



Iraq – Researched and compiled by the Refugee Documentation Centre of Ireland on 16 December 2009

Reports of extortion of businesses (and violence against their owners) in Baghdad by radical groups/extremists. Reports on ineffective police protection from such threats.

In a section titled “Criminal Gangs” (paragraph 9.01) the most recent *UK Home Office* country report on Iraq quotes from the subscription source Jane’s Sentinel as follows:

“For over a decade before the war, almost all crime, both domestic and involving transnational smuggling, was government-sanctioned and involved narrow fraternities of criminals. The new pattern of crime in Iraq has seen the emergence of a broadening criminal class. In addition to released criminals and former security personnel, high unemployment and inflation combine to create an ideal environment for corruption and the dangerous recourse to employment by criminal groups. The economy as a whole now suffers under other forms of extortion. Iraqis now receive incomes that are an order of magnitude better than their pre-war stipends and many businesses are now being taxed over a dozen times a day by 'mafia' groups, suggesting that they are amassing significant economic power bases.” (UK Home Office Border Agency (10 December 2009) *Country of Origin Information Report – Iraq*)

An *Associated Press* report on crime in Iraq states:

“As the worst of the country's sectarian bloodshed ebbs, Iraqis now face a new threat to getting on with their lives: a frenzy of violent crime. Many of those involved are believed to be battle-experienced former insurgents unable to find legitimate work. They often bring the same brutality to their crimes that they showed in the fighting that nearly pushed the country into a Sunni-Shiite civil war in 2006 and 2007. The result has been a wave of thefts and armed robberies, hitting homes, cars, jewelry stores, currency exchanges, pawn shops and banks. Kidnapping, too, remains terrifyingly common, as it was during the peak of the insurgency. Now, however, the targets are increasingly children, and the kidnapers, rather than having sectarian motives, are seeking ransoms.” (Associated Press (22 September 2009) *After years of war, Iraqis hit by frenzy of crime*)

An *Agence France Presse* report on the kidnapping of six Iraqi businessmen states:

“Security forces have launched a manhunt after an armed gang snatched six Iraqi business owners from their businesses north of Baghdad on Monday, police said. The kidnapers, travelling in three vehicles, raided business premises in the

town of Nibaie, 70 kilometres (45 miles) northwest of Baghdad, and carried off the six men, said a police officer speaking on condition of anonymity.” (Agence France Presse (2 November 2009) *Armed gang kidnaps six Iraqi businessmen: police*)

In “Chapter 4 Kidnapping in Iraq” (sub-section titled “Nature of the Business”) a document published by the US-based *Strategic Studies Institute* states:

“Nevertheless, it is indisputable that kidnapping in post-Hussein Iraq was both a major ‘growth industry’ and a highly profitable activity for criminal organizations, indigenous insurgents, and terrorists associated with the global jihad. Although there is a long tradition of kidnapping in Iraq and elsewhere in the Middle East, the phenomenon expanded enormously amid the chaos and disorder following the U.S. invasion in March 2003. The lack of a legitimate central government; the weakness, corruption, and sectarian infiltration of the police; the general sense of lawlessness; the spread of anomie; and ruthless opportunism, as well as the availability of a large and highly vulnerable target population or victim pool, contributed to the massive upsurge of kidnappings from mid-2003 onwards.” (Strategic Studies Institute (June 2009) *Criminals, Militias, and Insurgents: Organized Crime in Iraq*, p.106)

In a section titled “Types of Kidnapping” this document states:

“Kidnapping in Iraq, traditionally linked to tribal rivalries, forced marriages, and business disputes, has a long pedigree. On occasion, kidnappings are ‘used to solve tribal and commercial disputes,’ in the process becoming little more than a forcible extension of business negotiations. Since 2003, however, kidnappings have largely fallen into one of two categories—economic or political. Yet, even within each of these categories, there are several variations. Keeping this in mind, we can identify the following types of kidnapping:

- Kidnapping for profit. This is the simplest and probably most common form of kidnapping in Iraq. Initially it was directed at Iraqis and simply involved seizure, payment, and release. In some instances, wealthy families have been victimized more than once, with sequential kidnapping of family members. Not surprisingly, this form of kidnapping eventually spread to foreigners and led to some large ransom payments.” (ibid, p.109)

In a section titled “The Nature of Organized Crime in Iraq” this document states:

“The predatory nature of organized crime in Iraq was evident in the kidnapping business. Victims of kidnapping for profit ranged from businessmen, doctors, and bankers, to the children of ordinary Iraq families. In some case, the targets have been small businessmen whose entrepreneurial activities, so critical to the future of Iraq, were inhibited or disrupted by their abduction. Ransom payments robbed these businesses of start-up capital or profits and, in some instances, led to their closure.” (ibid, p.258)

Chapter 5 “Extortion and Other Criminal Activities” (subsection titled “Extortion and Skimming”) of this document states:

“Indeed, extortion in Iraq has become pervasive—partly because of the inability, until late 2007 or 2008, of either U.S. forces or the Iraqi government to provide security. In an insecure environment, especially one characterized by sectarian or ethnic conflict, nonstate actors often emerge as protectors—at least of their particular sect or ethnic group. One problem with protectors, however, is that they rarely remain on the defense, but rather sometimes form ‘death squads’ targeting other groups. Another problem is that protection and predation are two sides of the same coin. Protectors often extort money from those they are protecting. Consequently, in the anarchy of post-Ba’athist Iraq, extortion has become a major funding source for militias, insurgents, and terrorists.” (ibid, p.157)

This chapter also states:

“Broadly speaking, there are two kinds of targets of extortion—the stationary victims and the mobile. Stationary victims are typically small businesses which pay protection money to avoid attack. In Mosul, insurgents reportedly extort ‘5 to 20 percent of the value of contracts local businessmen get from the government.’ Larger businesses are also subject to extortion and generally find it preferable to make payoffs than to incur the risks and costs associated with resistance. In addition, militias—because they provide protection to particular segments of the population—have enormous opportunities for both extortion and black market activities. Markets in Baghdad resemble those in Moscow in the 1990s when even small market stallholders were required to make protection payments—often under the guise of ostensibly legitimate fees—in return for which they were allowed to continue selling.” (ibid, pp.157-158)

A report from the *Center for Strategic & International Studies* refers to alleged misconduct of the Iraqi police as follows:

“Both media and US government reports show that the regular police also have many shortfalls in virtually every aspect of their performance, and are sometimes a source of serious sectarian and ethnic abuses. As an example, one officer described the plight of Arab refugees who had turned to him for help in locating a relative kidnapped by the police: —The police engage in lynching and disposition of Sunnis in Shi’a areas, but they also engage in racketeering targeting their fellow Shi’a – extortion/illegal taxes, kidnapping for ransom, etc. I encountered a particularly horrendous example of this in Summer 2007 when a Shi’a Arab refugee living in Raniya (Sulaymaniyah Governorate) brought his sister to me seeking help in locating her arrested and disappeared husband. Despite the fact that the family is Shi’a with no political connections that they mentioned, the woman’s husband and his business partner were arrested by the Iraqi National Police in Baghdad. The business partner was released later after torture and fled the country. Persons seeking information on the husband were found tortured or killed. The husband had yet to surface. My belief is that the Shi’a police for financial reasons targeted this Shi’a husband. Behavior of JAM, and of the police units that they control, can be summarized as follows: Toward their fellow Shi’a, they behave like the mafia; toward Sunnis, they behave like the Ku Klux Klan.”

(Center for Strategic & International Studies (5 February 2009) *How soon is safe? – Iraqi Force Development and "Conditions-Based" Us Withdrawals*)

In a section titled "Well-founded fear of persecution" (paragraph 31) an eligibility guidelines document issued by the *UN High Commissioner for Refugees* refers to the possibility of state protection as follows:

"Where the applicant is at risk of harm at the hands of a non-State actor, the analysis of the well-foundedness of his or her fear requires an examination of whether or not the State, including the local authority, is able and willing to provide protection. In the situation of the Central Governorates, given weak government structures, and the fact that government security forces are infiltrated by radical elements from militia groups, protection from State authorities would, in almost all cases, not be available." (UN High Commissioner for Refugees (April 2009) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, p.25)

See also section titled "Lack of National Protection" of a *UN High Commissioner for Refugees* guidelines document issued in August 2007 which states:

"Pervasive violence, institutional weaknesses, and a general lack of rule of law seriously impede the ability of Iraqi authorities to provide protection to its citizens. The ISF is itself a major target of the insurgency and has been infiltrated by, or has collaborated with, armed groups practicing violence. The ISF also reportedly lacks leadership, training, equipment and personnel and continues to be highly dependent on the support of the MNF." (High Commissioner for Refugees (August 2007) *UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, p.35)

A section of this document titled "Risk of Persecution or Other Serious Harm Upon Relocation" states:

"As indicated in these Guidelines, persecution could emanate from state as well as non-state agents. Within Central and Southern Iraq, both state and non-state agents of persecution could pursue their targets throughout and state agents are known to be able to operate with impunity. In regard to non-state agents of persecution, protection by national authorities would on the whole not be available given the fact that the national authorities have limited capacities to enforce law and order, and the security agencies, namely the ISF, are themselves infiltrated by radical elements. The void created by the absence of a strong central government is gradually being filled by militant groups operating from bases in different areas of Central and Southern Iraq. These groups, whether religious or ethnic, cannot be considered to be operating as effective authorities in the areas under their control, as they themselves are the targets of frequent attacks from individuals and groups in those areas. Absolute allegiance to the ideology of the group is a fundamental requirement, and in the general absence of the rule of law, arbitrariness and human rights violations are rife. The highly volatile and fluid political and security situation existing in Central and Southern Iraq renders the area subject to a great deal of significant

unpredictability, with possibilities of new risks of persecution arising from a wide range of actors anywhere at anytime.” (ibid, pp.151-152)

The Introduction to a report published by the *European Council on Refugees and Exiles (ECRE)* says:

“Since the release of ECRE’s March 2006 Guidelines, there has been a further deterioration in the security situation in Iraq, particularly across central and southern Iraq. While there are differences in the levels of insecurity, for example when comparing the relatively stable KRG - controlled area of northern Iraq to that of central and southern Iraq, which is particularly unstable, the problem of lack of protection still exists in all parts of Iraq. Ongoing sectarian attacks, abductions, kidnappings, killings and other criminal activities are transforming the social and demographic make-up of Iraq, particularly in urban areas, fragmenting the country along religious and ethnic lines. The overall situation can be characterised as one where generalised violence and human rights violations are prevalent. The ability of the Iraqi government to protect its population is undermined, in some cases it has been lost (e.g. in Anbar, the biggest province) and there is only a nascent security and political structure which is being disrupted by internal political divisions, as well as the daily killings of civilians. The current infrastructure does not adequately support the upholding of the rule of law or the protection of human rights.” (European Council on Refugees and Exiles (ECRE) (April 2007) *Guidelines on the Treatment of Iraqi Asylum Seekers and Refugees in Europe*, p.1)

In a section titled “Availability of Protection” (Section 5) of a report on the 11th European Country of Origin Information Seminar published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)*, UNHCR Protection Officer Gabriela Wengert says:

“With regard to the availability of protection in Iraq, it is generally understood that the Iraqi Security Forces are not able to protect Iraqi citizens. Instead, the ISF themselves are a major target of attacks by insurgents. They are infiltrated and collaborate with armed groups, i.e. other perpetrators of violence, so that their independence is highly questionable. Therefore it is not surprising that persons facing risks or threats, e.g. by a Shi’ite militia, are not likely to turn to the Iraqi police as they cannot know whether the police would be collaborating with the Shi’ite militia. In general, the ISF, particularly the police, lack investigative capacities, training and equipment, and they continue to be highly dependent on the MNF. Also, the judiciary is not able to provide protection for persons at risk. It lacks staff, training and equipment. Moreover, judges and lawyers themselves are at risk of being targeted.” (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*, p.93)

This section of the report concludes:

“Generally, it can be said that most human rights violations in Iraq continue to be committed with impunity. UNHCR therefore concludes that in Central and Southern Iraq, state protection is generally not available.” (ibid, p.93)

In a section headed “But, there are Still Risks as Well as Positive Trends” a *Center for Strategic & International Studies* report states:

“Governance and the rule of law remain weak in most of Iraq, a problem compounded by the fact that police are increasingly locally recruited and not trained, there is a shortage of courts and jails, and there are problems with corruption and political struggles for the control of Ministries, provincial and local authorities.” (Center for Strategic & International Studies (4 April 2009) *The Changing Situation in Iraq: A Progress Report*, p.7)

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.

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