



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Iraq – Researched and compiled by the Refugee Documentation Centre of Ireland on 26 January 2010

Information on the treatment of citizens of Iraq by the current government based on their political opinions.

In a section titled “Actors of Persecution” (sub-section titled “The State as Perpetrator” a country of origin information seminar report published by the *Austrian Centre for Country of Origin and Asylum Research and Documentatiostates*:

“Crime and terrorism have Iraq in their grip, but the state itself or state authorities – and not only the militia-infiltrated police – are often the perpetrators. The poor human rights record of the Iraqi authorities is the more troubling because an adherence to the rule of law by state actors is at the core of good governance. The legality and conditions of detention in Iraq as well as mistreatment of detainees in detention centres under control of the Iraqi authorities is an issue of concern. Mistreatment of detainees risks turning mere terror suspects into real terrorists. According to UNAMI there were 37,600 people detained in Iraq at the end of March 2007 (however, almost 18,000, nearly half of them, were in the facilities of the Multi-National Forces, MNF). Emergency regulations authorize arrests without warrants and detention without time limits for pre-trial interrogation. According to the Human Rights Report of UNAMI from March 2007, there are verbal commitments by officials that human rights standards will be respected during the implementation of the new security plan. However, this has not been the case in the past, and there are legitimate doubts about the present and the future. A positive development is that joint Iraqi/MNF inspections of detention facilities under Iraqi government authority were resumed in January – they had been suspended in June 2006 when an MNF inspection at a pre-trial facility in Baghdad revealed systematic and widespread torture and ill-treatment of detainees by (Shi’ite) Ministry of Interior personnel. A common Shi’ite explanation for the failure of the government in the public security sector is that the Americans ‘prevent them (the government) from establishing order’, that is, by the government’s own means which certainly would not meet even minimal human rights standards.” (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (November 2007) *11th European Country of Origin Information Seminar Vienna, 21 – 22 June 2007 – Country Report: Iraq*, pp.73-74)

In a section titled “Political Prisoners and Detainees” the *US Department of State* country report on Iraq for the events of 2008 states:

“Unlike in 2007, there were some reports of political prisoners detained during the year. During a major security operation in Diyala Province launched by the

government in August, an estimated 97 percent of the approximately 1,600 security detainees were Sunni Arabs. In this operation a number of prominent members of the province's Sunni Arab political establishment were arrested, prompting complaints from Sunni Arabs that the government was pursuing sectarian political objectives rather than counterterrorist objectives. Sunni Arabs make up around 60 percent of the province's population. The most prominent detainee was a Diyala Provincial Council member, who remains in custody without trial and without access to legal representation. The government stated that a rogue unit conducted the arrests, and it would investigate the situation. Some of the Sunni Arab detainees were released, but approximately 300 remain in detention. No further developments in the investigation have been reported.” (US Department of State (25 February 2009) *2008 Human Rights Report: Iraq*)

An *Amnesty International* bulletin states:

“The Iraqi authorities are already holding thousands of people, many without charge or trial and often in appalling conditions and with no access to lawyers. Death sentences have been passed after trials which failed to meet international fair trial standards. Political and security suspects are routinely tortured or ill-treated in prisons and detention facilities controlled by the Iraqi authorities.” (Amnesty International (5 January 2009) *Detainees held by USA at risk if transferred to Iraqi custody*)

In a section titled “(Perceived) members of armed opposition groups in the Central and Southern Governorates” (Paragraph 287) the most recent *UN High Commissioner for Refugees* guidelines document on Iraq states:

“Actual or suspected members or supporters of Sunni insurgent groups such as AQI, or Ansar Al-Sunna as well as Shi’ite militias (e.g. JAM or ‘Special Groups’) are at risk of arbitrary arrest, often under violent circumstances, and may face ill-treatment and human rights violations at the hands of the ISF. Individuals suspected of ‘terrorist’ or ‘militia’ links are often held incommunicado under precarious physical conditions and without access to a defence council. They are held without charge or trial for prolonged periods of time, in some cases several years. There are numerous reports of ‘widespread and routine torture or illtreatment’ of detainees at the hands of the ISF, particularly those being held in pre-trial detention facilities.” (UN High Commissioner for Refugees (April 2009) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, p.167)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (5 January 2009) *Detainees held by USA at risk if transferred to Iraqi custody*

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Human Rights Watch

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International Crisis Group

Minority Rights Group International

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Refugees International

UK Home Office

UNHCR Refworld

US Department of State