

Publication

27.08.02

Joint British Danish fact finding mission to Amman and Ankara regarding Iraqi asylum seekers

26 May – 4 June 2002

Content

1. PREFACE AND TERMS OF REFERENCE

2. THE HUMANITARIAN SITUATION IN IRAQ

3. MILITARY AND SECURITY SYSTEM

3.1 REGULAR ARMY

3.1.1 Drafting System

3.1.2 Exemption/Postponement

3.1.3 Military Documents

3.1.4 Draft Evasion and Desertion

3.2. MILITIAS

3.2.1 Saddam Fedayeen

3.2.2 Recruitment

3.2.3 Tasks

3.2.4 Evasion and Desertion

3.2.5 Ashbal Saddam (Saddams Cubs)

3.3.1 Al Quds/Jerusalem Army

3.3.2 Recruitment

3.3.3 Tasks

3.3.4 Evasion and Desertion

3.4 PEOPLE'S MILITIA/ARMY OF THE PEOPLE/POPULAR ARMY/PEOPLES ARMY (AL JAYSH ASH SHAABI)

3.4.1 Recruitment

3.4.2 Tasks

3.4.3 Evasion and desertion

3.5 FUTUWAH (YOUTH VANGUARDS)

3.5.1 Recruitment

3.5.2 Tasks

3.5.3 Evasion and desertion

4. THE BAATH PARTY

4.1 MEMBERSHIP

4.2 STRUCTURE

4.3 DUTIES

4.4 RISK OF PERSECUTION BY BAATH PARTY MEMBERS

5. RELIGIOUS GROUPS

5.1 GENERAL SITUATION FOR CHRISTIAN GROUPS

5.2 ASSYRIANS

5.3 CHALDEANS

5.4 SABEANS AND MANDEANS

5.5 THE YEZIDIS

5.6 GENERAL SITUATION FOR SHIA MUSLIMS

6. THE PRESENT SITUATION IN NORTHERN IRAQ

6.1 THE GENERAL SITUATION IN NORTHERN IRAQ

6.2 HONOUR KILLINGS

6.3 FREEDOM OF POLITICAL OPINION

6.4 FREEDOM OF MOVEMENT IN NORTHERN IRAQ

6.5 EXIT AND ENTRY TO TURKEY

6.6 MILITARY

6.7 IRAQIS RETURNING TO NORTHERN IRAQ

6.8 FREEDOM OF SPEECH/EXPRESSION

6.9 ISLAMIC UNION

7. EXIT AND ENTRY OF IRAQ BY AIRLINES

1. Preface and Terms of Reference

In the recent years Iraqi citizens have made up a high proportion of the total number of asylum seekers in United Kingdom and Denmark.

Therefore the Danish and United Kingdom Immigration authorities have a common and special interest in learning as much as possible about the situation in Iraq.

In May 2002 the United Kingdom Home Office, Immigration & Nationality Directorate and the Danish Immigration Service decided to undertake a joint mission to gather information relevant for the processing of applications from Iraqi citizens.

The two authorities drew up a proposal for a joint fact-finding mission and

agreed that the mission should result in a joint public report being produced by the fact-finding team within the framework of the following terms of reference:

"Information is sought on the military system in Iraq, including the militias. In particular, information is sought on the drafting system and the situation for draft evaders and deserters.

Information is also sought on the Baath party and situation for Iraqi citizens who refuse to join the Baath party. In addition information is sought on the situation for religious groups in Iraq.

Finally, as much information as possible is sought on other issues relevant to the case processing of applications from Iraqi citizens.

As far as possible, such information should be obtained from international organisations, diplomatic representations, NGOs and similar bodies."

In order to make preparations for the mission representatives from the Danish Immigration Service met on 17 May 2002 in Geneva with representatives from UNHCR, Regional Bureau for Central Asia, South West Asia, North Africa and the Middle East.

During the mission the delegation received very appreciated assistance from the offices of the UNHCR in Geneva, Amman and Ankara, which organized the meetings of the delegation.

The mission took place between 26 May and 4 June 2002. The delegation visited Amman in Jordan and Ankara in Turkey. During these visits the delegation consulted the Jordanian authorities, diplomatic representations, UN- and other international organisations and representatives of religious and political groups.

It should be noted that a number of persons consulted in Amman and Ankara requested not to be directly quoted in the public report of the delegation. This request has been met. In cases where the source requested anonymity but accepted the information provided to be used in the report, such information has been included whilst the reference to the source is presented in a way that fully responds to the request by the source and protects the identity of the individual(s) concerned.

The delegation met with representatives of a number of different Embassies of western countries. Information received from those discussions is attributed to "An Embassy" – but this does not necessarily mean the same Embassy.

The fact-finding delegation comprised of members from UK Immigration & Nationality Directorate and The Danish Immigration Service. The report has been jointly written by the delegation.

The report was finalised on 5 August 2002. Before finalising the report, the mission's findings were shared with UNHCR in Amman, Ankara and Geneva.

It should be emphasised that the content of the report mainly reflects a number of circumstances, which are relevant to the processing of asylum

applications submitted by Iraqi citizens in the United Kingdom and Denmark. The human rights situation in Iraq has been described in a large number of reports, which are relevant and must be taken into consideration when processing asylum claims from Iraqi citizens. This report just aims to be a supplement to these reports Iraq has a population of around 24 million. Arabs form the largest section, followed by Kurds. There are also Turkmenian, Assyrian and Armenian populations. The vast majority of the Iraqi population is Muslim. Shia Muslims, who live mainly in central and southern Iraq, form the largest group. Sunni Muslims live mainly in central and northern Iraq. The rest of the population is made up of Christians, a small number of Mandaeans and a few Jews.

Iraq's ruling elite has traditionally been recruited from the Sunni Muslim minority, and throughout Iraq's history there have been frequent conflicts between that group and the Shia Muslims in southern Iraq and the Kurds in northern Iraq.

2. The Humanitarian Situation in Iraq

International sources in Amman shared the concerns with regard to the overall humanitarian situation in Iraq. Particularly with regard to education where the shortcomings are evident. More than half of all schools are unfit for teaching and need substantial repairs. More and more pupils and teachers are reported to be leaving the school system.

Many children between the ages of 6 and 15 are now working on the street to supplement family incomes, and Iraq can no longer enforce its laws regarding compulsory education.

While the "Oil for Food Programme" renders a reasonable amount of capital for different humanitarian projects in northern Iraq, the cash component for humanitarian projects in the Government controlled area is almost non-existent. The consequences are obvious as almost no investments and maintenance are carried out in schools, hospitals, electricity, and water- and sanitation systems. The erosion of such public run enterprises has been extensive. The revenues from the "Oil for Food Programme" in the Government controlled area addresses acute problems regarding food and medication, but underlying structural problems regarding hospitals, education, water, agriculture, electricity, job creation etc. remain unsolved. Poor water supplies and inadequate sanitation installations have contributed to frequent and repeated infections compounding child malnutrition. The infant and child mortality rate is at the moment 131 deaths per 1000 live births, which is comparable to that of Haiti or Pakistan.

A food basket is distributed to all Iraqi families on a monthly basis. Some 24 million people (20.5 million in the Government area and 3.5 million in northern Iraq) receive an average of 2,230 kcal per person per day. According to the above-mentioned source the ration system would appear to be operated effectively. In northern Iraq it is distributed by the World Food Programme, in the Government controlled area by a large network of agents possibly linked to the Baath Party's 20,000 Public Councils (Majlis al-Shaab) that additionally organize everything that pertains to families' basic needs

including electricity, water and sanitation. However, the households' dependency on food rations has evolved over the past decade to almost total dependency. For instance the dependency of a schoolteacher on the food ration has increased from 65 percent in 1990 to over 83 per cent of his/her income in 2002. The ration system thus ensures a certain level of food security for Iraqi families, although it has not improved the quality of consumed food. Malnutrition rates remain high, especially for children.

3. Military and Security System

3.1 Regular Army

According to international sources in Amman conscripts are reported to make up the largest part of Iraqi armed forces. The importance of the army has diminished and army units are now deployed no nearer than a 100 kilometres to Baghdad. According to refugee claimants the regime mistrusts the army and wishes to keep it at a distance and under control.

3.1.1 Drafting System

According to international sources in Amman in principle all Iraqi males between the age of 18 and 45 (in peace time) are obligated to serve in the Iraqi army. The age limit is extended to 55 in times of war. At the age of 17 they go to the Muhtar normally accompanied by their father to register. Convocation for military service is sent to young men of 17 years of age in order for them to approach the Muhtar's office at their place of residence. The military administration carries out medical examinations and requests one photograph.

According to an Embassy in Amman when mobilised, the young men are sent to temporary military camps and later according to their level of education or competencies to appropriate military camps. Military service generally lasts 2-3 years and 1½ years for university students. For unskilled and lower educated soldiers the length of service is 36 months, 24 months for the skilled and higher educated soldiers and 18 months for graduates.

An Embassy in Amman informed the delegation that the length of military service is dependant on the conscript's level of education.

According to the same source each year certain age categories are called up. Call up takes place by way of the media, such as newspapers or television. A conscript has to report to the nearest military administration before 1 November preceding his 18th birthday, in the town or village where his family registered. He receives a military service card and a personal military file is made for every conscript.

According to international sources in Ankara it would in reality be impossible to send personal letters to everyone hence the media is used.

International sources in Ankara stated that a conscript must report to the nearest military office. In case the nearest military office is not the same as the military office at his place of birth then the military office at his place of

birth will forward his military file to the military office at his place of residence.

International sources in Ankara informed the delegation that depending on the place where he is required to serve, the conscript is obliged to present himself within 2 weeks.

An Embassy in Amman informed the delegation that on completion of military service a person could be re-called up at any time and without warning, until the age of 45 years. Specific birth year or classes are targeted by these revision exercises, which on average last for 2 months. International sources in Ankara stated that recalls take place via an announcement in the media.

3.1.2 Exemption/Postponement

An Embassy in Amman informed the delegation that redemption money could be paid to limit the length of service. For 1,500,000 Iraqi dinars military service can be shortened to 3 months basic training. The payment of bribes can also limit the length of service and sometimes pay off the basic training.

In addition, the same source added, recall exercises can be avoided by payment of 2,250,000 dinars and also by bribery whereby a certain sum lower than the official sum is agreed between the officer and draftee. The fee varies depending on location; it will be more expensive to buy your way out in the south of Iraq than in Baghdad and surrounding areas.

International sources in Amman stated that since August 2001 payment could be made in lieu of military service.

An Embassy in Amman informed the delegation that an Iraqi citizen abroad can buy his way out of military service for 1,000 USD provided he had left Iraq legally.

3.1.3 Military Documents

According to international sources in Amman a red booklet is issued to the conscript, which is kept for life, containing a photograph, name and whole CV of the concerned.

An Embassy in Amman informed the delegation that every draftee is issued with a military booklet containing information about call up, discharge, exercises, rank, promotion and money paid to redeem service. The place of encampment issues a military ID card, kept throughout military service. Different colours are used depending on the type of military unit served in. This card is called "Huwiyya Askariyya" in Arabic and is to be returned on completion of military service.

According to international sources in Ankara handing over of the military booklet to authorities abroad handling the persons asylum application would not be regarded as revealing military secrets as the booklet contains nothing sensitive.

3.1.4 Draft Evasion and Desertion

According to international sources in Ankara an oath is given on commencement of military service, hence absence is regarded as desertion

and as a serious offence.

According to international sources in Amman draft evaders will face imprisonment and further enrolment in the military service. The imprisonment term will vary from one to six months. With regard to deserters there is no confirmed information as to what their fate would be upon return to Iraq. It will also depend on whether the concerned was an officer or a soldier.

According to international sources in Ankara the prison term faced by draft evaders will be up to 6 months. Deserters will face imprisonment of up to 2 years.

According to an Embassy in Amman when draft evaders are caught they will face a penalty of some months of detention. With regard to desertion where the regime sometimes feels it is necessary to make an example for others, it cannot be ruled out that Iraqis who have deserted the Army several times may face the death penalty. According to the same source families who assist relatives who have evaded military service or deserted, risk having their rations cut.

According to international sources in Ankara when reservists fail to show up for military service the recruitment office will go to the security service who in turn contacts the local elderman (Muhtar). The security service will approach the reservist at his home.

According to an Embassy in Amman the importance of the Army has declined, and the severity of the punishment has declined accordingly. Information is unclear regarding the type of punishment awarded, but apparently the punishment will vary according to the number of times of desertions. Though undoubtedly deserters will be punished. According to the same source amnesties concerning draft evasion and desertion have been declared and honoured. According to the amnesties all deserters can return within a limited period of time, however, some groups are excluded from the amnesties such as homosexuals and criminals. Upon return they must accept the punishment of 6 months imprisonment.

3.2. Militias

According to international sources in Amman there are 3 militias in Iraq, namely Saddam Fedayeen, Al Quds and Popular Army with Futuwah, which is the youth wing.

According to international sources in Ankara it is the aim of the regime to have one person from each family joining one of these forces voluntarily.

3.2.1 Saddam Fedayeen

According to international sources in Amman this militia was initially a team created to work on anti-smuggling duties and on patrol, but now it has more security involvement. This is considered to be an elite unit. Members are very well trusted and report directly to the upper levels of the regime. They are normally Sunnis but sometimes on rare occasions they may be members of certain Shia tribes close to the regime. The militia was founded in 1995 and was initially under the command of Saddam's oldest son, Uday, but the

command has now been transferred to his younger brother Qusay. An Embassy in Amman informed the delegation that the deputy commander is Staff Lieutenant General Mezahem Saab Al Hassan Al-Tikriti.

3.2.2 Recruitment

According to international sources in Amman recruitment is in principle voluntary, however the possibility cannot be ruled out that pressure may be put upon a potential recruit and his family. This was confirmed by an Embassy in Amman, which added that the Fedayeen Saddam recruits young Iraqis from tribes and regions, which are considered loyal to Saddam Hussein. Generally there is never a shortage of volunteers but occasionally recruits may be forced to join, also youngsters may be pressurised by the tribe leader. The conditions and pay are of a higher standard than regular units of the armed forces and an attractive image is portrayed on television. This propaganda appeals to young men who believe the unit to be elitist and to some individuals armed Fedayeen have social status. The uniform is black and members carry Kalashnikov rifles, which they are permitted to take home. Lectures are used as a means of recruitment at schools and universities and recruits are often members of the Baath party. Recruitment is open to both sexes.

According to international sources in Ankara Saddam Fedayeen has since 1998 in some isolated cases recruited Kurds from the northern part of Government controlled Iraq. At the same time the regime approached Shias in the South. So it cannot be ruled out that on a limited scale some young men from Kurdish or Shia-muslim tribes considered loyal to the regime have been recruited (e.g. al Khalifa from Kerbala). According to a Western Embassy in Amman it is very seldom that young Shias are recruited. International humanitarian sources in Ankara explained that Shias were considered to obey only their religious leaders.

According to international sources in Ankara a Baath party member in charge of recruiting members to the Fedayeen Saddam may approach the family or the draftee.

According to an Embassy in Amman it is a brave person who dares to refuse an invitation to join this army.

3.2.3 Tasks

According to international sources in Amman Saddam Fedayeen originally was set up as an anti-smuggling and patrol unit. Saddam Fedayeen is now believed to have a number of tasks concerning internal security and is counted upon to support Saddam against domestic opponents. According to unconfirmed reports the unit was involved in the beheading of prostitutes and other forms of executions a few years ago.

3.2.4 Evasion and Desertion

According to international sources in Amman in cases of desertion, the same rules as applicable to the Army rules would apply, however, probably more strictly as it is a corps that is counted on as loyal to Saddam. According to an Embassy in Amman refusal to join may result in capture and even torture.

Psychological pressure may also be used. Some may flee and hide to escape recruitment. It is not acceptable to leave the corps before time and if done this can lead to problems.

According to international sources in Ankara persons who refuse to join the Saddam Fedayeen risk a cut in food rations, to be fired from jobs or transferred to Government jobs in remote areas far away from Baghdad. According to the same source pressure will be put upon individuals if they refuse to join. There will be a risk of investigation by security services and torture is widely used over all Government controlled Iraq. However you can also find someone to bribe (bribery is always an option) but this will entail moving away from the area and keeping a low profile as neighbours might inform Baath party members. It is also important to keep a low profile in case other Baath party members find out about the evasion.

3.2.5 Ashbal Saddam (Saddams Cubs)

According to an Embassy in Amman the Ashbal Saddam was established by a resolution from the Revolutionary Command Council. According to the said resolution the age of the members is between twelve and fifteen years. Later on the maximum age was raised to seventeen years. Since 1994 thousands of teenagers have undergone military training in summer-camps in Iraq. The training is performed for a few weeks and is the first military training of boys between twelve and seventeen. The training is also considered as a preparation for future of volunteers to the Fedayeen Saddam.

3.3.1 Al Quds/Jerusalem Army

According to international sources in Amman "Jaysh al-Tahrir al-Quds" (Jerusalem Army) was founded in the year 2000. Both men and women can join the Jerusalem Army. The Iraqi president founded the army in October-November 2000 at the beginning of the Second Palestinian Intifada. It is a propaganda tool and it's alleged mission is to take back the "lost Holy Land", Palestine and in particular, Jerusalem. According to an Embassy in Amman al Quds is a political force, which exist just for show. Recruits are paid for joining but have to wait a long time for their salary. They are also given housing. Allegedly there are 1-2 million volunteers.

3.3.2 Recruitment

According to international sources in Amman al Quds is a political/armed militia force. Recruitment began as voluntary but in time changed to be involuntary. According to an Embassy in Amman it is possible for the recruitee to buy his way out. However the amount payable will be dependant upon his connections with the recruiting office. For example it can vary from 100,000 Iraqi dinars up to 2 million Iraqi dinars. Members are recruited from the general population. According to International sources in Amman there is no clear information regarding the recruitment system or punishment and penalties for evasion or desertion.

3.3.3 Tasks

Allegedly the army was established in order to liberate "the Holy Land" - Palestine and Jerusalem.

3.3.4 Evasion and Desertion

According to an Embassy in Amman if a recruit refuses to join he may run the risk of being fired from his job, losing his food ration or may lose his permission to build a house. Potential persecution depends on the person who is in charge.

3.4 People's Militia/Army of the People/Popular Army/Peoples Army (al Jaysh ash Shaabi)

"Al Jaysh ash Shaabi" is referred to in English as the Popular Army or People's Militia or People's Army or Army of the People. In the following the term used by each source will be quoted.

3.4.1 Recruitment

According to international sources in Amman it is a Baath Party militia founded in 1970. Later on a special youth section known as the Futuwah was included. According to the same source this unit recruits men who had completed their regular military service.

According to an Embassy in Amman the Iraqi government in January 1998 called on civilians to voluntarily join the Army of the People. The call was a result of the crisis between Iraq and the United Nations and from 1 February 1998 Iraqi men and women of all ages gathered in schools and community centres for a daily military training of two or three hours duration. According to the same source some reports state that participation in the training was as voluntarily as the Iraqi government wanted the world to believe. The same source mentions that later reports state that the same training is still ongoing in the whole of Iraq, although officially the training was closed and marked by a parade through the streets of Baghdad. Students undergo an elementary training at the Army of the People during holidays. They are selected with the aid of the registration system that enables the distribution of food rations from the "Oil for Food programme". According to the same source the students are not allowed to take their weapons home.

3.4.2 Tasks

According to international sources in Amman the unit's primary function was of a political nature and a counterweight against any coup attempts by the regular armed forces. In 1981 during the Iraq-Iran war, the Peoples Army supported the regular armed forces.

According to an Embassy in Amman members receive training in the use of arms and parading. According to the same source the Jerusalem Army has taken over the position of the Peoples Army as a propaganda tool for the Iraqi government.

3.4.3 Evasion and desertion

According to international sources in Amman there is no clear information regarding evasion or desertion but the rules as for the regular army may be applied.

3.5 Futuwah (Youth Vanguard)

3.5.1 Recruitment

According to international sources in Amman a Baath Party Militia was formed in 1970. From 1975 this militia included a special youth section known as the Futuwah. It is a paramilitary organisation for secondary school students and according to this source boys and girls between the ages of fourteen to eighteen can join.

An Embassy in Amman confirmed that since 1975 boys and girls between the age of fourteen and eighteen could join the Futuwah, which was originally a paramilitary corps for secondary school students. At the end of the war between Iran and Iraq thousands of youths had volunteered for training in the Futuwah. According to the same source unverified reports state that some Futuwah units went to the front for short periods of time in 1983 and 1985.

3.5.2 Tasks

According to an Embassy in Amman and international sources in Amman members of the Futuwah are trained in the use of weapons and in civil defence work.

3.5.3 Evasion and desertion

According to international sources in Amman the same rules as for the regular army may be applied.

4. The Baath Party

4.1 Membership

According to international sources in Ankara Saddam Hussein once stated that "Every Iraqi is a member of the Baath Party" and in fact no qualifications as such are required to become a member.

International sources in Amman stressed the need to differentiate between sympathisers or followers and members of the Baath Party. The same source said that a person had to undergo test-classes before becoming a member. Only upon completing the classes was it possible to join the Baath Party.

International sources in Ankara pointed out that registration with the purpose of later recruitment is completed whilst still at secondary school and that becoming a Baath Party member is not for everyone. It is a lengthy process and involves training in for example ideology. The same sources described the process for becoming a member as such: As sympathiser or follower an individual is considered low ranked and has minor duties. This position is held for about two years. A person must be recommended to undergo training to become a supporter. After further training - depending on qualifications - a person becomes an advanced supporter. This position is also held for about two years. After recommendation the applicant undergoes further training and finally becomes a member. The three steps are completed within about five years. Intelligence and security officers advance faster through the classes and serve as sympathiser in about 1½ years, supporter in about 1½ years and then become a member. Once a Baath Party member your branch selects you for different tasks.

According to an Embassy in Amman there are twelve ranks within the Baath Party and promotion depends on training, duration of membership and political loyalty.

According to international sources and an Embassy in Amman members of the Special Republican Guard, members of loyal tribes, diplomats, technicians and engineers are often members of the Baath Party. Members of the Intelligence and Security forces are all members of the Baath Party. International sources in Ankara confirmed this and also mentioned that in case of lack of membership of the Baath Party Iraqi citizens can face difficulties in entering good schools, studying at university, getting a Governmental job and cannot become members of the lawyers bar association or artists association.

According to international sources in Ankara to study at the university in Mosul you have to be a member of the Baath Party. Only exceptional good students can study medicine or engineering in case where they are not members of the Baath Party. They are however not recruited to Governmental jobs. Exclusively Baath Party members attend military academies. Earlier on the regime had a more tolerant attitude when it came to being a member of the Baath Party or not. Today this has changed and membership of the Baath Party is obligatory and essential in many situations. According to an Embassy in Amman membership is essential for making a career and stresses that scholarships for universities abroad and post-doctoral education are in principle reserved for Iraqis associated with the Baath Party.

International sources in Amman stated that local leaders of the Baath Party could participate in the recruitment process, and that where people from the area resist joining they may upset the leader. International humanitarian sources in Ankara confirmed that it is the Baath Party itself that is responsible for recruiting new members.

4.2 Structure

International humanitarian sources in Amman described the structure of the Baath Party as a hierarchical military structure within the 18 provinces, 99 districts and 250 communes. According to international sources in Ankara cities are divided in parts, which again are divided into districts. Each district contains sub districts. The source went on to say that in each sub district there is a security person, a Baath party official and an Elderman/Muhtar. Baath Party members are also affiliated to schools, office departments, universities, women's associations, and Youth associations in order to oversee activities at all levels of the Iraqi society.

4.3 Duties

According to international sources in Ankara Baath Party members pay fees and are also involved in celebrations of Saddam Hussein's birthday and of Victory Day. It is expected that they report and inform on each other.

According to international sources in Ankara in cases where a person or family moves from their residence to another place or area, they must inform the Elderman/Muhtar. The Elderman/Muhtar registers from where the person

or family moves and informs the security service and the local Baath Party official. This procedure will also be followed in cases where a change of residence from one apartment to another, but within the same building occurs. Within two weeks of the registration of the move a Baath Party official will show up at the residence for a talk. According to the same source an individual will only be permitted to move to Kirkuk if the individuals concerned are registered as Arabs also. Shia-muslims are no longer allowed to buy houses in Saddam City in Baghdad.

The same source pointed out that there has been a change since 1991. Whereas before 1991 the Iraqi regime was based on fear and a nationalist, pan Arabic patriotism, it is today based upon corruption and fear. The monitoring has shifted from the civilian state and security to only security matters, as these are considered a basic concern. In the past reporting could involve reporting on people who wanted to defect and such matters as the price of bread at a local bakers etc. The source added that now only security matters were reported.

According to the same source Baath Party members are also involved in recruitment to al-Quds (The Jerusalem Army), Saddam Fidayeen and the Victory Day Army. The source also pointed out those Baath Party members together with the police, army and security participate in search of deserters.

4.4 Risk of persecution by Baath Party members

According to an Embassy in Amman the Baath Party can put pressure upon certain Iraqis to become members. This happens on a limited scale and might involve technicians, qualified scientists, high-ranking officials and journalists. According to international humanitarian sources in Ankara two options are possible where a person upon request rejects joining the Baath Party. Where the rejection is not seen as a political statement of a lack of loyalty to the regime and where the regime has confidence in the person concerned, then no further problems will occur. Otherwise measures will be taken to keep the person out of the Baath Party, or measures will be taken to make sure they join the Baath Party in order to ensure the opportunity of controlling the person.

According to international sources in Ankara, in cases of rejection of a request to join the Baath Party, officials will try to persuade the concerned person to change his mind. Questions will be asked of the concerned such as whether he dislikes his country? Whether he does not like Saddam Hussein? Etc. If the person still refuses to join he might be brought to a Baath Party Centre where officials may be tough. A person might be held in detention for objecting to membership of the Baath Party. The length of detention is at the discretion of the Baath Party official responsible in the sub district and the length of detention may vary from 2 to 17 weeks. Dismissals from jobs and cutting of food rations are other possible sanctions.

According to an Embassy in Amman the degree of problems a person may encounter from the Baath Party varies according to the position of the person involved, family connections etc.

The same source added that if a person has serious problems with a local Baath Party official and therefore moved his location it would very much depend on the Baath Party official involved as to whether the person would encounter further problems. The Baath Party official, if determined to do so, might fabricate accusations against a person and inform Baath Party members of another branch. In such cases it has to be taken into consideration whether the Baath Party official involved would take the effort to do so.

According to international sources in Ankara due to the widespread corruption in the Iraq Baath Party members may take personal advantage of their position to gain profits such as threats and intimidation.

As mentioned the source also pointed out that Baath Party members together with the police, army and security participates in the search for deserters.

5. Religious Groups

5.1 General Situation for Christian Groups

According to an Embassy in Amman estimations of the numbers of Christians (Assyrians, Chaldeans, Armenians, Syrians, Greeks, Coptics, protestants) in Iraq differ between 600,000 and 1½ million. Many have left Iraq since the Gulf War and are now living in North America, Australia and some western European countries

According to an Embassy in Amman in connection with some of the Christian groups in Iraq no general persecution takes place, despite there having been some individual cases of social discrimination. The main motive for leaving Iraq was of an economic nature and due to frustration over the lack of progress for a better future. Many young Christian men have left Iraq, leaving young Christian women behind with less opportunity of finding a Christian partner. Conversion from Islam to Christianity would – although no legal action would be taken – lead to social isolation and sometimes honour killing of the convert by relatives. According to an Embassy in Amman the social-economic position of the Christians is relatively good. Some Christians are ministers in the central Government and others hold high civil servant posts. Two seats in the parliament are reserved for Christians. However, in the field of education, some discrimination exists. The Christian schools are obliged to have Koran courses and the education language must be Arabic or Kurdish. According to international sources in Amman a decree was recently issued obliging all children registered to carry Arab names or Christian names in their Arabic form.

5.2 Assyrians

According to international sources in Amman there are still reports that the Assyrians who are affiliated to the Assyrian Democratic Movement (al-Harakah al-Ashuriyyah al-Dimuqratiyyah) are being persecuted by the Iraqi regime. The party's headquarter are in the Kurdish controlled part of northern Iraq. However, Assyrians living in Baghdad do not face any form of persecution except if one of their family members is a member or suspected

to be a member of the above-mentioned party. According to international sources in Ankara the Assyrians are not persecuted or discriminated against by the authorities. According to an Embassy in Amman the Assyrians due to the fact that they are the only Christian affiliation in Iraq with their own political party, have a less favourable position compared with other Christian groups. According to an Embassy in Amman in connection to some Christian groups in Iraq and an Embassy in Amman the Assyrian church is divided into two: "The ancient Church of the East" headed by patriarch Mar Addai II Shleemon Ghevargese in Baghdad and "Assyrian Church of the East Community" headed by patriarch Mar Dinkha (residing in Detroit-Chicago) and with an office in Baghdad. The Assyrian church is not affiliated with the Catholic Church in Rome. It is influenced by the Nestorian doctrine of the Trinity.

5.3 Chaldeans

According to international sources in Amman and Ankara there were no reports of any kind of state persecution or discrimination against the Chaldean community. The Chaldean church is affiliated with the Catholic Church in Rome. According to an Embassy in connection to some Christian groups in Iraq the "Patriarchate of Babylon of the Chaldeans" have archdioceses in Baghdad, Kirkuk, Basra, Mosul, Erbil, Amadiya, Aqra, Alqosh and Zakho. In addition a patriarchal administration exists in Suleimaniya. The head of the Chaldean Church in Iraq is Patriarch Mar Raphael I Bidawid. The Chaldeans are assumed to be the largest Christian affiliation in Iraq.

5.4 Sabeans and Mandeans

According to International sources in Ankara Sabeans and Mandeans are different names for the same religious group, i.e. followers of John the Baptist. Thus the group is not a Christian community, but devotees of the person referred to in the New Testament as the forerunner for Christ. According to international sources in Amman as well there were no reports of any kind of persecution or discrimination. Allegedly the leader of the community who was granted refugee status in Sweden and given Swedish citizenship has returned to Iraq and is currently the president of the Mandaean Association in Baghdad. The Mandaean Association's temple in Baghdad is placed close to the river Tigris as the community needs flowing water to implement their baptizing rituals. Some of the Mandeans are wealthy and as such potentially a target for extortion.

5.5 The Yezidis

According to an Embassy in Amman the Yezidi Faith (sometimes nicknamed "worshippers of the Devil" by opponents) attempts to combine parts of Judaism, Christianity, Zoroastrianism and Islam. The emblem is Malak Taus (a peacock). Their temple is placed in Lalesh in the Mosul region. Yezedis in central-Iraq are not persecuted because of their religion.

5.6 General Situation for Shia Muslims

According to an Embassy in Amman the Shia-Islamic majority in central-Iraq find themselves in an economically and politically inferior position relatively speaking as compared to the Sunnis. As some Shia scholars consider the regime in Baghdad as non-Islamic some Shia-Islamic opposition groups

have emerged and some Iraqi ayatollahs have been executed. Some Shia-Islamic leaders were active in the Intifadah in southern Iraq in 1991. In June 1998 the ayatollahs al-Burujerdi and al-Gharawi were murdered and in 1999 the highest Shia leader in Iraq, Grand-ayatollah Mohammed Sadek al-Sadr, was murdered. Supporters of the Grand-ayatollah in Najaf and Basra were arrested and some executed. It is the political opposition in some circles within the Shia-Islamic clergy that the regime wishes to combat. However, according to the same source, prosecution of Shias on the sole ground that they are members of the Shia faith does not occur. Shia-Islamic festivals like the sorrowing of the death of Imam Hussein are under close surveillance by the Security services. Similarly the major Shia-Islamic mosques are believed to be under constant surveillance.

According to international sources in Amman the Shia mosques in Najaf, Kerbala, Baghdad and Basra are the most important. According to international sources in Ankara Shia mosques in these cities are functioning. According to an Embassy in Amman the regime in Baghdad has tried to emphasize its sympathy with the non-political Shia majority by making reference to the Shia-Islamic (second) wife of Saddam Hussein, and to the alleged fact that Saddam is a relative to imam Ali.

According to international sources in Amman the Shia-Islamic opposition party "al-Dawaa" (Hizb al-Dawa al-Islamiyya) is based in Iran and has one office in Syria. It operates clandestinely in Iraq, therefore its structure and way of operating resembles more a type of resistance movement. However, it has not carried out any action recently in Iraq. According to an Embassy in Amman the party claims to have supporters in Baghdad and in the southern part of Iraq. According to the same source the "Supreme Council for the Islamic Revolution in Iraq" (SCIRI) is a kind of umbrella organisation for Shia-Islamic resistance. SCIRI is headed by Mohamad Baqir al-Hakim and based in Iran. Organisations like the "Movement of the Iraqi Mujaheddin", "Islamic Movement in Iraq", "Jund al-Imam", "Islamic Movement for the Kurds", "Islamic Scholars' Organisation" are together with al-Dawa thought to be linked to SCIRI. "The Bard faction" should be the name of the militant wing of SCIRI

According to international sources in Amman and Ankara distribution of illegal pamphlets in central Iraq is almost non-existent due to the high risk of being detected by one of the security services. According to an Embassy in Amman it is unlikely to not occur on a large scale as the risk for the producers and distributors are very high

None of the consulted sources in Amman and Ankara had any particular information regarding alleged resistance groups such as "Abu Hatem" and the "Islamic Action Organisation".

6. The Present Situation in northern Iraq

6.1 The General Situation in northern Iraq

An Embassy in Ankara informed the delegation that the situation between the PUK and the KDP is currently stable in northern Iraq. Relations between the two parties have improved and they hope to re-establish a common Parliament and Supreme Court. There are 10 checkpoints when crossing

from southern Iraq to northern Iraq. It was stressed that the quality of life is better in the north as compared to the south. There is noticeably less conflict between the KDP and PUK now and freedom of movement exists between the 2 areas. People from northern Iraq can obtain passports from Mosul and Kirkuk. An international humanitarian organisation in Ankara also confirmed that the situation in northern Iraq is much better now.

According to another Embassy in Ankara current relations between the KDP and PUK are very good and they are co-operating well with one another. Assyrian and Chaldean political parties are operating freely in northern Iraq, as are local NGO's. The PKK used to pose a problem for the PUK and KDP, as they do not recognise them as a political party. It was thought that there may be some PKK concentrations in the mountains but there have been no recent Turkish incursions in the north.

A representative from the KDP in Ankara informed the delegation that the two parties are enjoying improved and good relations. A representative from the PUK in Ankara reported that the situation is stable in northern Iraq.

The PUK representative in Ankara stated that since 1997 the situation between the KDP and PUK has stabilised partly as a result of the Washington agreement and the relationship between the two parties is good at the moment. It was reported that the "Oil For Food Programme" is working and that people are much happier with the situation. The PUK have more than 9 broadcasts and over 40 newspapers. The PUK representative in Ankara reported that the PUK is now in control of Halabja. Anyone fleeing problems with the Baath party will be given help by the PUK. The PUK-representative reported good relationships with Assyrians and Turkomen.

6.2 Honour Killings

An Embassy in Ankara reported that there is still a very tribalised society outside the main urban areas in northern Iraq. According to this Embassy there has been a change of perspective towards honour killings and there is far more awareness among people when tribal disputes occur. Women's groups have been set up and these offer help to women caught up in tribal conflict. It was thought that there was more visibility regarding honour killings now than before as opposed to more honour killings being carried out.

According to this Embassy there is political will between the KDP and PUK to address the issue of honour killings and to do something about them. The PUK have passed legislation (although this is not recognised by southern Iraq), changing the status of honour killings, as opposed to that defined by the Iraqi Penal code. An honour killing is now classed as murder and a clear message is sent out to this effect, which in turn acts as a deterrent. There is a political will to do something about these killings but not much law and order to enforce it. The PUK operate shelters for women and offer protection. Men are also affected by honour killings.

The representative from the KDP in Ankara reported that many asylum claims are made up social claims. There have been concerted efforts to cut down on honour killings especially in remote rural areas. Organisations such as the Women's Federation, the Students Union and the Social Affairs

department offer help. They accept that there is some occurrence but not on the claimed scale. Their aim is to end these tribal activities and several NGO's have been set up to work with these communities, for example some of these NGOs work with young girls who have run away from home. They are still bound to implement Iraqi law, but a number of decrees formerly passed are now frozen. If an individual has concerns or they want to take a case to court then they can do so and measures will be taken to protect individuals. Measures such as the individual being taken away from home or put up with a relative and this is applicable to both sexes. The KDP is developing a system which has never been in existence in Iraq before and that the laws are both fair and flexible. The KDP works towards reaching amicable agreements in tribal disputes. Punishments are now much harsher for honour killings with the judge awarding the sentence. The death penalty is still applicable in northern Iraq but has not been given for sometime; imprisonment is generally the punishment given. The delegation were informed that in Islamic society sexual intercourse before marriage is forbidden but should a dispute arise concerning this issue, then they may try to settle the dispute and come to an amicable agreement.

A representative from the Islamic Union informed the delegation that oppression against women is on the decline. Their view is that it is not acceptable to kill any women in society. False cases have been presented as a way of reaching Europe for asylum purposes. They say there is nothing in Islam called honour killings. Cases of adultery are very rare and 4 witnesses are required at the same time. Virtually it is impossible to commit adultery in front of 4 people. With regards to homosexuality although it is against the general culture no legal action will be taken against homosexuals.

The PUK representative in Ankara informed the delegation that Mr Talabani (leader of the PUK) has introduced a law that if a girl is killed, the person responsible must go to court and be given more than 30 years imprisonment. There may still be some problems in the villages far away from the cities. Mr Talabani's wife has a society to help such girls, whereby they take girls to their house for protection. The PUK will give help to young girls and is equally ready to help both men and women. If a man is in fear of reprisals then he can go to Sulaimaniya and get assistance from the PUK.

6.3 Freedom of Political Opinion

According to an Embassy in Ankara there is no active discrimination or persecution by the KDP or PUK in northern Iraq and the 2 parties by and large do not persecute people from other political persuasions or parties. People are allowed to return to their areas. There is however some friction between the smaller parties. The Iraqi Turkmen Front refuses to recognise the authority of the KDP and instead turns to Ankara for support.

The same Embassy informed the delegation that the PUK and KDP require all parties to register. The Peoples' Workers Communist party is not recognised by the PUK because of its refusal to register.

The KDP representative reported that they are hoping for a common Parliament to convene and work this year. The KDP reported that the Iraqi

Turkmen Front refused to obtain a licence and that all parties are required to register in order to become a party. The Iraqi Turkmen Front also has a militia force of over 500 inside Irbil. Other Turkmen groups enjoy good relations with the KDP and they have a minister in the cabinet.

An Embassy in Ankara informed the delegation that there have been a growing number of incidents of persecution by the Islamists in northern Iraq against people who have spoken in a secular way, however, Islam is not that powerful in northern Iraq. IMIK (Islamic Movement of Iraqi Kurdistan) has now split off into a myriad of groups of which some are not effective. The PUK is currently in charge of Halabja, but Islamists are reportedly powerful there. This is an ongoing struggle and three villages or small cities outside of Halabja are under the control of the Islamists. The KDP-representative in Ankara informed the delegation that the courts handle any problems with Islamists.

According to an Embassy in Ankara the PUK and KDP are not interested in letting Islamists gain a stronghold. They try to limit their powers of movement and power in general. The PUK took advantage of the situation in Halabja in order to limit the power of the IMIK Islamic groups. The Islamists have control of the villages close to Halabja on the Iranian border. The delegation were informed that the former IMIK is now known as the Islamic League or the Islamic Union and Jund Al Islam is now known as Ansar Al-Islam. They are anarchical groups fighting in the name of Islam but they are not large enough to have any effect. The border to Turkey is much more controlled than the border to Iran.

The PUK representative in Ankara reported that the PUK are now in control of Halabja

A representative from the Iraqi Turkmen Front informed the delegation that the region is divided into two including Mosul and Kirkuk, which are under the control of Saddam Hussein. Problems there are still ongoing because of the Arabization policy. 2000 families were forcibly displaced from Kirkuk and are now living in refugee camps in Sulaimaniya and Irbil. It is claimed that most of the Turkmen's will be moved out and only 5% will remain in Kirkuk City. Changes of ethnicity will be compulsory especially in Kirkuk City. Kirkuk City is a petroleum city and because of this there is a power struggle with everyone wanting ownership of Kirkuk. The Iraqi Turkmen Front HQ is in Irbil City. Turkmen are still the majority in Kirkuk. The delegation were also informed that there are three million Turkmen in Kirkuk. They get political support from Turkey and UK and USA sponsor them. Turkmen are part of the Ankara process but not the Washington agreement.

6.4 Freedom of movement in northern Iraq

According to an Embassy in Ankara movement within northern Iraq is relatively free. It is thought that there may be Iraqi agents operating in northern Iraq. There is no closed border between the north and south but just a line of control that can be penetrated. There is no Iraqi army operating within the Kurdish controlled area.

An Embassy in Ankara informed the delegation that Iraqis regularly return to northern Iraq in the summer time for holidays. If they return for short periods

then nobody cares. The KDP is more stringent in checking names of returnees to ensure they are from northern Iraq and not the south.

The PUK-representative in Ankara informed the delegation that if someone wishes to go from the KDP area to the PUK area then the PUK must ask the KDP and vice versa.

The KDP- representative in Ankara told the delegation that in principle the KDP do not have any problem with people leaving or moving around. Visas are required for Turkey and this has been reduced to the issue of 10 per day. Certain criteria such as medical cases, family reunion cases and Business and official delegations are prioritised.

The delegation was informed by an Embassy in Ankara that there are 10 checkpoints when crossing from Southern Iraq to northern Iraq.

6.5 Exit and Entry to Turkey

According to an Embassy in Ankara the borderline into Turkey can be crossed with a valid transit visa for Turkey. The Turkish officials, sometimes involving body searches and detention, carry out stringent checks.

6.6 Military

According to an Embassy in Ankara anyone resident in northern Iraq would not be called into the Iraqi army. It is highly unlikely that Saddam would want a Kurd from northern Iraq in the army and does not actively seek people in the north for recruitment. If a Kurd was travelling in the south then he may be called in to pay an evasion fee.

6.7 Iraqis returning to northern Iraq

An Embassy in Ankara informed the delegation that Iraqis regularly return to northern Iraq during the summer for holidays. Returning northern Iraqis obviously do not face any apparent re-integration problems. The KDP is more stringent in checking names of returnees to ensure they are from northern Iraq and not the south. The PUK are more flexible on humanitarian grounds.

An international organisation in Ankara informed the delegation that if someone wishes to return to northern Iraq voluntarily the KDP and PUK request a very detailed form to be completed plus a voluntary return form. They ensure that the person understands what he/she is signing. The form is sent to IOM in Ankara who in turn start the clearance process. The IOM staffs see the returnee across the Iraqi border without any problem.

6.8 Freedom of Speech/Expression

According to the KDP-representative in Ankara ethnic minorities are free to be politically and culturally active.

The Assyrians have their own publications and TV stations. They have 5 seats in the parliament and a portfolio in the cabinet. Most of the churches have been rebuilt.

The KDP representative stated that should there be a complaint regarding the context of a written article then this will be referred to a board, which will examine the article, and if necessary it will be referred to courts, which handle such problems.

6.9 Islamic Union

The Islamic Union-representative informed the delegation that the party was officially founded in 1994 and that it is a moderate Islamic party, against violence and arms. The party has 5 TV channels, 7 radio stations and 2 weekly newspapers. They include women in their party and 3 women hold positions in their ruling party. They are opposed to honour killings.

7. Exit and entry of Iraq by airlines

According to international sources in Amman more than 600 Iraqi citizens legally cross the borderline between Iraq and Jordan daily. According to an Embassy in Amman two to three thousand individuals pass the border on a daily basis. According to the same sources Iraqis can enter Jordan without a visa and stay in the country for up to 6 months (initially three months and extendable for a further three months). On leaving Jordan the Jordanian authorities check whether the traveller has overstayed in Jordan. The head of department at the Jordanian Ministry of the Interior informed the delegation that overstayers have to pay a fine of JD1½ (app. USD 2) per overstayed day when leaving the country. For humanitarian reasons the Jordanian authorities more often than not refrain from collecting this fine, however it will be collected if the individual re-enters Jordan. The debtors name will be registered on the computer of the immigration authorities.

The Jordanian Ministry of the Interior later informed the delegation, that Iraqi citizens would be able to enter Jordan from abroad, i.e. from a European country, without being met with a visa request. The airline "Royal Jordanian" despite the embargo has re-established the flight route Amman – Baghdad – Amman, operating six trips a week. An Iraqi citizen would be able to travel from a European country to Baghdad transiting Amman airport without being met with a visa request from the Jordanian authorities. Because the Iraqi citizen would stay in the transit area of Amman airport and therefore not having to pass through Jordanian passport control, the Jordanian authorities would not have particular requests regarding the passengers travel document. However, if the passenger was rejected entry to Iraq and thus returned to Amman airport, the authorities would normally return him/her to their country of departure.

According to the same source the Jordanian authorities do their utmost to ensure that a person leaving Jordanian territory possess a valid passport and if necessary a valid visa for the country of destination

An Embassy in Amman confirmed that "Royal Jordanian" on an almost daily basis has a flight route Amman – Baghdad - Amman and added that the route was popular among Iraqi and Jordanian businessmen and diplomats from some western countries.

According to international sources in Ankara the air line company "Egypt Air" has established a flight from route from Cairo – Baghdad - Cairo with at least two departures a week.

An Embassy in Ankara and as well as an Embassy in Amman informed the delegation that a flight route recently was establish between Düsseldorf in Germany and Orumiyeh in Iran by "Medes Air". According to the airline company's homepage on the Internet the passengers on arrival to Orumiyeh airport will have the opportunity of being transported to Iraqi Kurdistan in northern Iraq by shuttle bus. Following agreement with the Iranian authorities the passengers will be issued Iranian transit visas at the Orumiyeh airport. "Medes Air" had its first flight on 7th April 2002 and they fly this route every second Sunday.