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LEGAL AID BOARD

**Iraq - Researched and compiled by the Refugee Documentation Centre of Ireland on 6 January 2010.**

**Treatment of Kurds in Kirkuk.**

A report by the *US Department of State* under the heading 'Internally Displaced Persons (IDPs)' states:

"The government allowed IDP access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The majority of IDPs in Kirkuk Province are Kurds who left the KRG under the sponsorship of the Kurdish political parties." (US Department of State (25 February 2009) *2008 Human Rights Report: Iraq*)

A report by the *Home Office UK Border Agency* under the heading 'Kurds' states:

"The Brookings Institute paper, published 30 December 2008, stated:

"While clearly a persecuted minority under the Saddam Hussein regime, the position of the Kurds has changed over the past five years. They participated actively in drafting the constitution which allowed them to include certain key issues into this document, such as Article 140 which provides for a referendum in Kirkuk. They have benefited from proportional representation and have 53 representatives in Parliament (out of a total of 230 seats allocated to the provinces) and the President of Iraq, Jalal Talabani, is a Kurd. They have consolidated their control of the Kurdistan Regional Government (KRG), in part through encouraging the return of Kurds from other part of the country, but also through the development of a strong military force, the Pesh Merga, and by consolidating Kurdish control of government services. The three provinces making up the KRG – Erbil, Sulaymaniyah and Dohuk – have emerged as an area of relative calm and stability in Iraq...

"Very few Kurds have sought refuge in neighboring countries since 2003; those who have felt unsafe in other parts of Iraq have tended to move to the KRG region. UNHCR-Syria's figures, for example, suggest that there are very few Kurdish Iraqi refugees in Syria." (Home Office UK Border Agency (10 December 2009) *Country Of Origin Information Report Iraq*- pg.151 – 22.09)

A report by the *International Crisis Group* under the heading 'Introduction: A Frontier Society' states:

"There is another side to this Arabist narrative. Indeed, since the creation of modern Iraq, Mosul's powerful Arab identity has been echoed, de facto, by state policies designed to contain or suppress Kurdish national aspirations. The post-1968 Baath regime in particular carried ethnic domination to an extreme; its Arabisation (ta'rib) policy entailed forced displacement of Kurdish residents, relocation of Arab tribes on Kurdish or Yazidi land, and discriminatory allocation of water and land resources, as well as cooptation of

subservient Kurdish tribes. A by-product of these policies has been to pit two narratives against one another, the local Arabist against the Kurdish, with Kurds tending to view today's Arabs as an extension of a hated regime – notwithstanding the fact that the regime occasionally took action against Mosul's Arab elites as well.” (International Crisis Group (28 September 2009) *Iraq's New Battlefield: The Struggle over Ninewa*)

It also states:

“Secondly, the KRG has waged a political fight for legal steps, most particularly Article 140 of the 2005 constitution, that, if fully implemented, would restore Kurdish rights (normalisation) and possibly incorporate Kirkuk and other disputed territories into the Kurdistan region via a referendum. While many people displaced as part of Arabisation, especially Kurds, have returned to their original lands, the KRG has failed to make significant headway in its drive to change the status of these areas, running up against determined resistance from both the federal government (which pays lip service to Article 140) and local actors opposed to the Kurds' ambitions.” (ibid)

A report by *Freedom House* under the heading ‘Political Rights and Civil Liberties’ states:

“The status of oil-rich Kirkuk remains one of Iraq's most contentious issues. The historically Kurdish city was forcibly Arabized under Saddam Hussein, but many Kurds returned after the U.S.-led invasion. The various population shifts have left it multiethnic and multisectarian. The Kurds have sought to incorporate the city into the KRG, but many Arabs and some other groups insist on central government control. The constitution and the 2008 provincial election law both postponed a final decision on the question.” (Freedom House (2009) *Freedom in the World - Iraq (2009)*)

A report by *Amnesty International* under the heading ‘Forcible returns to northern Iraq’ states:

“Northern Iraq is relatively more secure than central and southern parts of Iraq. However, some parts of the northern region have been tense because of its diverse ethnic and religious population. There have been acts of violence pitching Arabs against Kurds or Kurds against Yazidis in several areas along the border between Kurdistan and Nineweh (Mosul) governorate. In addition, the situation in Kirkuk is very insecure and many people have been killed as a result of bomb and other attacks. Kurds, Arabs and Turkmen all claim that Kirkuk is theirs or that they are the majority in the city. As stipulated by Article 140 of the Iraqi Constitution, a referendum is due to be held at the end of the year to decide whether Kirkuk should form part of Kurdistan or not, and is widely expected to cause a further rise in tension and, possibly conflict which, if it were to occur, would have serious repercussions for the security throughout the north. The close link between the Kurdish region and the rest of Iraq is another important factor. The two main Kurdish political parties, The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), are partners in the central Iraqi government and the leader of the PUK is also the president of Iraq. Much of the current insurgency is aimed at the central government and its agents.” (Amnesty International (27<sup>th</sup> September 2007) *Millions in flight: the Iraqi refugee crisis* pg. 42 – 2.3.2)

A report by the *Immigration and Refugee Board of Canada* under the heading 'IRQ102020.E Iraq: Reports of attacks against Kurds in northern Iraq (January 2006 - October 2006)' states:

"Media reports from 2006 state that sectarian violence has been prevalent in northern Iraq due primarily to tensions between Arab and Kurdish populations (AP 8 Oct. 2006; The Los Angeles Times 20 July 2006; Reuters 19 Oct. 2006). Prior to the fall of Saddam Hussein, a policy of Arabization existed whereby Kurdish villages, located primarily in the north, were destroyed, and Kurdish people were either killed or forced to relocate to other parts of Iraq so that Arabs could populate the region (AFP 19 Oct. 2006; MERIA Dec. 2002; BBC 20 Sept. 2006). Since Saddam Hussein was ousted in 2003, Kurds have been returning to their homes, in particular in the oil-rich city of Kirkuk (AFP 19 Oct. 2006; AP 8 Oct. 2006; ICG 18 July 2006). Ethnic groups in Kirkuk include Kurds, Sunni Arabs, Turkomen, Shiites and Assyrian Chaldeans (ibid.; AFP 30 July 2006). A referendum is to be held before the end of 2007 in order to determine whether Kirkuk will become part of Iraqi Kurdistan, the Kurdish region of northern Iraq (The Los Angeles Times 20 July 2006; ICG 18 July 2006). Non-Kurdish ethnic groups in Kirkuk are opposed to making the city a part of the Kurdish region (ibid.; AFP 19 Oct. 2006), as such action is perceived as a bid for Kurdish dominance over the region and its oil resources (ICG 18 July 2006)" (Immigration and Refugee Board of Canada (22 November 2006) IRQ102020.E Iraq: Reports of attacks against Kurds in northern Iraq (January 2006 - October 2006)

It also states under the heading 'Violence in Kirkuk and Mosul'

"According to media sources, Kirkuk has been the target of several bombings and attacks in 2006 (AFP 19 Oct. 2006), particularly since June (ibid. 30 July 2006; The Los Angeles Times 20 July 2006). On 23 June 2006, 22 people were killed when a bomb was detonated in front of a Kirkuk courthouse (AFP 30 July 2006). The Associated Press (AP) reports that, in September 2006, there were 16 car bomb attacks in Kirkuk (8 Oct. 2006). The Associated Press also states that the attacks in Kirkuk are "largely blamed on Sunni Arab insurgents targeting Kurds and the Kurdish-dominated police force" (8 Oct. 2006). The Los Angeles Times corroborates this information and reports that Turkomen and Kurdish politicians and their families have also been targeted (20 July 2006). In addition, a major with United States Army Intelligence noted in a 2 February 2006 interview on National Public Radio (NPR) that flyers had been distributed in Kirkuk urging the Turkomen population to "attack the Kurdish forces, the Kurdish people, as well as anyone who helps coalition forces" (2 February 2006).

In the city of Mosul, northwest of Kirkuk, where relations between Arabs and Kurds are also tense, roughly 750 Kurdish families fled to other Kurdish villages between July and September 2006 (AP 8 Oct. 2006). In October 2006, a prominent lawyer from the Kurdistan Democratic Party (KDP) was murdered and nine people were killed in a car bomb attack near the offices of the Patriotic Union of Kurdistan (PUK) in Mosul (AP 8 Oct. 2006). Media sources report regular violence between Sunni Arabs and Kurds in the city (BBC 27 Oct. 2006; Reuters 19 Oct. 2006)." (ibid)

**References:**

Amnesty International (27 September 2007) *Millions in flight: the Iraqi refugee crisis*

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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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