

Observations on behalf of the applicants

Introduction

1. On 4 November 2010 the applicant was invited to submit comments on the letter of the Dutch Ministry of Foreign Affairs, represented by Mr. Böcker ('the Government'), dated 29 October 2010. That letter was, in turn, a response to the Court's letter of 22 October 2010 in which it was informed that all requests for interim measures under Rule 39, Rules of Court, concerning the prevention of forced expulsion to Iraq, would be granted.
2. These comments are structured as follows. First, an assessment of the current security situation in Iraq will be made. Then, we will discuss the status and credibility of the sources of this information. Subsequently we will consider the framework of the key issues and argue that the legal question at present is rather more limited than the one presented by the Government. This will be placed in the light of the Court's judgment in *F.H. v. Sweden*.

The current situation in Iraq

3. The applicant submits that the security situation in Iraq was and still is extremely serious. In fact there is very little difference regarding the factual evidence on the general situation in Iraq in the past few years.¹ Both the Government and the applicant draw attention to the hundreds of civilians being killed or maimed every month.² The difference between the parties is the manner in which to assess and evaluate the current situation in Iraq, as well as regarding the legal consequences of this assessment.
4. Numerous sources report a deterioration of the human rights and security situation since the elections in March 2010. The Dutch Minister of Foreign Affairs himself has declared, on 11 June 2010, that all the communities of the people of Iraq have fallen victim to the increased violence.³ The situation is volatile and the intensity of the violence has fluctuated over the past half year since the elections. Civilian deaths and casualties have increased constantly since January 2010 and have peaked over the last three months. The UNHCR representative in Baghdad declared, on 26 October 2010, that since October 2009 a thousand security incidences per month occur. The alarm about proposed expulsions from Europe was highlighted by the events of 2 November, namely the coordinated series of bomb explosions, killing at least ninety persons and wounding hundreds of others. The cumulative effect of the United States military withdrawal, the situation in Kirkuk and the absence of a functioning government does not result in any reason for optimism about the near future and the chances of durable improvement. Indeed the Iraqi Commander in Chief has stated that his security forces are not able to replace the US troops. It is against this backdrop that the key legal questions and dissimilarities between parties should be reviewed.

¹ The applicant's submissions will cover 2009-2010, i.e. the period since the *FH v Sweden* judgment of January 2009 (appl.no. 32621/06).

² <http://www.amnesty.org/en/library/asset/MDE14/002/2010/en/c9dc5d8d-95fa-46e4-8671-cd9b99d0378c/mde140022010en.pdf>, introduction.

³ Letter of the Minister to Parliament, *cf.* Annex 4.

5. The applicant submits four new reports which cover the security and human rights situation in Iraq since, primarily, the UNHCR Note on the Continued Applicability of the 2009 Guidelines of July 2010:
 - a. **UNHCR**, Letter of 9 November 2010 to Mr. Erik Fribergh, Registrar of the Court;
 - b. **Amnesty International**, Public Statement, European states must stop forced returns to Iraq, (AI Index EUR 01/028/2010, 10 November 2010);
 - c. **Elena Network**, Overview of Information on Policy & Practice on Iraq of November 2010; and
 - d. **Dutch Refugee Council**, Overview of the current security situation in Iraq of 9 November 2010.
6. The applicant submits that neither the Dutch nor the Swedish or UK Governments appear to have conducted any investigation into, or monitored the plight of those who have already been forcibly returned to Baghdad. The UNHCR general data on those ‘voluntarily’ returning to Iraq, as mentioned in the letter by the Dutch Government, cannot be considered as decisive on the necessity to revisit the Court’s prudent approach to mass expulsion of Iraqis as proposed by the Governments.⁴ The Court has in the past attached weight to fact that governments do not know what happens to the returnees to a country with a high level of violence and human rights violations, in combination with a government which is not in position to protect its citizens (cf. *Salah Sheekh v. the Netherlands*).⁵
7. In contrast, Amnesty International has been able to interview some of the returnees. The Public Statement of Amnesty International, mentioned above, substantiates the position that expulsions are currently irresponsible in view of the risks involved. In particular, members of minorities who have returned and who have been interviewed by either UNHCR or Amnesty International strengthen the notion that it is not a question of *if*, but rather of *when* the first examples of persecution and violence against returnees can be reported.
8. The applicant would agree with the Governments that the security situation has not improved since the elections and the applicant would argue that rather there is convincing evidence that the number of casualties since the elections of March 2010 corroborate the assertion that the situation has deteriorated to an extent that there are serious questions to be raised about the perseverance of the Governments in maintaining that expulsions to Iraq should be reviewed solely on a case by case basis; rather than allowing the Court the ‘breathing space’ to assess and adjudicate the current Iraqi applications without being distracted by a vast number of requests for interim measures.

⁴ The UNHCR statistics do not give an insight on the reasons of return. It cannot be excluded that many return due to fear of forced expulsion, the need to help family members wounded in general violence, or because of prevailing socio/economic conditions for refugees in countries surrounding Iraq.

⁵ cf. §§ 140-145.

Credibility of sources and the weight of their assessment

9. The situational sketch provided above is based on information from reputable, independent organisations with a high standing. UNHCR, for example, has consistently found by the Court to be accorded high weight, “particularly given their direct access to the authorities of the country of destination as well as their ability to carry out on-site inspections and assessments in a manner which States and non-governmental organisations may not be able to do” (*NA. v. United Kingdom*, paragraph 121).
10. Indeed, on many occasions the Court has relied, in part, on UNHCR’s findings of fact. See, for example, *Abdolkhani and Karimnia v. Turkey*, in which UNHCR was given leave to intervene as a third party. Also, in many cases the Court has confirmed that “due weight” should be accorded to UNHCR’s findings, e.g. in *Z.N.S. v. Turkey* and *M.B. and others v. Turkey*, *Dbouba v. Turkey* and *N. v. Sweden*, to name a number of recent examples.
11. The applicant submits that the Government, in its position as set out in the 29 October letter, does not accord the due weight to UNHCR’s information and position as is required. The inadequacy of this assessment is heightened by the fact that the alarming concerns of the UNHCR should be considered in conjunction with the findings of other human rights organisations rather reviewed in isolation, as the Government has done.
12. In particular, this applies where the Government submits that UNHCR, along with IOM, assists voluntary repatriation to Iraq. This is submitted in an apparent attempt to justify forced returns by pointing at voluntary returns. In doing so, however, UNHCR’s position is not taken seriously. After all, on various occasions UNHCR has expressed its concern and objection to forced deportations. For instance, on 8 June 2010, the UNHCR spokesperson stated as follows:

“Our position and advice to governments is that Iraqi asylum applicants originating from Iraq's governorates of Baghdad, Diyala, Ninewa and Salah-al-Din, as well as from Kirkuk province, should continue to benefit from international protection in the form of refugee status under the 1951 Refugee Convention or another form of protection depending on the circumstances of the case. Our position reflects the volatile security situation and the still high level of prevailing violence, security incidents, and human rights violations taking place in these parts of Iraq. UNHCR considers that serious – including indiscriminate – threats to life, physical integrity or freedom resulting from violence or events seriously disturbing public order are valid reasons for international protection.”
13. Furthermore, on 20 October 2010, the UNHCR Representative in Baghdad visited The Hague to express his concern about forced deportation in person to the Government. This was a rare occasion, on which the representative asked for a stay of deportations until the situation would improve.

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14. By not even referring to this position or this visit in its letter of little more than a week later, yet referring to UNHCR in the context of voluntary repatriations, the Government cannot be assumed to have taken UNHCR seriously, let alone to have accorded due weight to its views in an even-handed manner.
15. Applying the same technique of “selective citation”, the applicant could point out that the Dutch Ministry of Foreign Affairs, on its website, “strongly discourages” all travel to Iraq (with the exception of Dohuk, Erbil and Sulamaniya provinces, to which all non-essential travel is discouraged). This negative advice is, according to the Ministry, founded on the poor security situation in the country.

Framing the issue

16. In its letter of 29 October 2010, the Government takes the view that the current situation in Iraq does not justify a different conclusion than that of the Court in *F.H. v. Sweden* concerning the question whether the general situation in Iraq, and in Baghdad, is so serious as to cause, by itself, a violation of Article 3.
17. Although the applicant contests this conclusion, it is submitted that this is not the end of the matter in the way the Government appears to suggest. The applicant is not asserting that the expulsion of any Iraqi would amount to a *prima facie* violation of Article 3. The question before the Court is presently limited to the following: does the general situation in Iraq (which, as the Government concedes, has deteriorated of late) call for a thorough and rigorous assessment of any claims that expulsion would violate Article 3 of the Convention? If the answer to this question is positive, as the applicant believes it must be, the Court will need the time to conduct this assessment where and when it has had the opportunity to determine the necessity of such an investigation.
18. In this regard, the applicant wishes to refer to the following finding of the Court, in *NA. v. United Kingdom*:

“130. [-] [T]he Court emphasises that the assessment of whether there is a real risk must be made on the basis of all relevant factors which may increase the risk of ill-treatment. In its view, due regard should also be given to the possibility that a number of individual factors may not, when considered separately, constitute a real risk; but when taken cumulatively and when considered in a situation of general violence and heightened security, the same factors may give rise to a real risk. Both the need to consider all relevant factors cumulatively and the need to give appropriate weight to the general situation in the country of destination derive from the obligation to consider all the relevant circumstances of the case (see the Hilal judgment, cited above, § 60)”.
19. Similarly, the situation of violence, even where it does not meet the threshold of *F.H. v. Sweden* (or *NA. v. United Kingdom*) is still at such a level that a relatively small number of personal indications may be sufficient for concluding that there is a real risk of treatment in violation of Article 3 upon return. In this light, the return of any Iraqi warrants thorough and rigorous scrutiny. Accordingly, the applicant is of the view that not only his interim measure should be extended for the duration of the assessment of his case, but also that the same should apply to any Iraqi under

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imminent threat of expulsion, currently requesting an interim measure to the same effect.

20. Naturally, in such a situation, if protection under Article 3 depended on a person's access to the Court, or his or her lawyer's timely filing of an application to the Court, this would defy the purpose of the Convention as an effective instrument. Thus, the applicant suggests that the Government should take up its responsibility as the primary upholder of the rights under the Convention, and declare a (temporary) stay of expulsions to Iraq. Such a measure would moreover relieve the Court of the substantial workload connected with a large influx of requests for an interim measure.
21. Reference may be made to the past situation in which the Court following consultations with the Presidents of other Sections requested Governments to assist the Court by providing the Court information on the safety of return. The applicant would like to refer to the letter by the Fourth Section in the Sri Lankan cases prior to the *NA v UK* judgment of October 2007 and the letter by the Third Section regarding Dublin returns to Greece pending the *MSS v Belgium* hearing of 3 September 2010. The Dutch government has in the past decided temporarily to adjust its position enabling the Court to adjudicate the lead or pilot case (*NA v UK* or *MSS v Belgium*) rather than having to go through individual applications on a case-by-case basis, whilst they are to a large degree similar.

Particular issues raised by the 29 October letter

22. The applicant notes that the Government's letter of 29 October 2010 paints a grim picture of the security situation in Iraq. Referring to various sources, in particular the Dutch Ministry of Foreign Affairs' own biannual Country Report, the situation in Baghdad is described as "unstable", citing regular serious incidents including "bombings, shootings, murders, kidnappings, threats and intimidation".
23. The situation in the country as a whole gives, according to the Government, rise to "serious concern". Moreover, the violence is painted as "strongly variable from one period to another and from one area to another" which, the applicant submits, would mean that in effect no durably safe regions exist.
24. Despite this evidence of an extremely volatile and poor security situation, the Government concludes that forced deportations to Iraq are in fact not contrary to Article 3 of the Convention. It bases this conclusion, which appears to contradict the information cited, on the following grounds.
25. First, the Government refers to the voluntary returns which occur and which are assisted by IOM and UNHCR. It has already been discussed, above, that this does not do justice to UNHCR's view on forced deportation. It also appears to be founded on a misinterpretation of the roles and tasks of these organisations which, after all, are mandated to assist returnees whether or not the organisations advised such returns.
26. Second, the Government's letter then refers to an article on the website www.luchtvaartnieuws.nl to substantiate its claim that "several European airline carriers are planning flights to Baghdad from European airports, including Amsterdam airport, at short notice, to respond to growing demand". The article, in fact, does not

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substantiate these statements. It does mention that *Amsterdam Airlines* is due to open a line to Erbil in KRG-administered Northern Iraq – where the security situation cannot be compared to that of other parts of the country. The article mentions a future rollout to Baghdad. However, it appears from the airline’s flight schedule on its website www.mltours.nl, neither line is operative or planned to be operative in the coming twelve months. As regards the “several European airline carriers”, the applicant notes from www.luchtvaartnieuws.nl that French Aigle Azur has indeed opened a service between Paris and Baghdad, but that both Lufthansa and Austrian Airlines have cancelled their announced services to Iraq due to “disappointing booking numbers”. In all, the applicant submits that the supposed resumption of airline services to Iraq does not have the evidentiary value that the Government attaches to it.

27. Third, and and last, the Government refers in its letter to jurisprudence of Dutch and British courts which have ruled that the security situation does not in itself justify the assumption that Iraqi asylum seekers run a real risk of being subjected to treatment in violation on Article 3 of the Convention when returned.
28. Here, again, the Government focuses exclusively on the question whether there is an extreme case of generalised violence. Thus, the cited jurisprudence does not dispel the applicant’s view that a somewhat lesser degree of general violence, taken together with certain personal aspects, may lead to the conclusion that expulsion is prohibited by Article 3 – or at least that rigorous scrutiny of the matter is called for. In addition there is also a large number of national case law which does take the UNHCR Guidelines seriously.
29. In addition, the Government fails to mention that there is equally jurisprudence, albeit from lower courts, according to which (parts of) Iraq are to be considered unsafe for anyone returning, regardless of any personal flight account.

Conclusion

30. In view of the foregoing, the applicant submits that the following can be concluded. First, in view of the prevailing general security situation in Iraq, particularly in Baghdad, and the deteriorating human rights situation in the country, a prudent approach is called for.
31. Second, in keeping with the Court’s established case law, great weight is to be attached to the opinion of reputable organisations, in particular UNHCR, which in the present case have displayed great concern over the planned forced expulsions to Iraq.
32. Third, the Governments have not brought forward any compelling factual or other information which rebuts the above assessment.
33. Therefore, the applicant submits that the application of Rule 39 should be continued until a full and thorough assessment of his claim under Article 3 of the Convention has been conducted. In addition, in order for the Court to perform its function as a subsidiary protection mechanism adequately, the applicant submits that Governments should assist the Court in good faith by suspending any forced deportations to Iraq pending the decision-making process by the Court.

Annex (a)



UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



UNHCR
Case postale 2500
CH-1211 Genève 2

9 November 2010

Dear Mr Fribergh,

I acknowledge receipt of the letter of the Registry of 5 November 2010 addressed to the UNHCR Representative to the European Institutions in Strasbourg, requesting UNHCR's current position on the matter of forced returns to Iraq.

UNHCR welcomes the Court's interest in UNHCR's position on this issue and follows closely the Court's decisions related to the application of interim measures under Rule 39 of the Rules of Court in respect of forced returns to Iraq.

In reply to your letter, I reaffirm the continued validity of UNHCR's Note issued in July 2010 on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers.

In particular, as indicated in that Note, UNHCR will continue to monitor developments in the country and will update the April 2009 UNHCR Guidelines once it judges that the situation is sufficiently changed. This is currently not the case in light, *inter alia*, of the unpredictable security situation, the continued serious risks of human rights violations, and the poor social conditions.

Therefore, UNHCR advises those involved in the adjudication of international protection claims lodged by asylum-seekers from Iraq and those responsible for establishing government policy in relation to this population to continue to rely on the April 2009 UNHCR Guidelines.

Accordingly, UNHCR recommends that States refrain from forcibly returning Iraqis who originate from the five Central Governorates or who belong to the specific groups which have been identified in UNHCR's guidelines to be at risk and who originate from the Southern Governorates and Al-Anbar. UNHCR recommends against such forced returns until such time as there is substantial improvement in the security and human rights situation in the country. UNHCR will inform the Registry when updated and revised Eligibility Guidelines are issued.

Yours sincerely,



Volker Türk
Director

Division of International Protection

Mr Erik Fribergh
Registrar
European Court of Human Rights
Strasbourg

Cc: Ms Agnes Van Steijn, Legal Secretary, Registry of the European Court of Human Rights

Attachments:

- UNHCR Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 28 July 2010;
- UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, April 2009;
- UNHCR Press Release, 3 September 2010.

Annex (b)

AMNESTY INTERNATIONAL PUBLIC STATEMENT

European states must stop forced returns to Iraq

AI Index EUR 01/028/2010
10 November 2010

Amnesty International calls on European governments to immediately stop forcible returns to the Iraq provinces of Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din, Baghdad, and to other particularly dangerous areas such as parts of Al Anbar province.

A series of recent attacks causing the deaths of more than 150 people and injuries to hundreds of others in the last two weeks have demonstrated yet again the dangerous security conditions that prevail in Baghdad and many other parts of Iraq.

On 29 October 2010, some 25 people were killed in a café in the Dor Mandila area of Diyala province, which is mainly inhabited by Feily Kurds; on 31 October, more than 50 people were killed after Sunni insurgents seized control of a church in Baghdad holding hostage and then killing worshippers in a clearly sectarian attack; on 2 November, more than 60 people were killed in a series of attacks targeting predominantly Shi'a neighbourhoods in Baghdad; on 8 November, some 20 people were killed in attacks in Basra, Najaf and Kerbela.

In all of these attacks, most of those killed were civilians, many of whom appear to have been targeted on account of their religious faith or affiliation.

Security conditions have deteriorated in recent months as the last US combat troops have been withdrawn (thousands of other US troops remain in Iraq in a training and support role with Iraqi security forces) and there has been a serious political vacuum due to the failure of Iraqi political parties to agree a new government following national parliamentary elections in March 2010. These reflected and exacerbated the sectarian divide and failed to produce a clear winner; since then negotiations towards the formation of a new government have continued between the various political parties without achieving agreement. Any new government that perpetuates current sectarian divisions is likely to face further opposition and violence.

The latest dramatic upsurge in violence shows that Iraq is still a very dangerous place in which armed groups, in particular al-Qa'ida in Iraq and its allies, are capable of inflicting very high numbers of casualties through suicide and other bomb attacks at will and virtually anywhere in the country. In a further disturbing development, scores of former members of the so-called Awakening Councils, Sunni Muslim militia who helped the US forces in their fight against al-Qa'ida in Iraq, are reported to have been joining that armed group in recent months after it issued threats against them and their families.

Since 2009, at least five European countries — Denmark, Norway, the Netherlands, Sweden, and the United Kingdom — have forcibly returned to Iraq hundreds of Iraqis, and possibly some non-Iraqi nationals, whose asylum claims had been dismissed. In the month of September 2010 alone, more than 150 individuals were returned to Iraq from the above-mentioned five European countries. Forced returns have taken place on flights organized by one European state alone or on joint charter flight operations in which several European states have participated. Most removals have taken place in breach of clear guidelines for assessing

the international protection needs of Iraqi asylum-seekers from the UN Refugee Agency (UNHCR) issued in April 2009. The UNHCR has repeatedly reiterated the ongoing validity of its Iraq eligibility guidelines, including as recently as September 2010, calling on states not to forcibly remove anyone to the five provinces of Ninewa (Mosul), Kirkuk, Salah al-Din, Diyala and Baghdad.

Further, on 20 October 2010, during a visit to the Netherlands, Daniel Endres, UNHCR's representative in Iraq, reiterated the agency's objection to the continuing forced returns of Iraqis from European countries. He was reported to have said:

There are about 1000 security incidents a month, that is, more than 30 a day. And that means rockets, bombs, mainly in the centre of the country. Every Iraqi is -- one way or another -- affected by these incidents because they happen almost everywhere.

He added that UNHCR cannot guarantee the safety of anyone who is returned to Iraq: "We have asked all governments not to deport Iraqis in general, and especially not to these areas [Iraq's five most dangerous provinces]."

UNHCR has also reiterated its concern that these forcible removals could send a negative signal to states neighbouring Iraq who continue to host far greater numbers of refugees from Iraq, despite the serious challenges this poses and the impact on their national resources.

Despite this, government authorities in a number of Western European countries, including Denmark, the Netherlands, Norway, Sweden and the UK, have continued to maintain that the security situation in Iraq is "sufficiently safe" to continue enforcing returns of Iraqis whose asylum claims have been dismissed. As a result, on 22 September 2010, for example, over 50 Iraqis were forcibly returned to Baghdad on a charter flight organized jointly by Dutch, Swedish, Norwegian and UK authorities.

Only recently, the Dutch authorities have agreed to temporarily defer the forcible removal of about 15 Iraqis on a flight that was scheduled to leave the Netherlands for Baghdad, on 3 November. The temporary deferral follows an order of interim measures by the European Court of Human Rights on 22 October 2010 asking the Dutch authorities to refrain from returning to Baghdad any Iraqi who challenges his or her return. The Court wrote to the Dutch government on 22 October stating that its decision had been taken:

in view of the increasing number of Rule 39 requests [i.e. for interim measures] made by applicants seeking to prevent their return to Baghdad on single or joint charter flights from European countries and the reported recent deterioration in the security situation in Baghdad and other governorates. Due note was taken of the UNHCR's continuing concern as to the safety of returning Iraqi citizens to Baghdad and certain other governorates of Iraq.

The Court stated that it would consider it appropriate to apply such measures to "any Iraqi challenging his or her return from the Netherlands to Baghdad". The Court has addressed similar requests to the Swedish and UK authorities.

Amnesty International believes that it is not safe to forcibly remove anyone to the Iraq provinces of Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din, Baghdad, and to other particularly dangerous areas such as parts of Al Anbar province. The organization considers that anyone whom the host countries are planning on removing to any the above-mentioned areas of Iraq, whether the individuals concerned originate from those areas or not, should be granted asylum or alternative forms of protection. In those regions of Iraq, as reiterated by the UNHCR, serious risks, including the ongoing indiscriminate threats to life, physical integrity or personal freedom arising from violence or events seriously disturbing public order are all valid grounds for international protection.

Further, when European countries are envisaging removing Iraqis to other areas of Iraq, Amnesty International considers that, in any event, no forcible removals should take place unless and until an individual assessment has been carried out indicating that it would be safe to return the individual in question. Any such assessment should consider, in particular, the viability and safety of the route and method of return within Iraq. Individual safety en route from Baghdad to the destination envisaged by the host country as the eventual place of residence in Iraq should be carefully considered.

Amnesty International calls on European states to grant protection when people would face a real risk of persecution or serious harm en route within Iraq, including a "serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict"

Further, Amnesty International calls on European states to desist from forcibly removing individuals on the basis that they consider the Kurdistan Region of Iraq as constituting an internal flight alternative for all Iraqis. Moreover, European states should respect the position of the Kurdistan Regional Government which has explicitly stated it is opposed to any forcible returns and will only accept people who choose to go back voluntarily.

Amnesty International calls on European states to ensure that no individual is forcibly removed unless and until in each and every case the authorities in the host country can demonstrate that removals will be conducted in safety and dignity and in a rights-respecting manner; and that the individuals concerned will be reintegrated into Iraqi society and their removals are truly sustainable. This would generally require that the person who is to be removed originates from or has a viable social network in the area where the host country envisages that the individual concerned will eventually reside; thus the individual would be able to establish himself or herself there and removal would therefore not be unreasonable.

Amnesty International reminds European states that they are bound by the principle of *non-refoulement*, set out in, amongst others, the 1951 UN Refugee Convention, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and other EU law. The *non-refoulement* principle obliges states not to return or otherwise remove people to any country or territory where they would face a real risk of persecution or serious harm, including grave human rights abuses such as indiscriminate threats to life, physical integrity or freedom arising from generalized violence.

In April 2010, Amnesty International issued a report (*Iraq: Civilians under fire*, AI Index: 14/002/2010) highlighting the risks to people returned involuntarily to Iraq, who are among those particularly vulnerable to be targeted with violence.

Amnesty International and the UNHCR have spoken to a number of Iraqis after they were forcibly returned from European states to Iraq in recent months and who now feared for their safety. Amnesty International conducted phone interviews with eight of the more than 30 Iraqis forcibly returned on 30 March 2010 from the Netherlands to Baghdad, including a number of individuals from Baghdad who have not been able to return to their homes and who, out of fear, have been frequently moving from place to place within the city. Other returnees, who did not hail from Baghdad, told Amnesty International that they were now stranded there, as it was unsafe for them to travel onward to their home province.

At least two men forcibly returned from the Netherlands in March 2010 originated from the province of Nineva (Mosul) and both reported that they and their families had been threatened by armed groups with violence. One of them is a 23-year-old Sunni Arab who told Amnesty International that after his forcible removal from the Netherlands he had no means to live elsewhere in the country and therefore ended up returning to live with relatives in Mosul despite fearing for his own safety there. He also reported that he and his family remained at risk of violence, and that one of his brothers had been shot dead by an armed group in Mosul in early 2010. The other is a 22-year-old Shia Turkoman who said he feared returning to his

home in Tal Afar, a mainly Turkoman city where hundreds of civilians have been killed in sectarian and other politically-motivated violence in recent years. For example on 14 May 2010, 25 people were killed when suicide bombers targeted a football field in a Shia neighbourhood of Tal Afar.

New evidence of the violent attacks against civilians by armed groups and security forces involved in the ongoing armed conflict in Iraq was recently published by the Wikileaks organization. The documents covering incidents up to the end of 2009 included a reference to a video obtained by US troops in December 2009 showing an incident in Tal Afar where Iraqi soldiers took a handcuffed detainee out into the street and shot him dead (The Guardian: Iraq war logs: Video shows detainee executed by Iraqi soldiers, 22 October 2010).

UNHCR has been able to establish that at least several among a group of about 61 Iraqis who were returned on 1 September 2010 from Sweden, Denmark, Norway and the United Kingdom were from particularly dangerous provinces, including Baghdad and Mosul (UNHCR: UNHCR concerned at continuing deportations of Iraqis from Europe, 3 September 2010). One person identified by UNHCR was a Christian from Mosul, one of the most dangerous locations in the country where religious minorities – including Christians – remain at high risk of being targeted by armed groups. For example, in the run-up to the parliamentary elections in March 2010 many Christians fled Mosul where in February 2010 alone at least eight Christians were killed (For more details on the targeting of minorities in Iraq see: *Amnesty International: Iraq: Civilians under fire*, AI Index: 14/002/2010). Also among a group of about 56 Iraqis who were returned on 22 September at least nine individuals originated from particularly dangerous provinces of Iraq.

Background information

Hundreds of civilians are still being killed or maimed every month in Iraq, notwithstanding the overall reduction in the civilian death-toll seen since 2008. Perpetrators of human rights abuses in Iraq include armed groups, militias, security forces and members of tribes. The recent publication of US secret and confidential files on the situation in Iraq by Wikileaks has demonstrated again that civilians are the main victims of the ongoing violence in the country.

A recent survey carried out by the UNHCR with about 2300 Iraqis who voluntarily returned to Iraq in recent years found that physical insecurity, economic hardship and a lack of basic public services had led the majority to regret their decision to return. Interviewees pointed to instances of explosions, harassment, military operations and kidnapping occurring in their areas of return as leading to insecurity and personal safety concerns. (UNHCR: UNHCR poll: Iraqi refugees regret returning to Iraq, amid insecurity, 19 October 2010)

Some Iraqis forcibly removed from Europe have alleged that they were ill-treated during their removal; there have also been credible reports of Iraqis being detained on arrival at Baghdad airport, as well as complaints that people have been beaten, deprived of food and threatened by Iraqi security officials whilst in detention after their forcible removal to Iraq.

In practice, the number of Iraqi refugees seeking asylum in European states is relatively small compared to the numbers of those currently residing in states neighbouring Iraq. Syria hosts by far the greatest number of refugees from Iraq, followed by Jordan and other Middle Eastern states.

Amnesty International is concerned that the increasing pattern of forcible returns from the European states sets a very poor example to these Middle Eastern states, whose resources have been stretched by the influx of people fleeing from Iraq, and may contribute to an overall weakening of the international system of refugee protection.

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Annex (c)

Overview of Information from ELENA Network

Switzerland (24 August 2010)

In Switzerland, asylum-seekers from Central and South Iraq who are not granted refugee status, are generally granted temporary admission (similar to subsidiary protection) if they do not have an internal flight alternative to the North. Asylum-seekers from North Iraq are not generally granted temporary admission any more. It is decided on a case-by-case basis if they are granted temporary admission. According to a leading decision from the Federal Administrative Court 14 March 2008, the enforcement of removal is reasonable for young, single, healthy Kurdish men. The condition is, that they originally come from the northern area, that is under Kurdish control and that these men have a functioning social net. The enforcement of removal to the North is generally not reasonable for single women, families with children, and elderly and sick people.

Forced returns are effected just to the North. The Federal Office for Migration (first instance body) is reconsidering its practice and it might be that they will change it soon (not in favor of asylum-seekers).

Norway (5 November 2010)

Norwegian COI is available on www.landinfo.no and a lot of the UDI practice guidance notes are available on it

Check particularly <http://landinfo.no/id/433.0> for COI on Iraq and the asylum practice guidance note on Iraq on <http://udiregelverk.no/default.aspx?path={E59FA0F0-0ABD-4322-8CC0-37B8F83F2CFE}>. All in Norwegian – but possibly google translate it.

Norway is also forcibly returning rejected asylum seekers to Iraq. We have at least one rule 39, re a person from Kirkuk, the case is currently pending before the court.

Sweden (3 November 2010)

Last week there were returns from Gotenburg to Baghdad, Iraq. The Swedish authorities have also received this letter from the European Court of Human Rights and have replied to it. The Swedish policy so far has been to arrange flights every 3 weeks to Baghdad. (documents attached with email)

Finland (27 August 2010)

In June 2010 the Finnish authorities declared that Baghdad was safe contrary to UNHCR recommendations. A person had to show that they were individually at risk to be granted refugee status in Finland. The Helsinki Administrative Court has already ruled that this approach is incorrect. The Finnish Immigration Service considers that Baghdad is safe, the Helsinki Administrative Court ruled that the approach is incorrect and now the Finnish Immigration authorities has applied for a leave to appeal from the Supreme Administrative Court. The ruling of that court can take really long time, up to one year or so, so no news on this matter is expected in the near future.

The Helsinki Administrative Court stated that based on COI and particularly on UNHCR's position and guidelines, the applicants were in need of subsidiary protection (e.g. diary numbers 08353/09/3105 and 06728/09/3105). There are a number of judgements from the Supreme Administrative Court, where the Court has underlined the importance of the UNHCR's position papers (diary numbers 708/3/03, 707/3/03 and 3696/2/07).

The Finnish Immigration Service continues to make negative) decisions on situations where the ECtHR has informed them that interim measures for rule 39 requests will be granted. The Helsinki administrative court and Supreme administrative court will freeze the cases normally in this situation. This policy make possible that asylum seeker who does not have a lawyer involved in his or her case could be deported.

Denmark (3 November 2010)

Denmark is forcibly returning rejected asylum seekers to Iraq. Until now Denmark has in 2010 returned around 40 rejected asylum seekers to Baghdad, and more are expected. These returns have been carried out using regular flights. In 2009 Denmark used chartered flights to Baghdad on four occasions.

Since we last year had a rule 39 request regarding a Christian Iraqi asylum seeker rejected by the Court, we have not forwarded Iraqi cases to the Strasbourg Court. In light of the latest news from the Court I expect that we will try again - I have been informed that return of two Iraqis to Baghdad is planned for next week, we'll see if there is anything we can do about that... I heard from the Court though, that only section 3 of the Court is applying rule 39 on general terms, that the other sections did not agree to this and that the other sections will only apply rule 39 based on individual assessments.

United Kingdom (3 November 2010)

On the point about rule 39 indications, the government's position is that they will continue to remove to Baghdad, but that they will suspend removal for each individual who obtains an indication. See <http://www.guardian.co.uk/uk/2010/nov/05/strasbourg-forcible-returns-iraqi-asylum>

Recent Country Guidance Caselaw

The latest (negative) Tribunal Country Guidance decision is HM and Others (Article 15(c)) Iraq CG [2010] UKUT 331 (IAC) and found on this link:

[http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKUT/IAC/2010/00331_ukut_iac_2008_hm_others_iraq_cg.html&query=HM+and+Others+and+\(Article+and+15\(c\)\)&method=boolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKUT/IAC/2010/00331_ukut_iac_2008_hm_others_iraq_cg.html&query=HM+and+Others+and+(Article+and+15(c))&method=boolean)

I imagine, but do not know, that this is what the UK government would rely upon, but please note that the appellants found themselves without representation. I understand that an effort to challenge that decision in the Court of Appeal is being made. The solicitor is Nicola Cockburn. Her email is: nicola.cockburn@iasuk.org Please contact her for more details. Her summary of the grounds of the challenge, posted to an email group is:

"1. Procedural unfairness

The appellants now represented by IAS in the onward appeal (the M brothers) were prejudiced by the Tribunal's conduct of their appeal as regards the fresh charter flight evidence from Amnesty International, Tori Sicher, UNHCR and SSHD.

In the circumstances of unrepresented appellants, having regard to issues of fairness, the Tribunal ought reasonably to have given consideration to reconvening the hearing, inviting or directing the appellants to submit any submissions and/or evidence on the point, (subject to securing alternative representation/ advice, the latter of which would have been encouraged through disclosure and the Tribunal's assistance).

The charter flight evidence post-dated the event of the appellants becoming unrepresented and could have assisted a change to their representation and funding position.

The Respondent and UNHCR were directed to file evidence on the point, the appellants were merely copied in to the Tribunal's Directions.

2. Approach of the Tribunal to the Charter Flights Evidence

The Tribunal misdirected themselves as to the nature and significance of the evidence before them as to risk on return. Possibly damaging findings were made notwithstanding the Tribunal's acceptance that the evidence concerning the June 2010 charter flights was unsatisfactory and incomplete (para 267).

As cited above, the Tribunal directed responses from the Respondent and Intervening Party but failed to invite the appellants to respond.

The Respondent filed a witness statement from Mark Walker, UKBA, detailing SSHD's evidence and experience for Iraqi returnees upon which the Tribunal relied. There is evidence advanced by Claimants in the Administrative Court which rebuffs the Walker evidence. The Tribunal failed to consider all that evidence available on the same issue e.g. the witness statement from Sean McCloughlin at TRP Solicitors. It relied upon the Respondent to provide relevant evidence. The Walker statement is of itself wanting on key issues and displays glaring omissions.

The cases in the Administrative Court rely on evidence relating to later charter flights and claims of mistreatment both by UK officials and Iraqi officials in Baghdad on similar terms to the June flights. Detailed disclosure has been applied for by Claimants. Evidence as to these flights and Administrative Court proceedings was not put forward by the Respondent or UNHCR. The appellants were therefore further prejudiced. In considering the limited evidence put by one party to the proceedings, the Tribunal did half a job.

Assessment of article 15(c)

Please refer to para 233 of the determination.

The Tribunal failed to have regard to materials in the public domain at the time of the appeal. The Index to determination cites various post-hearing objective materials, quite apart from the charter flight items mentioned above, but fails to have regard to the Danish Fact Finding Mission Report dated September 2010. I attach a link below. The findings of this report are contrary to many of those relied upon by the Tribunal, particularly in regard to civilian risk in Baghdad and, relocation to the KRG.

The Tribunal cherry picked certain evidence post-dating the hearing of the appeal and ignored other directly relevant evidence, all without asking the appellants for comment."

UK Border Agency Policy Position

The UK Border Agency Policy position which postdates the decision in HM is here: <http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylum/policyogns/iraq-ogn?view=Binary>

COI information

The previous policy position was analysed and criticised by reference to up to date COI. A public document with links to relevant COI is found on the link below. Please note that it is only up to date to 25 March 2010.

<http://stillhumanstillhere.files.wordpress.com/2009/01/comments-on-iraq-ogn-25-march-2010-final.pdf>

UK Caselaw citing FH

On making a quick search, the only UK caselaw that I could find citing FH, please see para 118:

[http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKIAT/2009/00048.html&query=fh+and+\(sweden\)&method=boolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/uk/cases/UKIAT/2009/00048.html&query=fh+and+(sweden)&method=boolean)

Here is the UK's COIS report on Iraq. It's on this link:

http://rds.homeoffice.gov.uk/rds/country_reports.html#india . It is dated December 2009.

Belgium (9 November 2010)

Considering that the Belgian asylum authority has applied the Subsidiary protection Article 15C) in line with the recommendations of the UNHCR (April 2009, August 2007...), deportation cases are limited to people originally coming from the 3 Kurdish Governances or people where doubt was raised about their identity or residency. However since March 2010, there is no more subsidiary protection for asylum seekers coming from South Iraq.

The process of identification is not always successful and few people have been effectively deported. (9 people for the year 2009 - Vluchtelingenwerk Vlaanderen - Nieuwsbrief Terugkeerpraktijk - juni 2010)

All deportations (though few taking place) now take the direction of Baghdad, without any specific consideration for the difficulties that may arise when a travel within Iraq may be foreseen to get to the original place of residency. Until now, judges from the Council for Aliens' Law Litigation (CALL) reject the legal reasoning against the legality of the deportation when it comes to the execution of the deportation. They consider that the order to leave the territory given as a result of the rejection of the asylum claim is definitive. There is no new ground to contest the order taken when the person is brought to a deportation centre.

There is no specific consideration for the UNHCR position on return (April 2007). It should be noted that the research service of the Asylum Agency changed their internal COI report in March 2010 when there was no longer any subsidiary protection granted for asylum seekers from south Iraq. (A copy of this COI report will be forwarded on)

It is the Belgian policy to conform with any requests from the European Court of Human Rights regarding Rule 39 interim measures.

Böhler

Annex (d)

aan Böhler Advocaten
t.a.v. F. Schüller
e-mail
van Hans van Oosterhout
datum 9 november 2010
betreft Irak Veiligheidssituatie
ons kenmerk Irk101109ho
uw kenmerk

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fax (020) 617 81 55
www.vluchtelingenwerk.nl
info@vluchtelingenwerk.nl

Geachte heer Schüller,

In verband met uw vragen over de veiligheidssituatie in Irak hebben wij bronnenonderzoek gedaan. Er lijkt sprake te zijn van een trend waarbij de veiligheidssituatie in Irak sinds begin 2010 in grote lijnen steeds verder verslechterde, terwijl het ambtsbericht spreekt van een fluctuaties. De toekomstige veiligheidssituatie is bovendien hoogst onzeker en er is een kans dat negatieve ontwikkelingen zich doorzetten.

Ontwikkeling van de veiligheidssituatie in Irak in 2010

Verschillende bronnen melden een verslechtering van de veiligheidssituatie in Irak in het voorjaar van 2010¹. De Nederlandse Minister van Buitenlandse Zaken stelt op 11 juni² dat de veiligheidssituatie in Irak na de verkiezingen van 7 maart jl. verslechterd is en het toegenomen geweld alle bevolkingsgroepen in Irak treft. Het ambtsbericht van het Ministerie van Buitenlandse Zaken van 27 oktober³ jongstleden spreekt echter over een fluctuerend geweldsniveau. Na de verkiezingen van 7 maart zou er bijvoorbeeld een verslechtering zijn geweest, maar eind april zou het geweldsniveau weer ongeveer hetzelfde zijn als vóór 7 maart. Het ambtsbericht lijkt alleen te refereren aan de *veiligheidsincidenten* in het voorjaar van 2010. Het aantal *burgerdoden* door geweld in Irak is vanaf januari 2010 tot en met augustus namelijk vrijwel constant toegenomen. De website Iraq Body Count (IBC) noemt de volgende dodencijfers⁴: januari: 259, februari: 296, maart: 311, april: 376,

¹ UNHCR, 'Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', juli 2010
http://www.ecoi.net/file_upload/1226_1280397268_4c4fed282.pdf

² Kamerstuk 2635, Antwoorden van minister Verhagen van Buitenlandse Zaken op vragen door leden van de Tweede Kamer Omtzigt, Haverkamp (beiden CDA), Voordewind (ChristenUnie) en Van der Staaij (SGP), 11 juni 2010

³ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Irak, 27 oktober 2010, p 17, 18
<http://www.minbuza.nl/dsresource?objectid=buzabeheer:262020&type=org>

⁴ Zie www.iraqbodycount.org, klik op database, klik dan op monthly table; voor de voorlopige telling van het dodental in oktober, klik op database, dan op Recent Events. De Wiki Leaks documenten

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mei 370, juni: 353, juli: 424, augustus: 503. In september is het aantal burgerdoden weer lager: 242, maar in oktober is er volgens een voorlopige telling weer een stijging naar 302 doden.

Ook het aantal veiligheidsincidenten nam in de zomer van 2010 weer sterk toe. Volgens een rapportage van 30 oktober aan het Amerikaanse Congres⁵ was er in het derde kwartaal van 2010 sprake van een vervijfvoudiging ten opzichte van het kwartaal daarvoor. Er waren gemiddeld meer dan 50 veiligheidsincidenten per dag. De UNHCR vertegenwoordiger in Bagdad Daniel Endres, stelde eind oktober 2010 dat er zo'n 1000 veiligheidsincidenten per maand zijn in Irak.⁶

Volgens de UNHCR doen de meeste veiligheidsincidenten zich voor in de provincies Bagdad, Salah Al Din, Kirkuk, Nineveh en Diyala. Haar guidelines van april 2009 blijven volgens een notitie uit juli 2010 onverkort van kracht⁷. Hierin wordt gesteld dat de mate van geweld zo hoog is dat burgers uit genoemde 5 centrale provincies, indien zij teruggevoerd worden, puur op basis van hun aanwezigheid aldaar reëel risico lopen om onderworpen te worden aan ernstige en individuele bedreigingen van het leven of persoon.⁸ Het ambtsbericht stelt dat de veiligheidssituatie in de bovengenoemde provincies onstabiel is⁹. De UNHCR meldt in haar *Note* van juli 2010 echter dat er ook in de provincie Al Anbar veel veiligheidsincidenten zijn en dat daar sprake is van een toename van geweld sinds de zomer van 2009. Amnesty International roept in een Urgent Action van 29 oktober¹⁰ op om niemand uit te zetten naar Irak en personen afkomstig uit alle hierbovenge-

die onlangs over de oorlog in Irak gepubliceerd zijn betekenen volgens een voorlopige berekening van Iraq Body Count (IBC) een toevoeging van 14 procent aan voorheen onbekende burgerdoden ten opzichte van het IBC-cijfer van 107.000 burgerdoden sinds 2003. In totaal moet men volgens IBC nu uitgaan van 122.000 doden van 2003 tot oktober 2010 (zie <http://www.iraqbodycount.org/analysis/numbers/warlogs/>)

⁵ Special Inspector General for Iraq Reconstruction, Quarterly Report to the United States Congress, 30 oktober 2010, P. 71, 72, zie aldaar voor grafiek over Veiligheidsincidenten

http://www.sigir.mil/files/quarterlyreports/October2010/Report_-_October_2010.pdf#view=fit

⁶ Trouw, 'Uitzettingen naar Irak onverantwoord' 21 oktober 2010

⁷ UNHCR, 'Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers', juli 2010 http://www.ecoi.net/file_upload/1226_1280397268_4c4fed282.pdf

⁸ UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, april 2009 http://www.ecoi.net/file_upload/90_1240823456_unhcr-irq200904.pdf, noot 24

⁹ Ministerie van Buitenlandse Zaken, Algemeen Ambtsbericht Irak, 27 oktober 2010, <http://www.minbuza.nl/dsresource?objectid=buzabeheer:262020&type=org>, p. 21-25

¹⁰ Amnesty International, STOP FORCED RETURNS to IRAQ, 29 oktober 2010 <http://www.amnesty.org/en/library/asset/EUR35/003/2010/en/9e8274fd-785b-447d-9e7f-c0324fd37e87/eur350032010en.html>

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noemde provincies (inclusief Al Anbar) als vluchteling te erkennen of andere vormen van bescherming te verlenen.

Volgens het ambtsbericht vonden er in Bagdad geregeld ernstige geweldsincidenten plaats en hadden burgers te maken met bomaanslagen, schietpartijen, moordaanslagen, ontvoeringen, bedreigingen en intimidatie. Volgens het Amerikaanse ministerie van defensie¹¹ waren er van 1 maart tot en met 31 mei 2010 in de provincie Bagdad ongeveer zes aanvallen per dag.

In oktober 2010 zijn er in Bagdad en Mosul vrijwel dagelijks 1 of meerdere veiligheidsincidenten waarbij doden en gewonden vallen. Ook Kirkuk en andere plaatsen in met name de centrale provincies van Irak worden getroffen door beschietingen, bommen, granaten en raketten¹².

Laatste ontwikkelingen

Op 2 november vielen er bij een serie gecoördineerde explosies in Bagdad meer dan 90 doden en honderden gewonden. Sommige bommen waren in de buurt van cafés en restaurants geplaatst.¹³ Enkele dagen eerder had een gijzeling in een kerk in Bagdad nog meer dan 50 levens geëist¹⁴. Op 6 november vielen er 37 gewonden door bomexplosies en raketaanvallen in Kirkuk en Bagdad¹⁵. Op 8 november vielen er minstens 12 doden en 30 gewonden door een autobom in de zuidelijke stad Basra, die tot nog toe –relatief– minder door geweld getroffen was. De explosie vond plaats nabij een drukke straat met

¹¹ US Department of Defense, Measuring Security and Stability in Iraq 20 augustus 2010, http://www.defense.gov/pubs/pdfs/June_9204_Sec_Def_signed_20_Aug_2010.pdf, p. 32

¹² Zie Factboxes "Security Developments in Iraq" voor oktober van Reuters/Alertnet, via: <http://www.reliefweb.int/rw/rwb.nsf/doc106?openForm&rc=3&cc=irq&po=0&so=63>. In de factboxes is dagelijks informatie verzameld over veiligheidsincidenten, maar niet voor alle dagen zijn er factboxes.

¹³ BBC News, Iraq attacks: Dozens die in series of Baghdad blasts, 3 november 2010 <http://www.bbc.co.uk/news/world-middle-east-11673989>; NRC, Doden bij aanslag op shi'ieten in Irak, 8 november 2010 http://www.nrc.nl/buitenland/article2639700.ece/Doden_bij_aanslag_op_shi_ieten_in_Irak%0A

¹⁴ BBC news, Baghdad church hostage drama ends in bloodbath, 1 november 2010 <http://www.bbc.co.uk/news/world-middle-east-11463544>

¹⁵ CNN, 37 wounded in attacks across Iraq, 6 november 2010 <http://edition.cnn.com/2010/WORLD/meast/11/06/iraq.violence/index.html>

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restaurants, cafés en winkels¹⁶. Op dezelfde dag vonden ten minste 10 pelgrims de dood bij een aanslag in Kerbala¹⁷.

Risico's voor de toekomst

Volgens verschillende bronnen is de situatie in Irak zeer onvoorspelbaar. Er bestaat het risico dat de situatie verder verslechtert. Van belang is hierbij vooral de terugtrekking van de Amerikaanse troepen, de onzekere situatie rondom Kirkuk en het uitblijven van een nieuwe regering. Een poging op 8 november 2010 om een regering van nationale eenheid te vormen is nog niet gelukt¹⁸. De VN sprak in mei 2010¹⁹ al haar bezorgdheid uit over het uitblijven van een nieuwe regering. De Irak specialist Joost Hiltermann van de International Crisis Group vreest voor een mogelijke terugval door politieke instabiliteit. Met de overgebleven 50.000 Amerikaanse troepen is het volgens hem de vraag of in dat geval een burgeroorlog kan worden voorkomen.²⁰ Enige tijd geleden heeft de Iraakse legerchef nog laten weten dat de Iraakse veiligheidsdiensten nog niet in staat zijn de rol van de Amerikaanse troepen over te nemen²¹. In een recent rapport van de International Crisis Group²² wordt ingegaan op nog andere problemen rond de Iraakse veiligheidstroepen. Deze hebben ontegenzeggelijk vooruitgang geboekt in hun optreden, maar

¹⁶ Reuters, Car bomb kills 12 in Iraq's oil city Basra, 8 november 2010
<http://www.reuters.com/article/idUSLDE6A725620101108>

¹⁷ Radio Netherlands Worldwide, Karbala car bomb kills 10, 8 november 2010
<http://www.rnw.nl/english/bulletin/karbala-car-bomb-kills-10>

¹⁸ Hürriyet Daily News, Iraqi rivals stick to their guns at meeting to resolve crisis, 8 november 2010
<http://www.hurriyetaidailynews.com/n.php?n=iraq-rivals-stick-to-their-guns-at-meeting-to-resolve-crisis-2010-11-08>; BBC News, Iraqi leaders hold government power-sharing talks, 8 november 2010
<http://www.bbc.co.uk/news/world-middle-east-11709509>

¹⁹ Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009) S/2010/240
14 mei 2010

²⁰ Trouw, Hoe moet het verder met Irak?, 31 augustus 2010

²¹ NRC Handelsblad, Zestig doden bij aanslag op rekruten Irak; Al-Qaeda nog 'redelijk intact', 17 augustus 2010

²² International Crisis Group, Loose Ends: Iraq's Security Forces Between U.S. Drawdown and Withdrawal, 26 oktober 2010, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/099-loose-ends-iraqs-security-forces-between-us-drawdown-and-withdrawal.aspx>

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er blijven urgente problemen bestaan. De etnisch/sektarische scheidslijnen in het land zorgen er voor dat ook de veiligheidstroepen gefragmenteerd zijn. De loyaliteit van de veiligheidstroepen is onduidelijk. Het ambtsbericht van het Nederlandse Ministerie van Buitenlandse Zaken wijst op infiltratie door gewapende groeperingen en wijdverbreide corruptie van de Iraakse veiligheidsorganisaties²³.

Kirkuk wordt vaak beschouwd als potentieel middelpunt van een nieuw conflict in Irak. De spanningen over het door Koerden en Arabieren betwistte olierijke gebied nemen de laatste tijd weer toe. Een cruciale volkstelling is onlangs uitgesteld tot begin december, terwijl er berichten circuleren over het bedreigen en verjagen van arabieren²⁴.

Met vriendelijke groeten,

Hans van Oosterhout
Landeninformatie
Landelijk Bureau VluchtelingenWerk

²³ Ministerie van Buitenlandse Zaken, Ambtsbericht Irak, 27 oktober 2010, p. 23

²⁴ Kuwait Times, Threats, tension in Kirkuk as Iraq census delayed, 13 oktober 2010
http://www.kuwaittimes.net/read_news.php?newsid=MjcxNzc3NjE0