umm Qasr). Even UNHCR properties were taken over by locals as a result of the severe housing problems. Currently, an Iraqi family occupies UNHCR's office in Amarah whose head of household is a worker in the Amarah hospital. Nine Iraqi families presently reside in the UNHCR transit centre in Basrah/Tanouma, claiming they have no other place to go. In view of these families' need for shelter, UNHCR is having difficulty evacuating them as no alternative housing has been yet identified.

5.20 Some of the refugees who have already returned to southern Iraq have expressed to UNHCR their concern that confiscated lands and damaged houses are major obstacles for sustainable return. For example, the majority of the families that had been displaced from Thi-Qar Governorate, and consequently became refugees, are ready to repatriate but the absence of

accommodation in their places of origin continues to generate considerable concern and reluctance to return.

5.21 UNHCR in Geneva informed the mission that during a meeting with the representatives of the local council of Amarah, UNHCR observed a great deal of concern among a group of male refugees who have returned temporarily from Iran to investigate the living situation in Iraq before bringing back their families. They expressed worry and anxiety for the return due to lack of adequate and decent accommodation. They added that rent rates in the city have surprisingly gone up due to the high demand for housing facilities. Furthermore, they expressed unwillingness to return to rural areas in Iraq because they have been living the city life style in Iran for more than ten years, a wish which would probably further complicate their return to Iraq.

5.22 According to UNHCR in Geneva, livelihoods in potential return areas in the marshes are poor for both returnees and the existing communities. A survey undertaken by the UN Inter-Agency Assessment Team of some of the remaining settlements in the marshes revealed that families had no access to clean water or a sewage system and suffered from shortage of electricity. In addition, the capacity of local institutions and communities is inadequate to meet the specific needs of their residents let alone those of returnees. Local populations questioned by the Assessment Team said that they would welcome returnees and support them provided that basic services are put in place in the settlement locations. Because of the tribal structure of the Marsh Arab communities, an influx of returning refugees and displaced persons could inadvertently exacerbate existing conflicts and tensions.

### **Returns from Syria**

5.23 According to a diplomatic source in Damascus the Syrian authorities want Iraqis to leave Syria for Iraq: Iraqis have been visited by the security services who encourage them to leave Syria. Every Iraqi who wants to leave Syria for Iraq can do so without any problem with the border guards. It is possible to hire a Syrian taxi and drive to Baghdad or other places in Iraq. Iraqis are at the moment not in danger of being deported from Syria to Iraq.

5.24 A diplomatic source in Damascus said that officially the border is closed for Iraqis wanting to go to Syria but businessmen and wealthy Iraqis with the right connections can get Syrian entry visas and travel back and forth. Iraqis will not get visa extensions. UNHCR in Damascus confirmed that the border between Iraq and Syria was closed. According to the UNHCR this happened on 14 April 2003 following US pressure. Iraqis cannot enter Syria except on business and they must hold a Chamber of Commerce card.

5.25 According to a diplomatic source in Damascus, Iraqis in Syria and Jordan can enter Iraq without problems as long as they can present a travel document. Many are doing so spontaneously every day. Passports are checked at both an Iraqi and a US checkpoint. No visa is required.

5.26 The UNHCR confirmed that Iraqis in the immediate aftermath of the conflict had been enthusiastic about returning to Iraq. According to figures provided by the Syrian authorities, 400-500 were returning every day. However, the change in the situation in Iraq since the immediate aftermath of the conflict had made Iraqis less enthusiastic to return as they realised that the situation was not improving and that security was an important concern. According to the Syrian authorities, the number of returnees has dropped to approximately 100 a day. Most of the Iraqis returning had

done so for political reasons as they had been called back by their parties and organisations to reinforce their base. Shi'as are pushed by their own community to return to reinforce the strength of the Shi'a community in Iraq.

5.27 Many Iraqis in Syria have approached UNHCR to request repatriation assistance. However, UNHCR is not facilitating voluntary repatriation of Iraqis for the time being due to the general security situation. Pending an improvement of the conditions in Iraq, the organisation registers those who wish to repatriate for future action.

5.28 According to a diplomatic source in Damascus, there has been a large spontaneous repatriation of Iraqis from Syria to Iraq since 1 May 2003. According to the source the Syrian authorities claimed that as many as 50,000 Iraqis have returned. About 100-200 Iraqis are going back to Iraq from Syria every day. The source did not have any report of security problems for the returnees once back in Iraq. According to the source no Iraqi returnee who had fled Iraq due to resistance to the former regime would have to face security threats back in Iraq. High ranking religious leaders who return to Iraq could however at the moment be in a precarious and risky situation.

### **International Organisation for Migration (IOM) involvement in returns**

5.29 IOM is assisting small numbers of Iraqis wishing to return home, particularly those with special humanitarian reasons to return, through its existing Assisted Voluntary Return (AVR) programmes operated in Europe (including UK and Denmark) and elsewhere.

5.30 IOM is able to assist any Iraqi stranded abroad who volunteers to return home: such cases are often referred by host Government authorities. IOM refers AVR applicants to UNHCR for refugee-related advice and assistance.

5.31 IOM assistance includes counselling of migrants, air transportation to Amman, overland transportation from Amman to Baghdad, and resettlement grant payments (when authorized), either in the host country or in Amman. Voluntariness is the trigger for IOM assistance. IOM requires an assurance that the migrant is not under any pressure or coercion to return, and that they are fully informed about the conditions of return. The Voluntary Return Forms include a waiver of IOM obligations towards migrants once back on Iraqi territory.

5.32 Return assistance, including overland transportation from Amman airport to Baghdad central bus station, is conditional on voluntariness and on the returnees confirming they have a place to go back to in Iraq. In the absence of commercial air routings to Baghdad, Jordan remains the only neighbouring country currently allowing returnee transits through its territory.

5.33 IOM liaises closely with CPA representatives and the Jordanian government on its current return assistance activities. IOM Amman meets passengers at the airport and secures the transit and medical screening for fitness for onward travel and medical assistance, including escorting and ambulance transport for serious cases. IOM also disburses modest resettlement grants where applicable, arranges overland private car transportation to Baghdad, and escorts the returnees to the Iraqi border. Confirmation of arrival of returnees in Baghdad is then given by the transport company.

5.34 IOM has received funding from the European Commission for assessing viable means of socio-economic reintegration of returning Iraqi migrants. These may include job reinsertion



assistance, vocational training, micro-credit schemes and other income generating projects. Host countries in Europe will be briefed on project findings through systematic debriefing sessions in a number of European capitals. The first assessment mission will be carried out shortly.

### **Security and Humanitarian Situation for Returnees**

5.35 UNHCR in Damascus and Amman said that as there is no returnee monitoring mechanism in place in Iraq it is difficult to know what the situation for returnees is.

5.36 A diplomatic source in Damascus was not aware of any particular security problems for returnees once back in Iraq. According to the source, no Iraqi returnee who had fled Iraq due to resistance to the former regime would have to face security threats back in Iraq. High-ranking religious leaders who return to Iraq could however find a precarious situation.

5.37 Another diplomatic source in Damascus was not aware of any incidents involving returnees. ICRC had received no reports of fighting between Iraqis themselves or that Iraqis returning from abroad would be targeted. However, ECHO, while unable to see why returnees would be specifically targeted, believes that Kurds in Amman consider it is still too soon to return permanently and some are not even going back to visit.

5.38 According to an international humanitarian organisation in Damascus, Iraqis returning home to Iraq from Europe will be welcomed, but may face difficulties repossessing their property. Apart from returnees with close links to the former regime, they would not face any specific security problems. However, it could be a difficult time for the returnees because of lack of jobs or other form of income. At the moment more than 100 Iraqis leave Syria every day for Iraq.

5.39 Mr. Jabor of SCIRI in Damascus informed the delegation that any Iraqi who left Iraq for Europe without a political motive could return to Iraq without problems. He also said that many Iraqis have already left Iran for Iraq. However the same source said that because Iraqis abroad have not been included in the system for distribution of humanitarian assistance they may encounter difficulties in getting access to such assistance on their return. The World Food Programme however advised the delegation that Iraqi nationals returning home from abroad would be entitled to the food rations.

5.40 The ICP noted that Iraqis living in the West and who have access to social welfare, housing, work and good salaries might find it difficult to return. Returnees will find a mountain of problems, inferior healthcare, and unemployment. ICP hope that all facilities would be provided for Iraqis to return and will work alongside other Iraqis in rebuilding Iraq. While warning that remnants of Saddam's regime exist and extremists might harass returnees, ICP is not aware of any instances of harassment against returning Iraqis.

### **Internal travel**

5.41 A Middle Eastern official source stated that the border between central Iraq and KAZ is still being guarded by the Peshmerga for those entering from the south. However, they are concerned only to prevent weapons being transported to KAZ and, if ID cards are in order and no weapons are found, people will be allowed to pass. US officials are reportedly concerned that Ba'ath members will escape to the safety of the north. The ECHO representative thought that

border-points still exist separating KAZ from the south but that it was very unlikely that many Arabs would enter the north as most would consider it dangerous to go.

5.42 The IOM has asked drivers returning to Jordan from Baghdad whether they have encountered any problems: none have been reported although vehicles travel in convoys to provide protection against banditry. It was not thought that bandits targeted any particular groups but would attack any vehicle they thought might contain something worth stealing. The ECHO representative told the delegation that it was not safe to travel to Baghdad and that it is possibly worse for Iraqis as travel by road is the only option for them and the roads are not safe. There are continuous reports of muggings and car-jackings with the situation deteriorating rather than improving. UNHCR in Amman told the delegation that the road between the Jordanian border and Baghdad, especially the stretch between Ramadi and Baghdad, is one of the most insecure in the country.

## **ANNEX A:**

### **TERMS OF REFERENCE**

#### *Background*

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 have agreed to conduct, as soon as possible, a joint fact-finding mission to gather information about the situation in Iraq.

Responsibility for directing and delivering this joint project will be shared equally by the respective heads of CIPU and the Documentation and Research Division (referred to below as the joint project directors).

#### *Purpose*

The purpose of the mission is to gather information on the current situation in Iraq that has a bearing on the consideration of asylum applications.

#### *Delegation*

The delegation will comprise 3 Home Office representatives, 2 Danish Immigration Service representatives and a representative of the Danish Refugee Council.

The terms of reference of the fact-finding mission are deliberately left flexible to recognise that the post-war situation in Iraq is subject to ongoing change and the need for the fact-finding team to respond to those changing circumstances and needs of their respective organisations.

The fact-finding team will, to the extent possible, gather information on:

- ❑ the extent to which the policing and judicial systems provide adequate protection to those at risk of persecution by non-state actors;
- ❑ conditions for and control of arrests. Prison conditions and the prevalence of any abuse and the identification of any particular groups which may be at risk and the circumstances in which they may be at risk;
- ❑ the internal security situation and the extent to which innocent parties are at risk;
- ❑ whether members or supporters of the former regime face unlawful reprisals;
- ❑ whether and to what extent there is a residual threat of persecution of opponents of the former regime by former Ba'ath party members or other members of the former regime, their supporters, the internal security apparatus or any armed forces or militia;
- ❑ whether particular ethnic, religious or other groups or individuals are at risk of persecution by other groups, authorities or individuals; and who those groups are. Particular reference to be given to Kurds both in the Kurdish autonomous area and elsewhere;
- ❑ whether there is equal access to food, clean water, shelter and medical facilities for all Iraqis and in all circumstances;
- ❑ freedom of movement within Iraq and the extent and reasonableness of relocation of those who may experience difficulties, for whatever reason, in particular areas of Iraq;
- ❑ other information as may become apparent which is relevant to the case processing of asylum applications from Iraqi citizens in both equally the UK and Denmark.

## **Annex B:**

### **Glossary**

ADM	Assyrian Democratic Movement
CPA	Coalition Provisional Authority
ECHO	European Commission Humanitarian Aid Office
ICP	Iraqi Communist Party
ICRC	International Committee for the Red Cross
IOM	International Organisation for Migration
KDP	Kurdistan Democratic Party
PUK	Patriotic Union of Kurdistan
SCIRI	Supreme Council for the Islamic Revolution in Iraq
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WFP	United Nations World Food Programme
WHO	World Health Organisation

## ANNEX C: Map of Iraq



## **Annex D:**

### **List of sources**

1. Diplomatic source in Damascus
2. Diplomatic source in Damascus
3. Diplomatic source in Damascus
4. Diplomatic source in Damascus
5. Iraqi Communist Party (ICP) in Damascus
6. Ms. Haojen Mnmy, representative of the Patriotic Union of Kurdistan (PUK) in Damascus
7. United Nations High Commissioner for Refugees in Damascus
8. International humanitarian organisation in Damascus
9. Bayan Jabor, representative in Syria and Lebanon for the Supreme Council for the Islamic Revolution in Iraq (SCIRI)
10. Jamal Al-Jawahiri, Iraqi Al-Amal Association
11. Emmanuel Khoshaba, Assyrian Democratic Movement
12. A Middle Eastern official source
13. International Organisation for Migration in Amman
14. World Food Programme in Amman
15. United Nations Children's Fund in Amman
16. Diplomatic source in Amman
17. United Nations High Commissioner for Refugees in Damascus
18. Red Crescent Jordan in Amman

19. International Committee of the Red Cross in Amman
20. European Commission Humanitarian Aid Office
21. World Health Organisation in Amman
22. United Nations High Commissioner for Refugees in Geneva