



# RHETORIC AND REALITY

## THE IRAQI REFUGEE CRISIS

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*Cover photo:* A girl riding a bicycle in Jaramana on the outskirts of Damascus, a neighbourhood where many Iraqi refugees have settled

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## Glossary

ECRE	European Council for Refugees and Exiles
FAFO	A Norwegian foundation that develops and disseminates knowledge about changes in living and working conditions
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organization for Migration
IPSOS	A global survey-based market research company based in France
OCHA	UN Office for the Coordination of Humanitarian Affairs
UNFPA	UN Population Fund
UNHCR	UN High Commissioner for Refugees
UNICEF	UN Children's Fund
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East
WFP	World Food Programme
WHO	World Health Organization

# Iraq

## Rhetoric and reality: the Iraqi refugee crisis

### 1. Introduction

The displacement crisis caused by the US-led invasion of Iraq and the subsequent internal armed conflict has reached shocking proportions. Millions of people at risk – Sunni and Shi'a Muslims, Christians, Mandeans-Sabeans, Palestinians and others – have fled their homes and most are now struggling to survive.

The crisis for Iraq's refugees and internally displaced is one of tragic proportions. Despite this, the world's governments have done little or nothing to help, failing both in their moral duty and in their legal obligation to share responsibility for displaced people wherever they are. Apathy towards the crisis has been the overwhelming response.

Governments have tried to promote a brighter interpretation of the situation in Iraq and the displacement crisis to justify their lack of response. Rhetoric, however, does not change reality. Reports of increased "voluntary returns" and of marginally improved security in Iraq have received worldwide media coverage, but this does not alter the true picture – a worsening refugee crisis exacerbated by the failure of the international community to respond in a meaningful way. The reality is that the crisis for Iraq's refugees and internally displaced is worsening and will remain a problem requiring international attention for years to come.

Since the 2003 invasion, Iraq's displacement crisis has steadily increased in size and complexity. Today, the number of displaced people is the highest ever – 4.7 million, according to estimates by the UN Office of the High Commissioner for Refugees (UNHCR).<sup>1</sup> At the same time, the lack of effective response by the international community means that the ability of those fleeing Iraq to access protection outside the country is being increasingly thwarted. New visa restrictions imposed in neighbouring states mean that the ability of people to obtain refuge from the threat they face in Iraq now rests increasingly

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<sup>1</sup> Over 2 million are estimated to be living as refugees in neighbouring countries, and an estimated 2.7 million are internally displaced inside Iraq. UNHCR Briefing Note, *Iraq: Latest return survey shows few intending to go home soon*, 29 April 2008.

on their finances, rather than on their needs or rights under international refugee or human rights law. As a result, more and more families have fled their homes but cannot leave Iraq – a staggering 2.77 million people are now estimated to be internally displaced.<sup>2</sup>

For those lucky enough to access a territory outside Iraq, their situation is steadily worsening. In countries neighbouring Iraq and further afield, they are banned from working. The need to pay rent, buy food and fund medical treatment, combined with the limited capacity of humanitarian agencies to meet these needs, is threatening the ability of millions of people to survive. Savings go only so far. Years on from their initial flight, many families are now destitute and facing impossible choices and new risks, including child labour, prostitution and the prospect of being forced through circumstances to undertake “voluntary” return to Iraq.

As each month passes, more refugees need help with the basics to survive. For example, some 120,000 people, 90 per cent of all registered refugees from Iraq in Syria, have been given food so far in 2008,<sup>3</sup> compared to 43,600 people, approximately 32 per cent of those registered,<sup>4</sup> at the end of 2007. Earlier in 2008, UNHCR anticipated that the number of people needing food will continue to rise, and predicted that it would be distributing food to around 300,000 people in Syria alone by the end of the year.

However, UNHCR announced in May that by August 2008, due to inadequate funding for its Iraq Operation, it “will not be able to cover all basic health needs of Iraqis, and many serious and chronically ill Iraqis will not be able to receive their monthly medication.”<sup>5</sup> UNHCR also warned that current food aid for 150,000 refugees in Syria and Jordan could be reduced and that this would force many Iraqis “into further destitution and raise the likelihood of higher malnutrition rates and increased child labor.”<sup>6</sup>

As this shows, the level of support provided by the international community to date has been far from adequate. Some states have opted to give only general assistance for the development and reconstruction of Iraq, but they have failed

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<sup>2</sup> UNHCR Briefing Note, *Internal displacement in Iraq*, 8 April 2008.

<sup>3</sup> As of May 2008, *UNHCR Syria Update*, May 2008.

<sup>4</sup> According to UNHCR, *Iraq situation update*, November 2007, at the time 134,689 individuals were registered with UNHCR in Syria.

<sup>5</sup> UNHCR News Service, *UNHCR seeks donor help amid funding shortfall for Iraq operation*, 9 May 2008.

<sup>6</sup> *Ibid.*

to respond at all or adequately to the humanitarian needs of displaced Iraqis through targeted assistance.

For some refugees, the difficulties they are facing in the host country is prompting them to make the difficult and dangerous decision to return to Iraq, either temporarily to collect a pension or other such reason, or more permanently because of their desperate situation – not because they feel they are no longer at risk of human rights abuses in Iraq.

The reality is that while there has been a slight improvement in security over the past year, Iraq is neither safe nor suitable for return. In fact, the security situation has deteriorated in recent months and Iraq remains one of the most dangerous countries in the world.

Those with vested interests try to deny this reality. The new Iraqi administration is attempting to prove its authority in the face of carnage and despair. The international community is trying to justify its reluctance to offer financial or technical assistance or resettlement opportunities in the face of a massive refugee crisis.

Financial assistance to host countries and agencies working to support and protect refugees remains shamefully low. Almost no bilateral support from other states has been received by the principal host countries, and UN and international agencies desperately need additional funds to keep essential programmes running. Needs are at an all-time high, with increased impoverishment of refugees and the emergence of new and serious protection issues. Yet the states shouldering most of the responsibility are still waiting for others to provide real help.

Despite widespread outrage at the poor treatment of Iraqi asylum-seekers and refugees outside the region, the treatment of Iraqis seeking international protection has failed to improve.<sup>7</sup> In fact, it has taken a sharp turn for the worse. Coercive mechanisms, such as the withdrawal of assistance to propel people to return, as well as forcible return and the failure to recognize individuals as refugees, have become more widespread. More European countries are now deporting rejected asylum-seekers to Iraq, including Sweden which once stood as a positive example to its European neighbours.

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<sup>7</sup> See, for example, UNHCR, *Research Paper No. 144, Fortress Europe and the Iraqi "intruders": Iraqi asylum-seekers and the EU, 2003-2007*; ECRE, *2008 Iraq Survey*, March 2008; Amnesty International, *Millions in Flight: the Iraqi refugee crisis*, September 2007.

Resettlement is a small but essential part of the response needed. Despite repeated calls for this option to be taken seriously, most states have ignored the calls and some of the most able to help have agreed only to minimal quotas. The UK, for example, a key player in the invasion that sparked the current refugee crisis, has an overall resettlement quota of 750, which includes places for Iraqis. The authorities in Chile and Brazil, however, have made positive moves in their approach to resettlement that deserve to be commended.

Amnesty International is greatly concerned that the failure to respond to this crisis will continue to erode the human rights protection for those forced to flee their homes in search of safety. It urges the international community to recognize the nature, scale and urgency of the crisis at the highest political level and to make a true commitment to assisting Iraq's displaced people by:

- recognizing the immediate, but also the medium- to long-term nature of the crisis;
- urgently and substantially raising sustainable financial assistance;
- ending practices such as forcible returns that put lives at further risk;
- ceasing practices that result in coerced "voluntary" returns;
- allowing asylum-seekers and refugees to obtain paid employment; and
- extensively increasing resettlement places.

Such support is desperately needed so that countries in the region of Iraq can more meaningfully meet their own responsibilities and not feel so saturated that they resort to repressive measures such as restricting entry and deporting terrified people.

## **2. Overview of the crisis**

Since Amnesty International published *Millions in flight: the Iraqi refugee crisis* in September 2007, the situation facing displaced Iraqis has deteriorated.<sup>8</sup>

Despite some signs that violence in Iraq was declining in 2007, that trend has reversed in recent months. In the second half of 2007, there was a welcome fall in the number of Iraqis being killed – from more than 1,800 in August

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<sup>8</sup> See *Millions in flight*, op cit.

2007 to 541 in January 2008.<sup>9</sup> However, this has not continued. In March and April 2008 alone, more than 2,000 people, many of them unarmed civilians, were killed in clashes between Iraqi government forces, operating with US support, and the Mahdi Army, an armed Shi'a militia loyal to Moqtadr al-Sadr. The fighting began in Basra but then spread to other parts of the country, notably in and around Sadr City, the Mahdi Army's stronghold in Baghdad. According to media reports, 1,082 Iraqis were killed in March and 969 in April.<sup>10</sup>

**“I will never return to Iraq where they killed my husband and took our house away.”**

Zahra<sup>11</sup> is a 44-year-old Shi'a widow with four children. Her Sunni husband was abducted and killed in May 2007 in Baghdad, reportedly by members of an armed group. Zahra told Amnesty International that the family lived in the Rasheed district of Baghdad where, in early 2007, they and several of their neighbours received threatening notes believed to be from armed groups. Zahra said that one note threatened that they would be killed if they did not leave their houses.

On the day Zahra's husband was abducted, he had left the house in the morning to take exams at the Mustansiriyah University of Baghdad. In the afternoon, Zahra received a phone call from the kidnappers demanding a ransom. Zahra put about US\$50,000 in a bag which was collected by a group of unmasked men. Despite this, her husband was killed – shot in the head, according to the death certificate.

After the killing, Zahra moved to a predominantly Shi'a neighbourhood in the Karkh district of Baghdad but she was advised not to stay as she was known to be the widow of a Sunni. In September 2007 she fled with her children, mother and sister to Damascus, where they received emergency aid from UNHCR. The children have suffered psychological problems since their father was killed. Zahra told Amnesty International: “I will never return to Iraq where they killed my husband and took our house away. What can I tell my children? That their father was killed because he was a Sunni?”

**Interviewed by Amnesty International delegates in Damascus, February 2008**

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<sup>9</sup> AFP, *Iraq death toll surges in March*, 1 April 2008.

<sup>10</sup> AFP, *Iraq death toll surges in March*, 1 April 2008; *Los Angeles Times*, Death toll in Iraq jumped in April, 1 May 2008.

<sup>11</sup> The real name of this person and others in this report are withheld.



**Iraqi refugees queuing outside UNHCR in Kafarsouseh, Damascus, February 2008, © Amnesty International**

The wider human rights situation in Iraq remains dire. People are being killed every month by armed groups, the Multinational Forces, Iraqi security forces, and private military and security guards. Kidnappings, torture, ill-treatment and arbitrary detentions pervade the daily lives of Iraqis. Violence against women and girls, including rapes and killings in “honour crimes”, is reportedly on the rise.<sup>12</sup>

Iraqis are also finding it increasingly difficult to access some of the essentials of life, including food and clean drinking water. In 2007, according to Oxfam, 70 per cent of Iraqis had no access to safe drinking water, 43 per cent were

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<sup>12</sup> See Amnesty International, *Iraq: Carnage and despair* (AI Index: MDE 14/001/2008), March 2008, for a full discussion of the human rights situation in Iraq.

living on less than a dollar a day and child malnutrition had increased from 19 per cent during the sanctions period (1990 to 2003) to 28 per cent.<sup>13</sup>

The number of internally displaced people – those forced from their homes within Iraq in search of safety but not accessing protection outside the country – is at a record high.<sup>14</sup> More than 1.5 million of the estimated 2.7 million Iraqis who are currently internally displaced fled their homes since 2006. It is anticipated that the numbers will continue to grow fast as people flee rising levels of persecution but exit routes from the country are increasingly restricted.

Iraq's internally displaced people are in an extremely precarious situation and the lack of security in the country is severely hampering humanitarian support efforts. Most international agencies moved their international staff out of Iraq after the 2003 bombing of the UN headquarters in Baghdad, although the number of UNHCR international staff based in Iraq rose recently from two to five.<sup>15</sup>

Over 2 million Iraqis have managed to flee the country, the majority following the intensification of sectarian violence after the February 2006 bombing of al-'Askara, the Shi'a shrine in Samarra. Most went to and remain in neighbouring Syria and Jordan. Significant numbers went to other countries in the region, including Egypt and Lebanon. Together, these countries have borne the brunt of the refugee crisis, largely unsupported by others in the international community.

Exact figures for the Iraqi refugee populations in host countries are difficult to ascertain. Most refugees are living in urban areas, so are difficult to identify; only some register with UNHCR, and many move from place to place. What is certain is that life for most of the 2 million Iraq refugees in the region is extremely tough.

Relatively few displaced Iraqis have reached industrialized countries. Despite the ever-increasing array of measures designed to restrict access, such as

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<sup>13</sup> Oxfam, *Rising to the humanitarian challenge in Iraq*, July 2007.

<sup>14</sup> According to the Guiding Principles on Internal Displacement, U.N. Doc. E/CN.4/1998/53/Add.2 (1998) “. . . [I]nternally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

<sup>15</sup> UNHCR, Briefing Note: *High Commissioner Guterres wraps up mission to Syria, Iraq and Jordan*, 19 February 2008.

interception operations, visa requirements, advanced passenger screening and international liaison officers, 45,200 Iraqis did somehow access industrialized countries in 2007 to claim asylum. This still represents only 1 per cent of the 4.7 million displaced by the crisis, but it was double the number seen in 2006, when only 22,900 applications were made. The increase means Iraqis now constitute the largest group of asylum-seekers in industrialized countries and has resulted in an overall rise in the number of asylum-seekers, reversing a five-year downward trend in new applications.<sup>16</sup>

### **3. Situation of refugees in the region**

#### ***Syria***

Syria hosts the largest Iraqi refugee population in the world. While there has been no official census, estimates place the figure between the high hundreds of thousands to around 1.5 million.<sup>17</sup>

Many Iraqi refugees have been in Syria for several years and they are facing increasing impoverishment and desperation. The unstable protection space provided by the authorities in Syria has been left largely unsupported by the rest of the world.<sup>18</sup> The negative impact of this is being felt in a number of ways.

At the most fundamental level, access to protection through entry to Syria is now severely restricted, despite the on-going need of individuals to flee Iraq. Until October 2007, Iraqis could enter Syria freely.<sup>19</sup> However, the Syrian

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<sup>16</sup> UNHCR, *Iraqi crisis fuels rise in asylum-seekers in the industrialised world*, 18 March 2008.

<sup>17</sup> There has been no official census carried out on the number of Iraqi refugees. The Syrian government has said that 1.6 million Iraqis live in Syria, while UNHCR said there are between 1.2 and 1.5 million. (UNHCR, *Iraq Situation Update*, April-May 2008). The Iraqi Embassy in Damascus estimates the total number to be between 800,000 and 1 million.

<sup>18</sup> Of the UNHCR registered refugees in Syria, 55.7 per cent are Sunnis, 20.2 per cent are Shi'a, 16 per cent Christians, 2.3 per cent Islam unspecified, 4.3 per cent Mandeian-Sabeian, 0.8 per cent Yezidis and 0.7 per cent other (*UNHCR Iraq Situation Update*, April-May 2008).

<sup>19</sup> Until the end of 2006 Iraqis who entered Syria had their passports stamped at the border and were issued with a three-month visa. This could then be renewed for a further three months at any Syrian Immigration Department office in Damascus or another centre. This changed at the beginning of 2007, when the Syrian authorities reduced the length of the initial visa from three months to one month. The one-month visa is renewable for a further two months at the same office in Damascus or another centre. Once a visa has been extended for two months and is about to expire, Iraqis are then required to leave the country and to obtain a new visa if they wish to re-enter. In practice, this has meant that many Iraqis have had to

government, faced with the huge increase in the Iraqi refugee population, the lack of support from the international community, and at the request of the Iraqi Prime Minister Nouri al-Maliki, decided to introduce strict visa requirements.

Today, some categories of people can obtain a visa. These include academics and their immediate families; Iraqi students enrolled in Syrian universities and other higher education institutions; children attending schools; truck and passenger drivers operating on the Baghdad-Damascus route; Iraqis who need medical treatment in Syrian hospitals, provided they have relevant official documentation; members of cultural and sporting delegations visiting or passing through Syria; and traders and business people with commercial interests needing to travel to Syria.

Families with children attending schools in Syria or with family members in need of medical treatment can apply for temporary residence permits, which must be renewed monthly and only for up to a year. Such permits allow Iraqis to obtain permission from the Syrian authorities to travel to Iraq with an option of returning to Syria within three months. With the school year nearing an end,<sup>20</sup> concern is growing in the refugee community about the future of visas obtained this way.

While Syria is not a party to international refugee law instruments, it is obliged under international customary law and the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture not to return individuals to a situation where they would be at risk of human rights abuses: the principle of *non-refoulement*. This is the duty not to force a person to return to a situation where they would be at risk of serious human rights abuses. Included in this is the principle of non-rejection at the frontier – the obligation on states to permit entry to people seeking international protection to assess whether they would face serious human rights abuses if returned.

In other words, access must be given to those seeking international protection and fleeing human rights abuses. Despite this, no humanitarian clause exists in Syrian visa regulations to permit entry to those in need of protection.

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travel to the border checkpoint in order to exit Syria, so obtaining an exit stamp, and then immediately re-enter, obtaining a new one-month visa (renewable for a further two months).

<sup>20</sup> The school year ends on 1<sup>st</sup> July and it is currently unknown whether visas based on education will be automatically extended at this time.

Syrian officials told Amnesty International in March 2008 that border authorities exercise a large degree of discretion in granting visas, and that those who do not fall into one of the stipulated categories but are in desperate need of protection are allowed in. Amnesty International did not, however, meet any individuals who had been permitted entry on this basis.

Refugees who do manage to enter Syria face uncertain and unstable protection. While some Iraqis have managed to obtain a temporary residence permit, and some have registered with UNHCR,<sup>21</sup> the majority are in an irregular situation with no legal status. This leaves them vulnerable to *refoulement* to Iraq, something which UNHCR seeks to prevent but is not always able to do.<sup>22</sup> Those most at risk of deportation are individuals convicted – or sometimes merely accused – of a crime, including minor offences such as prostitution, having entered irregularly or possessing forged documents.

Iraqis in Syria are not permitted to work. As a result, savings brought by many are fast vanishing leaving them impoverished. While humanitarian assistance and protection has improved noticeably over the past year as a result of a range of programmes by international agencies, including UNHCR, the World Food Programme (WFP), the UN Children's Fund (UNICEF), the UN Population Fund (UNFPA) and the World Health Organization (WHO), the ability of these programmes to respond to the growing needs of the Iraqi refugee population is limited due to a lack of funding from the international community.

The difficulties in identifying the needs of an urban refugee population compound the problem of finding the right response. However, the number of people registering as refugees with UNHCR is increasing, partly because of a UNHCR outreach programme and partly because individuals are reported to be seeing the benefits of registration, including through the food assistance programme.

The number of people needing and receiving food assistance has risen greatly in the past year. UNHCR now provides food for over 90 per cent of the

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<sup>21</sup> As of May 2008 194,273 Iraqi refugees were registered with UNHCR Syria, (*UNHCR Syria Update*, May 2008). In addition 22,317 have appointments with UNHCR and over 300,000 are expected to be registered by the end of 2008 (*UNHCR Iraq Situation Update*, April-May 2008).

<sup>22</sup> See Section 5.

registered Iraqi refugee population in Syria.<sup>23</sup> While only 54,800 received food assistance in 2007, a total of over 120,000 had received food assistance in 2008 as of May. The increasing need for food assistance is also due to rising food prices – up 20 per cent since late 2007<sup>24</sup> – and decreasing subsidies on basic commodities.<sup>25</sup>



**Food and non-food items being provided to Iraqi refugees by UNHCR, WFP and the Syrian Arab Red Crescent, Damascus, March 2008, © Amnesty International**

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<sup>23</sup> 128,357 individuals in Damascus, Aleppo and Hassakeh have received food assistance since the start of 2008. The number of beneficiaries is expected to reach 300,000 by the end of 2008 (*UNHCR Syria Update*, May 2008).

<sup>24</sup> Mackay, Mairi, *Staples become luxuries as costs rise in the Middle East* CNN, 11 April 2008 as reported in *UNHCR Iraq Situation Update*, April-May 2008.

<sup>25</sup> *UNHCR Iraq Situation Update*, April-May 2008.

Financial assistance is currently only provided to a small minority of those who need it. UNHCR has implemented a cash assistance programme using Automatic Teller Machine (ATM) cards under which 4,357 cash cards benefiting 13,161 Iraqis have been distributed.<sup>26</sup> Although welcome, this is scraping the surface of the problem. Moreover, UNHCR says that some of their programmes may have to be suspended by July 2008 if additional and sustainable funding is not forthcoming.<sup>27</sup>

New protection concerns are emerging because of the growing level of poverty and lack of hope among the refugees that the crisis will soon be over. Among these concerns are child labour, prostitution and increased domestic violence.

Child labour is an increasing problem as families send their children to work in the streets or factories to earn desperately needed cash. In February 2008, Amnesty International delegates in Syria met many families with children doing dangerous jobs but who wished their children were in school.

#### **Children helping the family to survive**

Three children are helping their family survive in Damascus. The six-year-old boy sells chewing gum in the street, earning about a dollar a day, and does not go to school. The 10-year-old girl sells chewing gum about three days a week after school. The 15-year-old boy polishes shoes, earning the equivalent of about US\$2 a day and does not attend school.

Their parents, Sherif, a 42-year-old truck driver, and his 39-year-old wife Manal, left Iraq in May 2006 with their eight children after their house in the Karkh district of Baghdad was damaged by explosions. They fled to Damascus. Sherif returned to Iraq in June 2007 but was attacked near Ramadhi, west of Baghdad, and his savings of US\$6,000 were stolen.

Manal told Amnesty International that since the attack her husband has become aggressive and she tries to keep him away from the children. She assumes that he cannot cope with the situation of having lost his savings and not being able to work in Syria.

**Interviewed by Amnesty International delegates in Damascus, February 2008**

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<sup>26</sup> UNHCR Iraq Situation Update, April-May 2008.

<sup>27</sup> UNHCR Iraq Situation Update, April-May 2008.



**Kids play in a neighbourhood populated mostly by Iraqi refugees. Because refugees are not allowed to work in Syria, children often must take informal jobs to help support their families, © UNHCR**

There are no official restrictions preventing Iraqi children from enrolling in schools in Syria, but only a relatively small proportion of them actually go to school. As of May 2008, 43,749 out of an estimated 200,000 school-aged Iraqi children were in primary and secondary education in Syria.<sup>28</sup>

Several factors other than children working help explain the low attendance. Limited school capacity means children are not accepted because of overcrowded classrooms. Some families are concerned about the long journeys their children would have to make on buses to attend schools in distant neighbourhoods. Some Iraqi children drop out of school because they find the different curriculum hard to cope with.

Iraqis in Syria do have access to the public health system; however, its limited capacity does not match their level of need. The requirement of medical care among Iraqis is higher than normal because of the trauma many have suffered as a result of years of conflict and war. Access to services has improved since 2007, but the high number of people in need of specialist care for serious illness means that many are not receiving the treatment they need.

As a result of an agreement between UNHCR and the Syrian Ministry of Health, Iraqis registered with UNHCR who are seriously ill can receive treatment,

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<sup>28</sup> Of these, 41,440 were in “fundamental” educational establishments, 4,786 in general secondary education and 416 in vocational secondary education. The vast majority of these students were in Damascus (11,111) and Greater Damascus (22,956). There are a total of 5.1 million students in Syria’s schools.

including surgical operations, if they contribute financially,<sup>29</sup> at clinics run by the Syrian Arab Red Crescent. However, this option is not open to many as most Iraqis are not registered with UNHCR and the financial contribution can be prohibitive. While UNHCR does provide some assistance to unregistered Iraqis who are ill, its ability to do so remains limited because of the low level of on-going funding.

Syria also hosts a growing number of Iraqi survivors of sexual and gender-based violence. In 2007, UNHCR identified about 400 cases of Iraqi women refugees who had survived sexual or gender-based violence, including rape, in Iraq. At least 200 survivors were also identified between January and the beginning of May 2008.<sup>30</sup> Amnesty International was also told by a UNHCR official that a significant number of Iraqi women refugees are subject to marital violence.

While some safe shelters provide accommodation, counselling and other services to survivors, including a large new safe house opened in May by UNHCR and managed by Caritas Austria, overall needs considerably outweigh current capacity.

### **Repeated trauma**

Mariyam, a 48-year-old Mandaean-Sabean woman from Basra, was abducted by two men while on her way to visit a relative in July 2005. A car stopped in the street, the two men grabbed her, put a hood over her head and pushed her into the car. She was driven to a house in an unknown location.

During the three days of her abduction Mariyam was beaten by three men. On the first day she was denied food, water and access to the toilet. On the second and third day she was systematically raped by all three men. On the third day her captors blindfolded her and drove her to another unknown location where they left her in the street after threatening to kill her and all her family if she reported the kidnapping. She took a taxi and went home. When she entered the house her husband immediately started beating her.

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<sup>29</sup> In such cases, UNHCR meets 80 per cent of the cost and the patient is responsible for the rest. The same applies to medicine: UNHCR pays 80 per cent and the patient 20 per cent. In some exceptional circumstances UNHCR pays the full cost of treatment. UNHCR has a team of social carers who visit people who are sick to see whether the families can afford treatment or not.

<sup>30</sup> *UNHCR Syria update*, May 2008.

Three days after her release Mariyam went to the police to report the incident in a bid to convince her husband of what had happened to her. Her husband still blamed her for the attack as she had been out alone. A week after the attack a woman came to her house and told her she knew she had been to the police and now all her family would be killed. Mariyam then fled with her family to Syria where she had relatives.

Since arriving in Syria her husband has left her and has been smuggled to a European country. She told Amnesty International that she believes she has seen one of her attackers in the street in Damascus. She is severely traumatized by the incident and is afraid to leave her house alone.

**Interviewed by Amnesty International delegates in Damascus, March 2008**

### ***Jordan***

Like Syria, Jordan's geographic location has thrust it into the position of hosting a substantial Iraqi refugee population. Between 450,000 and 500,000 Iraqis are estimated to be living in Jordan.<sup>31</sup> Only a fraction of these receive assistance from international organizations operating in the country.

Access to Jordan is extremely restricted for refugees. With limited support from the international community, the authorities in Jordan have imposed visa restrictions for Iraqis. At the same time, Jordan has no specific provisions for allowing entry to individuals fleeing human rights abuses – despite its obligation under customary international law and as a party to the ICCPR and the Convention against Torture to respect the principle of *non-refoulement*.

#### **No entry: stranded with nowhere to go**

Ali, a Palestinian refugee in Iraq, was working as a translator for a military contractor in Iraq. In May 2006 he was kidnapped and ill-treated. During captivity he was handcuffed, and given only one glass of water and two aspirins in four days. Ali said: "Each moment they opened the door I thought it was going to be my last, that I would be killed." Fortunately, his wife secured his release after paying a ransom. Ali and his family then attempted to flee Iraq.

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<sup>31</sup> UNHCR *Iraq Situation Update*, April – May 2008, FAFO, *Iraqis in Jordan 2007 Their Number and Characteristics*, 2007, Government of Jordan Survey.

The family had lived in Iraq for 27 years and had valid Jordanian travel documents. Ali left Baghdad in August 2006 accompanied by his wife, two sons, their wives and three grandchildren. When they arrived at the Jordanian border, the authorities permitted only the entry of Ali. The other family members were given no reason to explain why they were being denied entry. With nowhere to go, the family spent a month at a mosque near the border.

Ali's wife traveled through Syria and into Jordan to find out why the family was not being allowed into Jordan. Ali and his family returned to Baghdad and hid in a room in his brother's house for eight months. Eventually, someone suggested that the family attempt to enter Jordan by plane, as they had been told this can sometimes be easier than attempting entry at a land border. In May 2007 the family flew to Amman but were again refused entry to Jordan and sent back to Baghdad. At that point, the Iraqi authorities would not accept the family either because, as Palestinians, they had no proof of legal residency in Iraq. They were sent back to Amman. As the Jordanian authorities would not permit them entry they spent the next 10 days at the airport – without clothes to change into or bedding. Although his wife was at the airport, Ali could not see her. Finally, in June 2007 the Jordanian authorities sent them to al-Ruweished camp, where about 100 other Palestinians from Iraq were living.

The Brazilian government agreed to resettle refugees from the camp, but Ali and his family were not included because they had not been there when Brazilian officials processed the refugees for resettlement. They grew increasingly desperate. One day, however, they were unexpectedly told that they could apply for Jordanian citizenship.

They are now trying to apply for Jordanian citizenship, but have been told that each application will cost US\$5,000, money they simply don't have.

**Interviewed by Amnesty International delegates in Jordan, September 2007**

Despite such obligations, access to Jordan for Iraqi refugees has become increasingly difficult over the past two years. In particular, young men are invariably turned back at the border.

On 1 May 2008, Jordan introduced new visa requirements. These oblige Iraqis to apply for visas in Iraq before travelling. The applications can be made at any one of the 13 offices of the international courier TNT in Iraq,<sup>32</sup> or through Jordanian diplomatic missions abroad. After processing, they are forwarded to

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<sup>32</sup> TNT will charge applicants a fee of 15,000 Iraqi dinars (US\$12.5) each.

the Ministry of the Interior in Amman. In the period 1-11 May 2008, there were 927 applications representing a total of 2,811 people.<sup>33</sup> The Jordanian Ministry indicated that it had approved the majority of these applications. A TNT official stated that around 60 percent of applications sent by its main Baghdad office had been approved.<sup>34</sup>

The majority of Iraqis in Jordan do not have any legal status and so are living in an insecure state. According to a 2007 survey by the Norwegian foundation FAFO, of the poorest group of Iraqis that they interviewed only 22 per cent had a valid residence permit.<sup>35</sup>

Many Iraqi refugees – including those registered with UNHCR – do not meet the criteria for obtaining a residence permit.<sup>36</sup> Not only does this leave them in an insecure situation, it also means that, under Jordanian law, they must pay up to US\$761 for every year they overstay their visa. The Jordanian authorities announced in February 2008 that they would exempt Iraqis from accumulated fines if they decided to return home or travel to a third country, but that those who wanted to stay had until 17 April to pay 50 per cent of their dues and rectify their status, or risk never being accepted for residency.<sup>37</sup> In April 2008, a one-month extension was announced to this arrangement.<sup>38</sup>

Economically, the refugee population in Jordan is struggling. Iraqis are still not permitted to work and, as in Syria, they are facing increasing impoverishment. According to the 2007 FAFO survey, the majority of Iraqis live on savings or money transfers; 42 per cent receive such transfers from Iraq.<sup>39</sup> This leaves them vulnerable to destitution when savings run out or if the situation in Iraq deteriorates to stop the flow of transfers.

Some Iraqis in Jordan are reported to work illegally, while others have work permits. According to local NGO sources, those working are reported to be

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<sup>33</sup> Jordan Times, *Majority of Iraqi visa applications approved - Jordanian Interior Ministry*, 13 May 2008.

<sup>34</sup> Ibid.

<sup>35</sup> The survey was financed by the Norwegian government, with an additional grant from UNFPA. For further information, see [www.fafo.no](http://www.fafo.no).

<sup>36</sup> For example, Iraqis wishing to apply for residency status as an investor must have a minimum investment of JD100,000 (about US\$140,000).

<sup>37</sup> UNHCR *Iraq situation update*, March 2008.

<sup>38</sup> BBC, *Jordan extends deadline for exempting Iraqis from residency fines*, 17 April 2008.

<sup>39</sup> FAFO, *Iraqis in Jordan 2007, Their Number and Characteristics*, 2007.

vulnerable to low pay, exploitation and arbitrary dismissals.<sup>40</sup> With rising rents, increasing numbers of Iraqi families are compelled to share apartments or even rooms.<sup>41</sup>

While UN agencies and international NGOs are attempting to help meet these needs, their ability to do so is limited. As of May 2008 approximately 53,000 individuals had registered with UNHCR in Jordan. There are a number of reasons why not all refugees are registering. Refugees do not have to be registered to receive assistance in Jordan and as such many do not approach UNHCR. In addition, some have difficulty in accessing UNHCR due to their location. Outreach programmes have been implemented in an attempt to rectify this. Outreach workers are also attempting to reach many Iraqis to give them access to food distribution initiatives. Such programmes, however, need increased and on-going funding if they are to be sustained.

UNHCR is currently providing food assistance to 9,190 people and financial assistance to 7,708 people in Jordan.<sup>42</sup> These figures show that only a tiny fraction of the total Iraqi population in Jordan is receiving assistance. This is not due to their lack of need, but rather a lack of resources or capacity. UNHCR Jordan informed Amnesty International that they:

*“cannot at the moment quantify the existing needs beyond the above numbers, which are also based on available resources, but certainly the actual need is much higher than we are presently able to provide for. This is confirmed by NGO and UNHCR field staff who are in daily contact with the Iraqi community. The number of vulnerable Iraqis is expected to increase as the result of an increase in the cost of living in Jordan, combined with a depletion of resources (assets, savings etc.) of beneficiaries.”<sup>43</sup>*

All children, including those without legal status, now have access to education in Jordan. According to UNHCR, the government has confirmed that Iraqis will be allowed to access all types and levels of public education.<sup>44</sup> However, the public education sector is struggling to accommodate the 24,000 Iraqi refugee children. The Minister of Education recently expressed

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<sup>40</sup> See also FAFO, *Iraqis in Jordan 2007, Their Number and Characteristics*, 2007.

<sup>41</sup> IOM, *Assessment of Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon*, February 2008.

<sup>42</sup> Implemented March 2008 according to *UNHCR Situation Update April-May 2008*.

<sup>43</sup> Email response from UNHCR Amman, Jordan, received on 17 April 2008.

<sup>44</sup> *UNHCR Iraq Situation update*, March 2008.

the need for increased support from the international community to help ease the problems of overcrowded classrooms and double-shift schools.

Not all Iraqi children end up going to school. To attend, they are required to bring their official school documents from Iraq and not to have been absent from school for over three years. Some do not enrol because they do not meet these requirements. Others take paid work to help their family survive.<sup>45</sup> According to the International Organization for Migration (IOM), children in Jordan are easily employed in the illegal job market.<sup>46</sup>

Formally, Iraqi refugees have access to basic emergency health care. However, the limitation on further medical treatment, including limited access to specialist services, means there is a significant shortfall between what is needed and what is provided. Iraqi refugees with chronic medical problems, such as diabetes, cancer and cardiovascular disease, face no or very limited access to the necessary health care.<sup>47</sup> In some cases, minor medical problems are becoming serious because of the lack of treatment. In addition, the sub-standard housing in which many Iraqis live, with leaking roofs and inadequate heating, contributes to poor health.<sup>48</sup>

In theory, Iraqis can access private health clinics, but most cannot afford to do so. Some excellent health centres run by NGOs and humanitarian agencies have been established, although they can only treat a fraction of those requiring care.

The growing need for psychological and psycho-social support for the refugee population is of great concern in Jordan, according to a February 2008 study by the IOM.<sup>49</sup> Among those needing such support are the many survivors of sexual and gender-based violence – at least 4,380 Iraqi survivors were identified by UNHCR in 2007.<sup>50</sup>

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<sup>45</sup> IOM, *Assessment of Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon*, February 2008.

<sup>46</sup> IOM, *Assessment of Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon*, February 2008.

<sup>47</sup> IRC, *Five Years Later: a Hidden Crisis*, March 2008.

<sup>48</sup> IRC, *Five Years Later: a Hidden Crisis*, March 2008.

<sup>49</sup> IOM, *Assessment of Psychosocial Needs of Iraqis Displaced in Jordan and Lebanon*, February 2008.

<sup>50</sup> UNHCR *Iraq Situation update*, April–May 2008.

## **Lebanon**

Approximately 50,000 Iraqi refugees have managed to enter Lebanon, 77.5 per cent of them irregularly, according to a survey in late 2007 by the Danish Refugee Council. Unfortunately, their reception has left a lot to be desired. The refugees have suffered from a lack of legal status, detention and deportation, particularly in 2007.

Until February 2008, Iraqi refugees in Lebanon were not given a secure legal status nor recognized as refugees by the state. They were liable to arrest and indefinite detention in an attempt to coerce them to return to Iraq. As of January 2008, 600 Iraqi refugees, 323 of them registered with UNHCR, were being detained in harsh conditions in overcrowded prisons, living alongside criminals.<sup>51</sup> In early 2008 it was reported that 104 Iraqis had “voluntarily” returned to Iraq after spending several months in detention. Faced with a choice of imprisonment or return to Iraq, the voluntariness of such returns must be questioned.<sup>52</sup>

In February 2008 the Lebanese government made the welcome announcement that it was introducing a regularization programme to allow foreign nationals a three-month grace period in which to present themselves to the General Security Office with a sponsor in order to obtain a residency permit and/or a work permit. Residency and work permits, in general, are valid for a year.

The scheme requires a fee of 950,000 Lebanese pounds (approximately US\$630) to clear the irregular status and an additional payment for the residency and/or work permit. The sponsor has to deposit US\$1,000 as a guarantee.<sup>53</sup>

UNHCR persuaded the authorities to extend the programme to include detained refugees who are of concern to UNHCR, the majority of them Iraqis. As the detained refugees cannot easily find a sponsor in detention, they can now be released without a sponsor. UNHCR has taken responsibility for paying the 950,000 Lebanese pounds fee to clear the irregular status of the detained refugee. The refugee is then formally released to UNHCR with the right to stay legally in Lebanon for three months, during which they must find a sponsor and finalize the regularization.

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<sup>51</sup> *UNHCR Iraq Situation Update*, 23 January 2008.

<sup>52</sup> *UNHCR Iraq Situation Update*, 23 January 2008.

<sup>53</sup> Email response from UNHCR Lebanon, received on 18 April 2008.

As of May 2008, the majority of the 600 detained Iraqi refugees had been released from detention, with some 120-140 remaining in detention.<sup>54</sup> Released refugees received a one-off financial grant from UNHCR through Caritas to assist their reintegration into society. They were also counselled before release to assess if they had additional needs, such as medical problems, and if so referred to NGOs who could assist them further.

It is hoped that the changes to the legal status and access to employment will positively impact on the lives of Iraqis in Lebanon.

However, Iraqi refugees are still being arrested in Lebanon albeit on a much reduced scale. Two months into the regularization programme, UNHCR was aware of 22 Iraqi refugees who had been arrested and detained while moving around in Lebanon. A further three Iraqis had been arrested between 11-18 April, according to UNHCR, probably while entering Lebanon.<sup>55</sup>

Until now, Iraqi refugees in Lebanon have suffered great hardship. The lack of access to the labour market until recently has left them impoverished. Most live in overcrowded housing, with around 80 per cent living in small rented houses.<sup>56</sup>

Access to education has also been a problem. Many families cannot send their children to school because they cannot afford uniforms or supplies, or need to have children working to boost the family income.<sup>57</sup> IOM reported that 40 per cent of Iraqi children in Lebanon aged between six and 17 years did not enrol in school because of the high tuition fees and the need to work. In addition, some families did not have the proper school documentation so their children could not enrol.<sup>58</sup>

With the assistance of UNHCR, attendance has risen from 321 children in the 2006-2007 academic year, to 1,100 in 2007-2008. At present, UNHCR can provide the children with an assistance package for uniforms and supplies.

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<sup>54</sup> UNHCR *Iraq Situation Update*, April-May 2008.

<sup>55</sup> Email response from UNHCR Lebanon, received on 18 April 2008.

<sup>56</sup> IOM, *Assessment of the Psycho-social needs of Iraqis displaced in Jordan and Lebanon*, February 2008.

<sup>57</sup> Human Rights Watch, *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon*, November 2007, <http://www.hrw.org/reports/2007/lebanon1207/>.

<sup>58</sup> IOM, *Assessment of the Psycho-social needs of Iraqis displaced in Jordan and Lebanon*, February 2008.

However, as with all programmes, without on-going and increased funding for UNHCR, such measures will not be sustainable.<sup>59</sup>

Iraqi refugees do not have easy access to health care services in Lebanon, mainly because of the cost of treatment. As with displaced Iraqis elsewhere, those in Lebanon are reported to be suffering high levels of emotional and psychological distress.<sup>60</sup> NGOs and charities are covering the full costs of 24 per cent of those who need acute care.<sup>61</sup>

The positive step of opening the possibility for regularization and access to work raises new protection challenges. Exploitation and abuse of foreign workers, not necessarily limited to the refugee population, is a general concern in Lebanon.<sup>62</sup> Employers often threaten to renounce sponsorship of those who have legal status or report those working illegally.<sup>63</sup> UNHCR sometimes intervenes with employers on behalf of refugees.

In addition, long-term solutions must be found for refugees at the end of the three-month period for regularization. UNHCR is committed to continuing the dialogue with the Lebanese authorities to find such solutions, including an extension of the amnesty period and better respect for UNHCR documents by law enforcement officials.<sup>64</sup>

## ***Egypt***

A significant number of Iraqis have managed to flee to Egypt – estimates vary from 10,000 to 150,000. Since late 2006, when a restrictive visa policy was introduced, access to the country has been difficult.

While it is impossible to determine the total number of Iraqi refugees in Egypt, it is clear that many desperately need support.<sup>65</sup> They are not granted official

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<sup>59</sup> UNHCR *Iraq Situation Update*, 23 January 2008.

<sup>60</sup> IOM, *Iraqi Refugees in Jordan and Lebanon Suffer from Mental Problems*, 4 March 2008, <http://www.un.org/radio/8947.asp>.

<sup>61</sup> IOM, *Assessment of the Psycho-social needs of Iraqis displaced in Jordan and Lebanon*, February 2008.

<sup>62</sup> Email response from UNHCR Lebanon, received on 18 April 2008.

<sup>63</sup> Email response from UNHCR Lebanon, received on 18 April 2008.

<sup>64</sup> Email response from UNHCR Lebanon, received on 18 April 2008.

<sup>65</sup> See, for example, *Iraqis in Egypt: time is running out*, a film on the situation of Iraqis in Egypt, produced and directed by Joshua van Praag, available at <http://www.iraqisinegypt.org>.

status, nor given access to social services,<sup>66</sup> nor allowed to work, even though Egypt is, unlike Lebanon, Syria and Jordan, party to the UN Refugee Convention. Some Iraqis brought savings with them to Egypt but even they are fast exhausting their funds.

Very few of the Iraqis in Egypt are registered with UNHCR, although the numbers are increasing. By mid-April 2008, nearly 11,000 individuals were registered.<sup>67</sup> Once registered, Iraqi refugees are eligible for educational stipends and health services via UNHCR's implementing partner.<sup>68</sup> A total of 2,714 vulnerable registered Iraqi refugees also received financial assistance in 2007.

Iraqi refugee children have no formal access to education – the Egyptian authorities have prohibited them from attending government schools. Only those with sufficient funds or sometimes with the help of UNHCR can go to private schools.

Access to healthcare is also a problem. While treatment is sometimes possible in government hospitals, at other times it is not. In practice, treatment for refugees generally depends on UNHCR.

#### **4. “Voluntary” returns: countering the rhetoric**

The international community has failed to respond adequately to the Iraqi refugee crisis. Rather, governments have tended to ignore the crisis or distort reality for political reasons – for example, to try and back up claims of military “successes” or to distance themselves from the issue.

In this respect, examples of Iraqi refugees returning home have received substantial media coverage, particularly since October 2007, while little attention has been given to the limited choices available to the refugees or the dangers they might face back in Iraq.

The Iraqi authorities too have an interest in promoting an overly positive and optimistic picture of Iraq's security situation and expectations. The Syrian government's introduction of strict visa regulations in October 2007 followed a

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<sup>66</sup> Refugees International, *Egypt: Respond to the needs of Iraqi refugees*, Kristele Younes and Nir Rosen, 4 December 2007.

<sup>67</sup> *UNHCR Iraq Situation Update*, April-May 2008.

<sup>68</sup> 1,340 Iraqis in Egypt received subsidised health care during March and 2,621 (38 per cent) Iraqi students in Egypt received an education grant for the 2007/2008 academic year (*UNHCR Iraq Situation Update*, April-May 2008).

visit to Damascus by Iraqi Prime Minister Nouri al-Maliki, who requested closure of the border. The request appeared to be aimed at limiting the negative press coverage spurred by the continuing mass exodus from Iraq – the most visible indicator of the continuing high level of danger and insecurity in Iraq.

Following this, the focus shifted to highlighting what were portrayed as widespread “voluntary” returns of refugees to Iraq as a sign of improved security. Amnesty International was informed by the Iraqi Embassy in Damascus that three private coaches were being used to take hundreds of people back to Iraq. The Iraqi government has strongly encouraged “voluntary” returns, particularly since the end of 2007. Such encouragement has taken the form of advertisements on state-owned television channels, asking people to tell friends and relatives to return because of the perceived decrease in violence, and an organized return convoy. There have also been official statements at the highest level, including Prime Minister al-Maliki’s April 2008 speech to the European Parliament in Brussels, which called for Iraqis to return home.<sup>69</sup> Figures given by the Iraqi authorities of the numbers returning continue to be much higher than those provided by other sources, including UNHCR and the Iraqi Red Crescent.

Two highly publicized officially organized return convoys from Syria took place in November 2007, one from Aleppo and the other from Damascus. Despite an attempt to make the convoys a flagship initiative, symbolizing a recovered Iraq to which Iraqis could make voluntary, safe and sustainable returns, the reality was very much the opposite. Many of the individuals who returned found dreadful conditions. Of the 30 families who returned and were interviewed by one of UNHCR’s partners in Iraq, only a third could go back to their original homes, while two thirds became internally displaced. Some of the returnees found their property looted, occupied or destroyed.<sup>70</sup> In addition, the return incentive of around US\$1,000 promised by the Iraqi government has yet to be received by the returnees, according to reports.

Despite indications by Iraqi officials that plans are under way for another convoy, as yet no further return convoys have taken place, suggesting that even

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<sup>69</sup> Meeting with the “Permanent *ad hoc* Delegation for relations with Iraq”. Exchange of views with H.E. Nouri al-Maliki, Prime Minister of the Republic of Iraq, Committee on Foreign Affairs, 16 April 2008.

<sup>70</sup> *Iraq returns latest*, (UNHCR Briefing Note, 7 December 2007).

the Iraqi authorities tacitly acknowledge that the level of insecurity is so great that conditions currently are not suitable for voluntary returns.

The return movement has been highlighted by other sources. The Iraqi Red Crescent reported in February 2008 that nearly 50,000 Iraqi refugees had voluntarily returned, a figure much lower than that cited by the Iraqi authorities.<sup>71</sup>

Amnesty International delegates in Syria in March 2008 were told that approximately 800 people a day were crossing from Syria to Iraq, while 1,000 a day were crossing in the opposite direction. UNHCR reported in May 2008 that, according to Syrian immigration sources, since February 2008 the daily average number of Iraqis entering Syria at the border at al-Tanf was roughly the same as the number of Iraqis leaving Syria at the same crossing point (between 700 and 900).<sup>72</sup>

It is important to bear in mind that whatever the actual figures, the reality of these returns cannot be understood simply in statistical terms. Two crucial aspects are missing from most reports citing figures – the reasons why people are returning and the fact that many people are returning only temporarily for specific purposes, not to resettle in Iraq.

### ***Reasons for return***

At present, neither state border officials nor UNHCR<sup>73</sup> records comprehensive information on why people are returning from Syria to Iraq. Anecdotal evidence suggests that a major reason is poverty. Amnesty International interviewed many people in Syria who were planning to return or who had family members who had returned. The organization found that the returns were driven by the inability to survive economically in Syria. Some of the people were aware of the serious risks to their lives if they returned, but with no money and no ability to

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<sup>71</sup> “Displacement and Migration Minister Abdul Samad Sultan told Reuters in November that about 1,600 people were returning to Iraq every day, while Baghdad security spokesman Brigadier-General Qassim Moussawi said the same month that 46,000 people had returned to the capital in October alone.” (The Independent, *46,000 refugees return to Iraq*, 5 January 2008).

<sup>72</sup> UNHCR *Syria Update*, May 2008.

<sup>73</sup> UNHCR does not have a permanent presence at the border presently and as such is unable to record comprehensive information. Recently however surveys have been produced by UNHCR on this issue. See below.

access funds in Syria, survival dictated a return that can only be regarded as involuntary.

**'If I die, I die'**

A 62-year-old retired Shi'a army officer, Majid, a widower with seven adult children all living in Baghdad, told Amnesty International that after attempting to find protection in Syria, with only the 50 lira (US\$1) in his pocket he had to return to Iraq. Even though he was extremely scared, he had lost hope, saying "If I die, I die".

Majid had fled Iraq in February 2008 after two of his nephews, Mansour and Sami, aged 17 and 19, were beheaded by members of an armed group in a rural area north of Baghdad. The young men's mother, Rasha, was reportedly present when in December 2007 armed men in civilian clothes knocked at the door and took away Mansour and Sami. Rasha went to Baghdad and informed Majid about the incident. In the evening a photographer informed the family that the heads of Mansour and Sami had been found on the banks of the Tigris river. The following day Majid and other relatives collected the bodies from the Forensic Medical Institute in Baghdad and buried them. Rasha reported that several days before the incident the family had been threatened and told to leave the area.

Majid decided to escape to Syria for safety. He was to arrive first and obtain a residence permit that would enable him to invite the family of his eldest son to join him. However, although Majid was able to enter Syria on the basis of his need for medical treatment, he told Amnesty International that he no longer expected to be able to bring his son and family to Syria, as he had been unable to obtain residence and was unable to survive in Syria. Majid had taken his savings with him to Syria, but he was soon left with nothing. Weeping, he explained to Amnesty International that he had no alternative but to return to Iraq.

**Interviewed by Amnesty International delegates, Damascus, February 2008**

This finding is supported by the UNHCR/IPSOS surveys.<sup>74</sup> The November 2007 survey addressed among other things the reasons why the interviewees or

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<sup>74</sup>UNHCR/IPSOS, *Second IPSOS survey on Iraqi refugees (31 October-25 November 2007)* and third IPSOS survey UNHCR/IPSOS, *Assessment on Returns to Iraq amongst the Iraqi Refugee Population in Syria*, April 2008.

people they knew were returning to Iraq. The survey found that the vast majority were returning because they could no longer stay in Syria as they were destitute or lacked a secure legal status. Over 46 per cent of those interviewed stated that they could no longer afford to live in Syria, and 25.6 per cent said that visas had expired and they were forced to leave. Only 14.1 per cent said they were returning because they had heard that the security situation had improved.

The most recent IPSOS survey conducted in March found that the overwhelming majority of those interviewed did not want to return at the present time.<sup>75</sup> The main reason cited was that they were under direct threat in Iraq (61 per cent) and as such feared to return.<sup>76</sup> Only 4 per cent said they were planning to return to Iraq. Among the reasons given for returning was not being able to afford to live in Syria.<sup>77</sup>

Information gathered about people the respondents knew who had returned showed that most had cited their inability to afford to live in Syria as the reason they had gone back to Iraq (56 per cent). Only 16 per cent had returned because they had heard that the security situation had improved.<sup>78</sup> Of those, however, 59 per cent wanted to leave Iraq again and return to Syria. Some 47 per cent of these could not return because they lacked the money (31 per cent) or did not have a visa (64 per cent). Conditions for those who had returned were challenging – 77 per cent of the people who gave feedback about their return said they were dissatisfied with the conditions.<sup>79</sup>

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<sup>75</sup> The survey was conducted over a period of three weeks from 2 to 18 March 2008.

<sup>76</sup> Some 29 per cent do not want to return because of the general insecurity in Iraq, 8 per cent because their home has been destroyed/is occupied in Iraq, 1 per cent do not have a job in Iraq and 1 per cent have no relatives left in Iraq (UNHCR/IPSOS, *Assessment on Returns to Iraq amongst the Iraqi Refugee Population in Syria*, April 2008).

<sup>77</sup> 26 per cent.

<sup>78</sup> In addition, 14 per cent went because they have a job in Iraq, 10 per cent because they have not received any assistance in Syria, 7 per cent because their visa had expired, 7 per cent said they needed to take care of their possessions in Iraq, 6 per cent went for education reasons, 6 per cent went back for temporary visits, 5 per cent needed to collect pensions in Iraq, 4 per cent returned to be with their family who could not join them in Syria, 3 per cent need to collect money from a house rented in Iraq, 1 per cent went back to receive government grants, 1 per cent returned to get married, and 1 per cent returned for health reasons (UNHCR/IPSOS, *Assessment on Returns to Iraq Amongst the Iraqi Refugee Population in Syria*, April 2008).

<sup>79</sup> UNHCR/IPSOS, *Assessment on Returns to Iraq Amongst the Iraqi Refugee Population in Syria*, April 2008.

In addition to the essentially involuntary nature of the returns, the intended duration of returns is also missing from most accounts. No officially gathered information is available on whether the return is for a short visit or to resettle<sup>80</sup> or seek the protection of the Iraqi government. Research conducted in Syria by Amnesty International in early 2008 suggests that many individuals are returning for temporary stays for a variety of reasons, including to collect pensions, take up temporary jobs, visit a sick relative, attend a medical appointment, obtain medicine and check on property.

Such visits were made possible for many because the one-year residence permit based on education allows the holder and their family to leave Syria for up to three months and then return.

In Lebanon, as described above, a policy of coercion through indefinite detention and lack of choices has effectively forced some Iraqi refugees to return involuntarily.

### ***Europe: coercing refugees to return***

Some countries outside the region that *do* have the means to support the relatively few Iraqi refugees who have crossed into their territory have adopted policies that appear intended to make rejected asylum-seekers destitute and so encourage their “voluntary” return.

In the **UK**: once an asylum-seeker’s claim has been rejected and there is no outstanding appeal they are expected to leave the country within 21 days and financial support and accommodation ceases with the exception of families. At this point many Iraqis become destitute; some have returned to Iraq.

In the **Netherlands**: in general, assistance provided during the asylum claim is cut off four weeks after rejection of the second appeal.<sup>81</sup> At this point asylum-seekers are also required to leave their accommodation. Again, destitution may force their return to their country of origin. For the moment this concerns Northern Iraqis only. Despite only one confirmed case of forcible return to

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<sup>80</sup> While it should be noted that under international refugee law, cessation of refugee status can occur where a refugee voluntarily re-establishes themselves in the country of origin (Article 1C of the 1951 Convention Relating to the Status of Refugees), short visits, for example to visit a sick relative, are permissible, (*UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees Article 125 regarding re-availment and Article 134 regarding re-establishment*).

<sup>81</sup> In a first asylum procedure.

Northern Iraq from the Netherlands in 2008, the rejected asylum-seeker is expected to leave “voluntarily” and as such has no right to remain in the Netherlands and no right to make use of any facilities. Many, therefore, may effectively be forced to return “voluntarily”. Since April 2007, Iraqis from central and southern Iraq, however, have been granted temporary protection<sup>82</sup> and have the right to housing, social security, work and so on.

In **Belgium**: the authorities have drastically reduced assistance following rejection of an asylum claim. At this point the person is considered an “illegal immigrant” and as such is granted only very basic rights.

In **Denmark**: rejected asylum-seekers are only granted very basic rights and are not permitted to work or benefit from family reunification. Around 364 rejected Iraqi asylum-seekers are currently in this position,<sup>83</sup> many for years. With no foreseeable possibility of return or working legally, they are struggling to survive.

In **Germany**: the troubling practice of withdrawing refugee status from Iraqi refugees continued in 2007, although recent changes indicate that the situation is improving.<sup>84</sup> Since November 2003, the German authorities have revoked the refugee status of approximately 18,000 Iraqis granted protection during Saddam Hussein’s time in power. In 2007, 5,780 new revocation procedures for Iraqi refugees were introduced. Many resulted in revocation of protection status.<sup>85</sup> However, in 1,914 cases refugee status was not revoked and confirmation was given that the individuals were recognized as refugees.

Following a decision by the German authorities in May 2007 that religious minorities in Iraq need international protection, the majority of cases have

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<sup>82</sup> Exceptions to this are, for example, when people are excluded from protection as a refugee based on Article 1F of the Refugee Convention, or when they are considered as *persona non grata* because of criminal charges.

<sup>83</sup> As of 5 February 2008.

<sup>84</sup> If refugee status is revoked, the person will generally be left without legal status in the country. Even if they cannot be forcibly returned, they become dispossessed of basic rights such as the right to work and suffer reduction of social benefits. Measures are then taken to pressure them to leave Germany “voluntarily”. See Amnesty International, *Millions in Flight*, op cit.

<sup>85</sup> Some 246 resulted in revocation of the status as a recognised asylum-seeker according to the German Constitution; 1,346 resulted in revocation of refugee status according to the Geneva Convention, 36 resulted in revocation of subsidiary protection.

resulted in a confirmation of refugee status, not revocation.<sup>86</sup> In addition, in February 2008 the German High Administrative Court sought interpretation of the European Court of Justice on Article 11 of the Qualification Directive,<sup>87</sup> as it relates to the preconditions for the revocation of refugee status.<sup>88</sup> At the time of writing, the Court had not made a determination on this issue and revocation procedures for Iraqis were suspended by the German Federal Office for Migration and Refugees. However, not all Administrative Courts have suspended the cases pending before them, as Amnesty International believes they should. For new cases, the revocation procedure for Iraqi refugees is presently suspended by the German Federal Office for Migration and Refugees, and the refugee status is being upheld in the majority of cases reviewed.

### ***The time is not right for return***

At present, Amnesty International believes that the time is not right for returns of any kind to Iraq, whether they are explicitly forcible or effectively forcible but disguised as “voluntary”.<sup>89</sup> In addition to obligations not to forcibly return Iraqis in a direct manner as discussed below, Amnesty International believes that all states must ensure Iraqi refugees are not forced into a situation where they have no real option but to return, so indirectly forcing them to return.

Amnesty International also believes that voluntary returns should not be promoted at present. This view is shared by UNHCR, which does not regard the conditions as conducive to return in safety and dignity as required by international standards.<sup>90</sup> Amnesty International opposes all forms of

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<sup>86</sup> There was a change in approach to revocation following a change in policy in May 2007 regarding the need for protection for religious minorities. Between January-May 2007 refugee status was confirmed in only 221 revocation cases, but between June-December 2007, the number rose to 1,693.

<sup>87</sup> “Qualification Directive” refers to the EU’s Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

<sup>88</sup> The Court is seeking to clarify that, in the light of the Refugee Convention, the status of a refugee can only be revoked if the refugee would be safe returning to their country. Until now, the Court had deemed revocation possible if the initial reasons for which the refugee status was granted had disappeared and there were no other reasons for a well-founded fear of persecution. The question of whether or not a person is safe to return to their country of origin was not considered.

<sup>89</sup> See below for discussion and Amnesty International’s position on forcible returns.

<sup>90</sup> See, for example, UNHCR, *UNHCR’s Guterres calls for more support to Iraqi refugees*, 14 February 2008; UNHCR Briefing Note, *Iraq returns latest*, 7 December 2007, UNHCR Briefing

encouragement of voluntary returns, including indirect and coercive means such as restricting assistance and forcing people into destitution. Amnesty International believes that such policies not only impact on the enjoyment and fulfilment of economic, social and cultural rights, but may also put the state in a position where it is in breach of the principle of *non-refoulement*.

### **Obligations of host states**

All individuals, including rejected asylum-seekers, are entitled to the full protection of international human rights law and standards. Host governments, whether in the proximity of Iraq or further afield, as well as the broader international community, are obliged to respect and ensure the full range of civil, political, economic, social and cultural rights of Iraqis, without discrimination. Included in these are rights to the highest attainable standard of health,<sup>91</sup> education,<sup>92</sup> adequate housing,<sup>93</sup> adequate food and water,<sup>94</sup> as well as work and rights at work.<sup>95</sup>

International law emphasizes that civil, political, economic, social and cultural rights should be exercised without discrimination on grounds such as “national or social origin, property or other status.”<sup>96</sup> States must ensure that any discrimination is eliminated.<sup>97</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for the progressive realization of economic, social and cultural rights, “to the maximum of [each state party’s]

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Note, *UNHCR cautious about returns*, 23 November 2007. In addition, this was stated to Amnesty International by UNHCR in meetings.

<sup>91</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 12; Convention on the Elimination of Racial Discrimination (CERD) Article 5(e)(iv); CEDAW Articles 12 and 14(b); Convention on the Rights of the Child (CRC) Articles 24 and 25; Migrant Workers Convention Article 28.

<sup>92</sup> ICESCR Articles 13 and 14; CRC Articles 28 and 29; ICERD Article 5(e)(v); Migrant Workers Convention Article 30.

<sup>93</sup> ICESCR Article 11; CEDAW Article 14(2); CRC Articles 16(1) and 27(3); ICERD Article 5(e)(iii).

<sup>94</sup> ICESCR Article 11; CRC Article 24(2)(c); CEDAW Article 14(2).

<sup>95</sup> ICESCR Articles 6 to 8; ICERD Article 5(e)(i); CEDAW Articles 11 and 14; Migrant Workers Convention Articles 25 and 26.

<sup>96</sup> Article 2(1) of the ICCPR; Article 2(2) of the ICESCR.

<sup>97</sup> Article 2(1)(c) of the ICERD obliges all state parties “to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists.”

available resources”.<sup>98</sup> The concept of progressive realization of rights does not justify government inaction on the grounds that a state has not reached a certain level of economic development. States have immediate obligations, as well as longer term duties. Regardless of their stage of development, states must take action to fulfil economic, social and cultural rights (including reviewing their laws and policies), and must refrain from violating these rights. States must ensure that there is no discrimination, whether direct or indirect, in the realization of these rights.

Furthermore, states should not interpret the distinction between nationals and non-nationals to undermine their obligations under international human rights law.<sup>99</sup> The ICESCR provides that “developing countries, with due regard to human rights and the national economy, may determine to what extent they would guarantee the economic rights recognised in the present Covenant to non-nationals”.<sup>100</sup> As the provision makes clear, restrictions on the economic rights of non-nationals that have a grave impact on the human rights of the people affected would be in breach of international legal obligations. In its General Recommendation No. 30, the Committee on the Elimination of Racial Discrimination (CERD) clarifies that states parties to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) “are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of [civil, political, economic, social and cultural] rights to the extent recognized under international law”.<sup>101</sup> Among other measures, CERD urges states to remove obstacles that “prevent the enjoyment

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<sup>98</sup> ICESCR, Article 2(1).

<sup>99</sup> CERD, General Recommendation No. 30, *Discrimination against Non-Citizens*, 1 October 2004, para 2.

<sup>100</sup> Article 2(3) of the ICESCR. The purpose of this provision was to end the economic domination of certain groups of non-nationals during colonial times. For this reason it should be interpreted narrowly. See Limburg Principles on the Implementation of the ICESCR, UN Doc. E/CN.4/1987/17, Annex, para 43.

<sup>101</sup> CERD also states that “differential treatment based on citizenship or immigration status will constitute discrimination if the criteria for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. Differentiation within the scope of article 1, paragraph 4, of the Convention relating to special measures is not considered discriminatory”, *General Recommendation No. 30 (Discrimination against Non Citizens)*, 2004, para 4.

of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health”.<sup>102</sup>

Host countries both in the region and further afield are therefore obliged to do all they can to ensure protection of all human rights including economic, social and cultural rights for Iraqis in their country under international human rights law.

### **Constructive *refoulement***

Under international law a duty exists to not send or force a person to return to a situation where they would be at risk of serious human rights abuses. This principle attaches to all states as a principle of customary international law, as well as to state parties to the ICCPR, Convention against Torture and Refugee Convention and Protocol. The principle of *non-refoulement* as an obligation attaches not only to actual acts of forcible return or deportation, but to non-rejection at the frontier, and to situations of constructive *refoulement*. “Constructive *refoulement*” can occur where economic, social and cultural rights are deliberately denied and have the indirect effect of forcing people to return to their country of origin where they face a serious risk of human rights abuses. Amnesty International and UNHCR believe this to be the situation for all Iraqis from South and Central Iraq<sup>103</sup>, and some from Northern Iraq.<sup>104</sup>

As such, the practice of adopting policies which deny Iraqis who would face a risk of serious human rights abuses on return to Iraq economic, social and cultural rights, making them unable to survive and effectively coercing them into “voluntarily” returning, as is happening currently in certain European countries, is considered by Amnesty International to create a situation of “constructive *refoulement*”. Amnesty International considers that such policies can result in a breach of the *non-refoulement* obligations by the states hosting

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<sup>102</sup> Ibid, para. 29.

<sup>103</sup> UNHCR believes that Iraqis from South and Central Iraq should be granted refugee protection or a complementary form of protection. See *UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, August 2007 and *UNHCR Return Advisory and Position on International Protection Needs of Iraqis Outside Iraq*, December 2006.

<sup>104</sup> Amnesty International believes that Iraqis from Northern Iraq may meet the definition of a refugee under international or regional law, or may be granted complementary or subsidiary protection. In some cases they may not be deemed in need of international protection. However Amnesty International is opposed to the forcible return of **all** Iraqis, to any part of Iraq, including the North, at the present time. See below.

Iraqi refugees from southern and central Iraq, and potentially from northern Iraq – such individuals should be considered as refugees or granted complimentary or subsidiary forms of protection according to UNHCR, a position strongly supported by Amnesty International.

If the authorities of a state seek to coerce rejected asylum-seekers who, properly, should be granted protection, into accepting “voluntary” return by restricting their access to economic, social and cultural rights, in effect such asylum-seekers have no choice but to return and are being indirectly forced to return, in breach of the state’s *non-refoulement* obligations.

As part of this and to not encourage or coerce premature return to a situation of continued violence and instability, rejected Iraqi asylum-seekers should be given the same entitlements and rights as during the asylum process until their situation is resolved. This should include financial assistance and accommodation if needed, permission to work, full access to health care and education, and the right to claim benefits, depending on need.

### **Responsibility and burden sharing**

In addition to the obligations states hold in relation to refugees in their jurisdiction, the international community has a responsibility to assist host nations in the region that are supporting large numbers of refugees. This flows from the legal obligation under the principle of responsibility and burden sharing that attaches to state parties to the UN Refugee Convention and that has been reaffirmed in numerous Conclusions of the Executive Committee of UNHCR and the Agenda for Protection. It is also a political and moral responsibility for some states due to their involvement in the conflict in Iraq.



**Road sign on the highway to al-Tanf border crossing, there is nothing between the sign and the border except open desert, Syria, March 2008, © Amnesty International**

## **5. Forced returns**

Iraqi refugees are being deported to Iraq from within the region and further afield, in breach of the principle of *non-refoulement*.

Amnesty International is opposed to all forcible returns to any part of Iraq, including Northern Iraq, at the present time. In line with UNHCR's position, Amnesty International believes that all individuals from southern and central Iraq should be granted refugee status or a complementary form of protection, and that an individual assessment of Iraqis from the north should be made to see if they also qualify for refugee or complementary protection. In the event Iraqis from Northern Iraq do not qualify for refugee or complementary protection, they should be given temporary humanitarian protection until it is safe for them to return.

Although relatively more secure than central and southern Iraq, some parts of northern Iraq are politically tense. There have been acts of political violence between Iraqi Arabs and Iraqi Kurds and against members of the Yazidi religious minority in several areas along the border between Kurdistan and Nineweh (Mosul) governorate. Tension and insecurity also increased when attacks by a Turkey-based armed group, the Kurdistan Workers Party (PKK),

against Turkish troops stationed near the border with Iraq were followed in October 2007 by Turkish military operations against PKK bases in northern Iraq. More attacks in Northern Iraq have followed: in December 2007 the Turkish air force attacked PKK camps in Northern Iraq, and in February 2008 battles between Turkish forces and members of the PKK raged for about a week.

The situation in Kirkuk, which is near but outside the three governorates under Kurdish authority, remains particularly insecure due to tensions between different ethnic groups in the city. Many people have been killed in bomb and other attacks. For example, on 5 March 2008 a Kurdish academic, 'Abdul Sattar Taher Sharif, aged 74, who also held a New Zealand passport, was shot dead by armed men on a road just north of Kirkuk. He had recently written an article in a Kurdish-language monthly newspaper criticizing Kurdish leaders in the north for not doing enough to incorporate Kirkuk into the Kurdistan region of Iraq.

Article 140 of the Iraqi Constitution stipulates that a referendum will decide whether or not Kirkuk will be part of Iraqi Kurdistan. This was originally scheduled for the end of 2007, but has been delayed until June 2008. The dispute about the future status of Kirkuk is expected to cause further tension and, possibly, conflict. If conflict does erupt, it will have serious repercussions for security throughout Northern Iraq.

The close link between the wider Kurdish region and the rest of Iraq is also an important factor. The two main Kurdish political parties – the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) – are partners in the central Iraqi government. The PUK leader is President of Iraq. Much of the current insurgency in Iraq is aimed at the central government and its agents.

Yet another factor is the many thousands of internally displaced people from central Iraq who are living in the north. This is putting a strain on the limited resources of the region.<sup>105</sup> UN agencies have publicly expressed concern about the deteriorating humanitarian situation in areas where displaced Iraqis are living.

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<sup>105</sup> Schweizerische Flüchtlingshilfe/OSAR, *Iraq: The socio-economic situation in the KRG administrated provinces Sulaimaniyah, Erbil and Dohuk*, 10 July 2007; Finnish Immigration Service. *Fact-Finding Mission to Iraq's Three Northern Governorates*, 23 October -3 November 2007.

Amnesty International believes that no individuals, including rejected asylum-seekers, should be forcibly returned to Northern Iraq, due to:

the instability in Iraq and the potential for a civil war and violence spreading to the northern governorates, especially in light of the ongoing dispute about the future status of Kirkuk;  
ongoing attacks including attacks by Turkish forces;  
the already strained resources of the three northern governorates and the increased strains any new arrivals would place on them.

Amnesty International believes that any return of individuals found not to be in need of international protection would be premature and could result in future flight. Return should only take place when there is an end to the widespread violence and fighting in Iraq, and when conditions of safety and durability of peace have been established.

### ***From the region***

While the number of forced deportations from Syria remains low, Amnesty International delegates were informed in February and March 2008 that between mid-December 2007 and the end of February 2008, UNHCR was aware of 10 refugees registered with UNHCR who had been deported to Iraq. Efforts to halt these deportations were not successful.

The majority of deportations have been of men, although some women and children have also been returned. In late January 2008, for example, an unaccompanied 16-year-old girl was deported following a period of detention in Syria.

These deportations stand in sharp contrast to recent public assurances by Syrian President Bashar al-Assad to the UNHCR High Commissioner Antonio Guterres in February 2008 that no refugee would be forcibly returned to Iraq.<sup>106</sup>

The Syrian Immigration and Passports Department told Amnesty International that foreigners, including Iraqis, can only be deported if they have been convicted of a criminal offence. The reality, however, is that forcible returns are occurring not just on the basis of criminal convictions, but also for minor

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<sup>106</sup> See, for example, IRIN, *Syria: Not safe enough for Iraqi refugees to return - UNHCR chief*, 14 February 2008.

infringements, such as failure to register at a neighbourhood council, having false documents and minor disturbances.

**“This is called a protection document, but it is not providing any protection”**

On 28 February 2008, 40-year-old Ayob, a Sunni imam from Baghdad married with four children, was a victim of *refoulement* from Syria to Iraq despite holding a UNHCR protection certificate. Ayob was raised as a Shi’a Muslim and turned to Sunni Islam as a teenager; his wife was also raised as a Shi’a Muslim and later turned to Sunni Islam.

Following the 2003 invasion, Ayob continued to work as imam and preacher at a mosque in the Rasheed district of Baghdad. In October 2004 the right leg of his now 13-year-old son had to be amputated as a result of an attack by an armed group on US soldiers who were distributing gifts to children near his house. Because of the general lack of security and the increased risk for Ayob as a Sunni imam of Shi’a origin, the family moved in 2006 to a predominantly Sunni neighbourhood.

In September 2007 the family fled to Syria where they registered as refugees with UNHCR. In February 2008, Ayob prepared for a brief trip to Baghdad where, among other things, he wanted to collect the school and medical records of his eldest son. However, when Ayob went to the Syrian Immigration and Passport Office at the end of February 2008 to seek prior permission to re-enter Syria, he was detained. He was not charged with a criminal offence but was threatened with deportation.

Although UNHCR was informed on the day of his detention, Ayob was deported two days later. A friend who made inquiries believed that Ayob was suspected of having used forged documents to apply for his residence permit.

Amnesty International delegates met Ayob’s wife a day after her husband had been deported. She was afraid because he had not yet contacted her and worried that he might not be allowed to return to Syria. She took out the UNHCR-issued refugee certificate of her husband saying: “This is called a protection document, but it is not providing any protection”. By mid-April 2008 Ayob had still not been able to re-enter Syria.

**Interviewed by Amnesty International delegates, Damascus, February 2008**

The repercussions of deportation spread beyond the family directly affected, to the whole community. Amnesty International spoke to many people living in perpetual fear that they too might be deported.

The constraints faced by UNHCR that prevent it halting some deportations, combined with the fact that Syria is not a party to the UN Refugee Convention, are resulting in a growing lack of confidence in UNHCR among Iraqi refugees. This has caused some individuals to choose not to register with UNHCR and therefore miss out on help that can be offered.

UNHCR acknowledges that its ability to influence Syrian decisions about deportations is constrained as Syria is not a party to the UN Refugee Convention. However, UNHCR's increased operational presence in Syria has resulted, among other things, in the establishment of a hotline for refugees, the provision of legal representation in cases of threatened deportation, and increased outreach work. These new measures, which must be significantly expanded to be fully effective, need increased and sustainable funds from donor countries.

Forcible returns are still happening from Jordan too, but the number of such cases is much reduced.

### ***From Europe***

Forced returns from Europe are of increasing concern. The number of countries now attempting to deport rejected Iraqi asylum-seekers is at a record high, and additional countries are moving towards the practice. Particularly troubling is the trend since 2007 of deporting people to southern and central Iraq.

Another disturbing development was the signing in February 2008 by **Sweden**, the European country hosting most Iraqi refugees, of a memorandum of understanding about returns with the Iraqi government.<sup>107</sup> Sweden had been the most generous towards Iraqi asylum-seekers of all EU member states, but this policy is now changing.

Sweden changed its policy after the number of Iraqis applying for asylum more than doubled from 8,951 in 2006 to 18,559 in 2007, and perhaps because of the failure of other EU countries to share the responsibility. The memorandum was negotiated with the Iraqi government in Baghdad, not the Kurdish authorities in Northern Iraq, who rejected it and refuse to accept returnees.

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<sup>107</sup> See

<http://www.migrationsverket.se/lifos/dok.do?dtyp=&land=Irak&sidStorlek=10&sorteringsOrdning=-UDAT,-DOKN&mode=&currDokument=4>

It remains unclear whether the memorandum will be implemented. However, it has potentially serious implications for the many Iraqis in Sweden. During 2007, a total of 1,776 cases were transferred to the police authorities for forcible return, with a further 293 cases in January and February 2008.

The Swedish Highest Migration Court has confirmed earlier decisions of the Swedish Migration Board and Migration Court of Appeals not to grant protection to an Iraqi asylum-seeker from Baghdad on the basis there is no "armed conflict" in Iraq. The implications of this decision for the 10,000-12,000 Iraqi asylum-seekers awaiting decisions are serious. Amnesty International considers that Iraq is in a situation of internal armed conflict. The move to erroneously deny protection to the vast majority of Iraqis is all too clear: instead of 80 per cent of Iraqi asylum-seekers being granted protection as in the past, 80 per cent are now being denied protection.

Even outside the memorandum of understanding, Sweden has been regularly deporting refugees to southern and central Iraq as well as the north since 2007. In July 2007, four asylum-seekers were forcibly returned to Erbil and another to Suleimaniya. In August, one man was forcibly returned to Suleimaniya<sup>108</sup> and another to Baghdad.<sup>109</sup> In September, four men were forcibly returned to Baghdad<sup>110</sup> and another to Erbil.<sup>111</sup> In October, one man was forcibly returned to Erbil,<sup>112</sup> another to Kirkuk,<sup>113</sup> another to Basra<sup>114</sup> and another to Baghdad.<sup>115</sup> In November, six men were forcibly returned to Erbil<sup>116</sup> and one to Baghdad.<sup>117</sup> In December, two men were forcibly returned to Erbil<sup>118</sup> and one to Baghdad.<sup>119</sup>

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<sup>108</sup> Rejected asylum-seeker on 14 August 2007.

<sup>109</sup> 28 August 2007.

<sup>110</sup> 15 September and 24 September 2007, rejected asylum-seekers were returned on 11 September and 30 September and two deportation decisions from criminal cases.

<sup>111</sup> 17 September 2007.

<sup>112</sup> Deportation decision in a criminal case occurred on 1 October 2007.

<sup>113</sup> Rejected asylum-seeker on 12 October 2007.

<sup>114</sup> Rejected asylum-seeker on 22 October 2007.

<sup>115</sup> Deportation decision in a criminal case, 31 October 2007.

<sup>116</sup> Rejected asylum-seekers on 16 November, 19 November, 21 November and 30 November, and deportation decision in criminal cases on 15 November and 26 November.

<sup>117</sup> Deportation decision in a criminal case on 19 November 2007.

<sup>118</sup> Deportation decision in criminal cases on 19 December and 28 December 2007.

<sup>119</sup> Rejected asylum-seeker, 27 December 2007.

This trend has continued in 2008. Amnesty International is aware of a total of 10 forcible returns in January and February.

**Denmark** is also trying to reach an agreement with the Iraqi authorities to facilitate forcible returns. Meanwhile, the authorities continue to forcibly return Iraqis convicted of criminal offences. In May and June 2007, four young Iraqis were forcibly returned to Northern Iraq.<sup>120</sup> In March 2008, two rejected Iraqi asylum-seekers were expelled to Erbil after they committed criminal offences.<sup>121</sup>

According to information from the Danish Refugee Council and the Danish police, two Iraqis were expelled to Baghdad on 21 May 2008. As of 22 May 2008, nine other Iraqis were at risk of imminent expulsion to Baghdad. The 11 Iraqis were all convicted of criminal offences in Denmark; according to information from the Danish Refugee Council, all had either refugee or other protection status in Denmark for several years, or were asylum-seekers.

**Germany** deports to Northern Iraq refugees convicted of crimes as well as those considered to pose a threat to Germany's national security.<sup>122</sup> Security concerns in Iraq in August 2007 led to a brief suspension of deportations, but they resumed without public notice in late 2007 and early 2008.

According to the Minister of the Interior of the Federal Country Brandenburg, 17 Iraqis were deported by Germany to Northern Iraq in 2007.<sup>123</sup> In 2008, according to estimates, an average of two Iraqis have been forcibly returned to Northern Iraq every month.

Other European countries that have forcibly returned Iraqis include **the Netherlands** (at least one to Northern Iraq in 2008) and **Norway** (20 to Northern Iraq since mid-July 2007).

**The UK** also continues to forcibly return people to Iraq. On 27 March 2008, 60 rejected asylum-seekers were forcibly returned to Erbil in Northern Iraq. This followed numerous other forcible returns; between November 2005 and February 2008 at least 120 forcible returns were implemented.

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<sup>120</sup> Information obtained from Danish police, 5 February 2008, by Amnesty International Denmark.

<sup>121</sup> Information from the Danish police, received on 29 March 2008.

<sup>122</sup> See Amnesty International: *Millions in Flight*, op cit.

<sup>123</sup> This figure was given to Amnesty International Germany in a meeting with Minister Schönbohm on 23 April 2008.

The potential for even greater numbers of Iraqis in the UK to be forcibly returned has increased sharply. At the end of 2007, the largest number of asylum claims was being made by Iraqis, representing an increase of 105 per cent over the same period in the previous year. As in Sweden, the courts in the UK have decided a case relating to when humanitarian protection will be granted to asylum-seekers who have fled internal or international armed conflict. The appellants were able to show that there was an internal armed conflict in Iraq but they could not show that they faced a “serious and individual threat” to their “life or person” within the meaning of Article 15c of the Qualification Directive.<sup>124</sup> This would result in an expansion of the already large number of Iraqi refugees being denied protection status. The case is currently under appeal. If the appeal is unsuccessful, there is a serious danger that the already unacceptably low recognition rate of 13 per cent at first instance in 2007 will fall even further.<sup>125</sup> Furthermore, the Secretary of State considers that travel to Iraq from the UK is both possible and reasonable. The UK government takes the view that conditions in Iraq are such that an individual Iraqi returnee is not at serious risk of indiscriminate violence.

Recognition rates are unacceptably low in other EU member states. Figures given by the European Council for Refugees and Exiles (ECRE) estimated that positive decision rates at first instance on Iraqi applications varied from 0 per cent to over 90 per cent in the EU during 2007. The figures included: 97 per cent in **Hungary**; 87.5 per cent in **Cyprus**; 82 per cent in **Sweden**; 85 per cent in **Germany**; and 0 per cent in **Greece**<sup>126</sup> and **Slovenia**.

Some countries – such as **Australia** and **Belgium** – claim they have the right to forcibly return failed asylum-seekers even though they are not currently doing so.<sup>127</sup>

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<sup>124</sup> “Qualification Directive” refers to the EU’s Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

<sup>125</sup> ECRE, *Five years on Europe is still ignoring its responsibilities towards Iraqi refugees*, AD1/03/2008/ext/ADC, March 2008.

<sup>126</sup> In Greece, the recognition rate at first instance was 0.04 per cent in 2007; it was 2.05 per cent rate on appeal.

<sup>127</sup> Australia publicly states that it retains the right to return anybody not granted refugee status but to date has not forcibly returned failed asylum-seekers from Iraq. Where concerns exist with respect to a person’s “character”, however, rather than granting full protection the government has recently granted Removal Pending Bridging visas, which provide work rights

### ***A positive example***

Norway recently halted all transfers to Greece under the Dublin II regulation system, recognizing the duty to provide protection and the reality that some member states, such as Greece, are not meeting their responsibilities in this regard.

The Dublin II system allocates responsibility to one EU state for determining protection and results in a transfer of an asylum-seeker back to the state responsible for this process, generally the first state they have been in. It is predicated on the notion that Europe has a common asylum system, where protection is equal and shared among member states, a notion that is not matched by reality.

Greece, which receives large numbers of Iraqi asylum-seekers as they attempt to access Europe from the east, has an extremely poor record of providing protection – an overall 0.04 per cent recognition rate at first instance, and 2.05 per cent rate on appeal in 2007.<sup>128</sup>

In addition, access to the asylum procedure and reception conditions are resulting in undue hardship in Greece, making the risk of *refoulement* very real. UNHCR has recently advised EU member states to refrain from returning asylum-seekers to Greece under the Dublin regulation until further notice,<sup>129</sup> a call supported by Amnesty International. Amnesty International is also extremely concerned about transfers to countries with low recognition rates.

## **6. Needs, costs and responsibilities**

Instead of avoiding the reality, the international community should be confronting a medium- to long-term displacement crisis, in view of the likelihood that Iraqi refugees will need sanctuary for years to come. Recognition of the on-going nature of the crisis must be grasped now if the suffering of the millions of displaced Iraqis is to be ameliorated.

Host nations need to be provided with on-going assistance and support from the international community through increased and sustained funding.

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and certain other entitlements but still enable the government to remove individuals when it sees fit.

<sup>128</sup>UNHCR *Position on the return of asylum-seekers to Greece under the “Dublin Regulation”*, 15 April 2008.

<sup>129</sup>UNHCR *Position on the return of asylum-seekers to Greece under the “Dublin Regulation”*, 15 April 2008.

Such support is essential to enable host country governments to preserve the asylum space for the refugees, including access to the territory through a formalized humanitarian entry provision; access to employment opportunities;<sup>130</sup> and specialized medical treatment, including increased psycho-social services. Indeed, without such support Iraqi refugees will continue to descend into situations of abject poverty – and child labour, domestic violence, prostitution and “voluntary” returns are likely to increase.

The international community, especially those states with particular responsibilities towards the crisis, such as the USA, UK and other participants in the US-led invasion, need to recognize their moral, political and legal responsibilities to respond to this crisis.

Other nations too cannot avoid their responsibilities by saying that the crisis was not of their making or that the situation has improved. As noted above, states parties to international refugee law instruments hold specific burden and responsibility sharing obligations to respond to such crises.

Many European nations, despite their capacity and responsibility, have failed to respond adequately to this crisis on any level. Many Asian and Arab nations too have not met the needs of the refugee population nor assisted host nations in the region. Saudi Arabia, for example, has focused its efforts not on assisting with the refugee crisis but on fortifying its country against the arrival of any Iraqis who may seek protection. In 2007 the Saudi Arabian authorities announced their plan to build a wall complete with sensors and night vision cameras, to prevent arrivals. Partial or full completion is expected by the end of 2008. However, wall or no wall, access is already near impossible due to constant guarding of its frontier with Iraq.

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<sup>130</sup> In order to counteract the increasing impoverishment of the Iraqi refugee population and the descent into illegal and dangerous forms of surviving as highlighted above, Amnesty International believes that measures that allow and facilitate alternative income generation should be considered, to run concurrently with substantially better funded humanitarian programmes.

### ***Needs of host countries***

The financial cost to Syria of hosting its Iraqi refugee population is huge and rising – many billions of dollars, according to senior government officials, not the US\$1 billion cited in 2007.<sup>131</sup>

In addition to the strain placed on the education and health systems, the need for increased infrastructure, including water services, garbage disposal and sanitation, is stretching to breaking point an already struggling economy. The government subsidy system, which covers items such as oil, certain foods and electricity, is open to everyone in the country, including Iraqi refugees, and is therefore also adding to the demands on the country's budget.

A senior government minister told Amnesty International in March 2008 that “the minimum has not been done by the international community” and that Syria needs bilateral support in the form of financial and technical assistance, as well as financial aid for organizations working in the field.

The Jordanian authorities similarly expressed fears about their ability to cope, citing costs of up to \$US2.2 billion to their country for hosting Iraqi refugees. In early February 2008, the Jordanian Minister of Planning and International Cooperation, Suhair al-Ali, said that the health and education sectors were worst affected.<sup>132</sup>

Clearly, significant levels of bilateral and multilateral assistance to the host countries as well as funding for international agencies and NGOs providing humanitarian services are desperately needed.

Bilateral or multilateral assistance to host states provides essential funds so that the host nations can meet the basic needs of refugees, including healthcare, education, sanitation, clean and drinkable water, as well as maintaining essential subsidies on fuel and food.

Contributions to UNHCR and other UN agencies provide funds for crucial on-going protection and assistance operations. UNHCR assistance programmes are effective in meeting the needs of some of the refugee population, particularly through outreach services and Automatic Teller Machine (ATM) programmes providing accessible financial assistance. However, the scale of

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<sup>131</sup> *Millions in flight*, op cit, footnote 33 citing IRIN, *Iraq pledge to Syria fails to assuage refugees*, 23 August 2007.

<sup>132</sup> IRIN, *Jordan: Schools creaking under burden of 24,000 Iraqi students*, 13 February 2008.

such programmes is tiny, and increased sustainable funding is needed to continue and increase these to an adequate level.

Contributions to NGOs help fill gaps in protection, including through the provision of psycho-social care and support, education assistance and clean water.

### ***Bilateral support to host countries***

Despite repeated calls for bilateral assistance by Amnesty International and other NGOs, UNHCR and the host nations, the response has been pitiful. To date, minimal contributions have been received – more like token gestures than help that could make a real difference.

The government of Iraq initially promised US\$25 million to the principal host states. Following a delay, which the Iraqi embassy in Syria said was due to discussions about the different approaches and programmes to support, in December 2007 Syria received the portion promised to them at a UNHCR conference on the Iraqi refugee crisis held in April 2007.<sup>133</sup> A high-ranking Syrian official told Amnesty International that US\$15 million had been received in bilateral funds. He added that “to be frank this amount is pocket money” compared to the overall cost to Syria of billions of dollars.

Similarly, the Jordanian authorities reportedly regard the US\$8 million pledged in bilateral aid by the Iraqi government as a relatively nominal amount compared to their actual costs and needs. The authorities reportedly refused the offer and suggested the funding be given directly to UNHCR.<sup>134</sup>

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<sup>133</sup> International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries, held in Geneva on 17-18 April 2007.

<sup>134</sup> IRC: *Five Years Later: a Hidden Crisis – Report of the IRC Commission on Iraqi refugee crisis*, March 2008.

States such as Australia,<sup>135</sup> Canada,<sup>136</sup> Denmark,<sup>137</sup> the UK,<sup>138</sup> Germany,<sup>139</sup>

<sup>135</sup> According to information obtained by Amnesty International Australia, the Australian government has pledged in its budget announcement of May 2008, to provide AUD140 million (US\$134 million) over three years, with AUD\$60 million (US\$57 million) in 2008-09, for humanitarian assistance and reconstruction priorities and to assist in building the capacity of the Iraqi government in key sectors. The Australian government stated its enhanced package of assistance will help meet the immediate humanitarian needs of Iraq's vulnerable civilian population by providing access to essential food items, emergency shelter, clean water and adequate sanitation and basic health services. It will aim to improve Iraqi government capacity and assist reconstruction efforts in Iraq by improving basic services, particularly in agriculture, and supporting mine risk education. To deliver this assistance, the Australian government stated that it will work closely with key international humanitarian and development agencies including the ICRC, UNHCR, WFP and UNICEF. The budget further allocated AUD10 million (US\$9.6 million) in 2008-2009 to specifically assist with stabilising populations in Iraq through the Displaced Persons and Refugee Fund.

<sup>136</sup> According to information obtained by Amnesty International Canada in 2003, Canada committed up to CAD300 million (US\$305 million) for the period of 2003-2010 to Iraq. The purpose of this funding was to assist with the development of a stable, self-governing, and prosperous Iraq. To date, a total of CAD204 million (US\$207 million) of the CAD300 million (US\$305 million) has been disbursed. The funds have been used to: a) help Iraq rebuild its social and economic base; b) help Iraq develop effective governance and security structures, ensure respect for human rights and the rule of law, and promote gender equality; and c) promote regional democratic development.

<sup>137</sup> According to information obtained by Amnesty International Denmark, the Danish government has during the past five years (2003-2007) committed US\$145,166,680 (695 million DKK) for humanitarian and reconstruction assistance. Out of this amount, 561.7 million DKK (US\$ 116,467,612) has been used. Included in this amount was the planned amount to be committed in 2007 which is 90 million DKK (US\$ 18,619,662) for reconstruction assistance in Iraq and 100 million DKK (US\$ 20,887,292) for humanitarian purposes. The planned amount to be committed for the period 2007- 2010 is of 200 million DKK (US\$42.22 million) divided into 100 million DKK to humanitarian assistance and 100 million DKK for reconstruction. In February 2007, the Danish government decided to change its focus in the reconstruction effort in Iraq from projects in the Basra Province to capacity building of central authorities in Baghdad. Since then a technical advisory office in Baghdad has been constructed under the administration of the Danish Embassy. The office staff includes advisors within the areas of agriculture, planning and human rights.

<sup>138</sup> As of 15 April 2008, £12 million (US\$23.8 million) had been contributed to international agencies providing assistance for vulnerable populations inside the country, including internally displaced people and Palestinian refugees.

<sup>139</sup> According to information obtained by Amnesty International Germany, funds to Iraq have included: a) support of Iraqi security forces since March 2004 by training of Iraqi police officers in co-operation with the United Arab Emirates; providing of equipment for the security forces; projects – skill enhancement of Iraqi security forces by training from BKA officers (Federal Investigation Office), human rights instruction by InWent (non-profit organisation for human resources development and training) and BMZ (Ministry for Economic Cooperation and

Sweden<sup>140</sup> and the USA<sup>141</sup> have provided bilateral assistance to Iraq.<sup>142</sup> Some of these countries inexplicably refer to such contributions when asked about their bilateral assistance to nations hosting Iraqi refugees. In any case, the assistance given to Iraq is often for reconstruction, or for development and humanitarian projects, rather than targeted at Iraq's internally displaced population.

Amnesty International supports and encourages humanitarian assistance to Iraq, especially to address the needs of internally displaced people, but it is imperative that the crisis of Iraqis now outside the country is not overlooked when aid contributions are decided upon.

### ***Multilateral funding***

Multilateral funding can be a good alternative to bilateral funding, but only if it reflects that it is a multiparty contribution and is not used to disguise small individual donations.

In 2007, for example, the European Commission via its external relations funding mechanisms, provided €9 million to Syria for public health programmes and €27 million to Jordan for education.<sup>143</sup>

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Development) and efforts to strengthen the democratic development; b) mine clearing financial support since 2003 worth more than €4 million; c) assistance of the political process; the general process of political reconstruction has been supported by €5 million; support of projects to revise the process of constitution building and the federal structures; and d) debt relief of private export companies and the German government worth €4.3 million.

<sup>140</sup> According to information obtained by Amnesty International Sweden, contributions from Sweden (Swedish International Development Cooperation Agency) contributed in 2007 a total of SEK 37,535,000 (US\$6.35 million) to Iraq as humanitarian assistance, and SEK74,500,000 (US\$12.6 million) as reconstruction funds for Iraq to cover infrastructure/energy, water and sanitation, civil society, employment generation and democracy and good governance. In 2008, SEK24,700,000 (US\$4.18 million) is planned for humanitarian assistance to Iraq.

<sup>141</sup> According to information obtained by Amnesty International USA, USAID provided approximately US\$38 million for projects inside Iraq in 2007.

<sup>142</sup> According to information obtained by Amnesty International Australia, the Australian government has pledged over US\$184 million (AUD195 million) for reconstruction and humanitarian assistance to Iraq including funding of approximately US\$21 million (AUD22.5 million) for assistance to Iraq in 2007-2008.

<sup>143</sup> IRC, *Five Years Later, A Hidden Crisis, Report of the IRC Commission on Iraqi Refugees*, March 2008.

Some countries in Europe have contributed to the European Commission for Iraqi refugees and internally displaced people, although this has not been anywhere near the level required.

### ***International agencies***

UN and international agencies also need significant and on-going support so they can continue to provide essential services. For 2008, international agencies are seeking approximately US\$900 million to help meet the needs of Iraqi refugees,<sup>144</sup> although this does not match the overall amount needed. Based on tentative projections of what is possible in terms of capacity and available funding, international agencies have launched appeals, including the UNHCR 2008 supplementary appeal, for US\$261 million for their work on Iraqi refugees and the internally displaced. This is in addition to joint education and health appeals launched in 2007. Amnesty International believes that greater contributions are required than the amounts being requested.

Other agencies operating in the region also need increased funding. Among them is the WFP which, with UNHCR, is distributing food on a massive scale in Syria. As shown above, around 90 per cent of registered refugees in Syria received food assistance in February-March 2008, and the need is expected to rise, particularly at a time of soaring global fuel and food prices.<sup>145</sup>

WFP launched a US\$43 million appeal in Syria for 2008, to which the international community should immediately respond. As of April 2008, it was reported that the WFP's Syrian operation was facing a funding shortfall of 45 per cent having received only US\$24 million.<sup>146</sup> Current funding is anticipated to run out by June 2008.<sup>147</sup>

UNICEF needs increased funding to continue its essential work and to support the development of further protection work. As highlighted earlier, the emergence of serious child protection issues such as child labour, and girls being pushed into prostitution or married off at very young ages in host countries, require a response from a specialized agency like UNICEF. This will not be possible without increased and sustainable funding.

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<sup>144</sup> Reuters, *U.S. says Iraq must do more for refugees who fled*, 9 April 2008.

<sup>145</sup> UNHCR, *Iraqi refugees in Syria hit by increased food and fuel prices*, 25 April 2008.

<sup>146</sup> UN News Service, *Egyptian actor appeals for funds to help UN feed Iraqi refugees in Syria*, 15 April 2008.

<sup>147</sup> *UNHCR Syria Update*, May 2008.

Other agencies such as the International Committee of the Red Cross (ICRC), UNFPA, WHO, IOM and UN Office for the Coordination of Humanitarian (OCHA) are also providing essential assistance in the region and need on-going and increased funds to meet growing needs.

### ***UNHCR Iraq programme***

UNHCR has significantly expanded its operations in Syria and Jordan. The programmes seek to provide protection and assistance to Iraqi refugees through registration, food and other assistance, counselling, community services, sexual and gender-based violence support, education and health support, legal interventions, outreach and resettlement. These services still only meet a fraction of the needs of the individuals in host countries.

Unfortunately, the response to funding such programmes has been woefully inadequate. Only 53 per cent of the funding for the UNHCR Iraq operation for 2008 has been filled.<sup>148</sup> As a result, UNHCR said in May that it “could soon be forced to reduce and in some cases to halt a number of assistance programs for hundreds of thousands of Iraqi refugees unless donor governments provide additional support.”<sup>149</sup>

As of May 2008, the largest contribution was US\$95.4 million from the USA.<sup>150</sup> Other countries have provided much smaller amounts: the UK (US\$6.25 million), Sweden (US\$5.97 million), Australia (US\$5.52 million), Canada (US\$1.534 million), Germany (US\$3.94 million), Finland (US\$1.58 million), Kuwait (US\$1 million), Norway (US\$900,000), France (US\$740,000), Switzerland (US\$700,000) and Italy (US\$680,000). In addition, the European Commission has contributed US\$6.17 million and private donors US\$170,000.<sup>151</sup>

Although the USA responded with a considerable amount in 2007 and 2008 relative to other potential donor states,<sup>152</sup> Amnesty International considers that

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<sup>148</sup> As of 16 May 2008.

<sup>149</sup> UNHCR News Service, *UNHCR seeks donor help amid funding shortfall for Iraq operation*, 9 May 2008.

<sup>150</sup> UNHCR, *Funding Overview for the Iraq Operation 2008* as at 16 May 2008.

<sup>151</sup> *Ibid.* Figures rounded to the nearest 10,000.

<sup>152</sup> According to information obtained by Amnesty International USA, the USA has funded the following: UNHCR Iraq Supplementary Situation Appeal: US\$36 million; UNHCR Iraq Supplementary Education Appeal: US\$30 million; UNHCR/UNICEF Education Appeal: US\$39 million; UNHCR, US\$12.4 million in 2007.

the particular responsibility held by the US authorities in relation to Iraq and its people means that it should do much more. Amnesty International encourages the US authorities not to feel constrained by traditional approaches to contributing a certain percentage of overall appeals, but to provide more, in line with their responsibility and capacity and the actual needs of the refugee population.

Amnesty International is also encouraging other states, particularly those with the required capacity, to follow the lead of the USA and immediately provide substantial and on-going funding. To date, contributions from Europe have been inadequate. For example, in 2007 the Netherlands provided only €1 million to UNHCR for Iraqi refugees in Syria and Jordan, which it plans to double in 2008. This is well below what the country can and should provide. Denmark and others who have made contributions in past years should continue to contribute in line with their ability to do so.<sup>153</sup>

Similarly, contributions to the various agencies in 2007 and pledged for 2008<sup>154</sup> are well below what can and should be provided. For example, the Netherlands has given US\$2 million to UNICEF for education in Iraq, Syria and Jordan in 2007, €1 million to the ICRC for medical assistance to internally displaced people in Iraq and €2 million to IOM for shelter for internally displaced people in Iraq. The USA has pledged US\$1 million to UNICEF for 2008, US\$2 million for WHO and US\$2.4 million for the UNICEF/UNHCR joint education appeal, US\$5 million for WFP, and US\$32.5 million (project- and agency-specific) for other UN agencies and NGOs. Amnesty International hopes that these pledges are realized and surpassed.

NGOs also need substantial funding. The positive moves by Sweden, for example, which has pledged 2 million Swedish kroner (US\$335,000) to the ICRC for protection, medical care, food and shelter in Lebanon in 2008, and the same amount through the Swedish Red Cross Society for the Iraqi Red Crescent, are welcomed.

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<sup>153</sup> According to information obtained by Amnesty International Denmark, the following humanitarian disbursements were made in 2007: 65 million DKK (US\$13.7 million) to the protection of Iraqi refugees (through UNHCR) in Iraq's neighboring countries, especially to Syria and Jordan; 25 million DKK (US\$5,221,823) to UNHCR-UNICEF regional appeals for education; 3,796,617 DKK (US\$801,000) DKK to EU (AENEAS) projects in Jordan, Syria and Lebanon for the "Management of Asylum and Migration in North Africa and Improving Protection of Asylum-Seekers and Refugees in Jordan, Lebanon and Syria".

<sup>154</sup> For a full list of funding made and pledged to assist with the Iraqi refugee crisis, see <http://ocha.unog.ch/fts2/>.

## **7. Resettlement: a small but necessary element of protection**

Mohammed and his wife Noor worked as doctors in Baghdad. Before leaving for work in March 2006, they agreed that their four boys, all between 8 and 16 years of age, could play outside before school. Bombings and assassinations were common in the neighbourhood, but it had been a “quiet week” so they thought it would be safe.

Soon afterwards, a bomb landed several feet from the children. One of the neighbour’s children died instantly. Three of Mohammed and Noors’ children were injured. Their youngest child Anah was hit in the neck by shrapnel.

Mohammed was at work when he recognized a young boy placed in front of him for emergency operation as his neighbour’s child. He soon learned that three of his own children had arrived at the hospital. Anah had been put into the trunk of a vehicle because he was presumed dead; he had been paralysed from the neck down and was unconscious.

Doctors saved Anah’s life, but Mohammed knew that his son needed emergency surgery within three weeks to avoid irreparable harm to his spine. This surgery could not be done in Baghdad as the appropriately qualified surgeons had long since left or been killed. Despite this, hospital personnel refused to transport Anah with the equipment he needed to Jordan because the road was so treacherous. It took Mohammed and Noor nearly two months to secure the equipment and bring Anah to Amman, where they remain today.

Anah is now nine years old and quadriplegic. His family is registered with UNHCR and has applied for resettlement. They hope to resettle in Philadelphia in the USA, where a hospital has the capacity to treat Anah.

**Interviewed by Amnesty International delegates, Amman, September 2007**

An essential component of the required response to the Iraqi refugee crisis is resettlement to a third country. This can only provide a durable solution for a fraction of the overall population in need, but its importance must not be overlooked. An indication of the scale of the need was given in 2007 by

UNHCR, which assessed that of the 1.5 million Iraqi refugees in Syria, around 80,000 needed to be resettled.<sup>155</sup>

While 2007 signalled a new openness to resettlement by some states, including the USA, other governments need to step forward and develop generous resettlement programmes.

The slow start to the resettlement programme may be attributed to a number of factors, including the limited capacity of UNHCR and the IOM to process applications, as well as a slow and limited uptake by states in processing and accepting cases. Today, however, the slow uptake of states is the main barrier to resettlement, as UNHCR has increased its capacity and is meeting its target for referrals.

In 2007, more than 21,000 Iraqi cases were submitted for resettlement to 16 countries for consideration. However, by the end of the year, only 4,826 of the submissions had resulted in actual departures.<sup>156</sup> According to UNHCR, the USA took 2,616 people (54 per cent), Canada 793 (19 per cent), Sweden 713 (15 per cent), Australia 440 (9 per cent) and other states the rest (3 per cent).<sup>157</sup>

Some improvement has been seen in the first quarter of 2008, although departures still lag significantly behind submissions by UNHCR. According to UNHCR, in the week ending 4 April 2008, cases involving a total of 8,992 Iraqis had been submitted since the beginning of the year, of which 7,370 were submitted to the USA, 621 to Canada, 589 to Australia, 191 to the UK, 113 to the Netherlands, 80 to Sweden and 28 to other countries. In the same period, there were only 2,063 departures.<sup>158</sup> This means that only one person out of every four submitted by UNHCR for resettlement is actually leaving to start a new life in a third country. Overall, for 2007 and the first three months of 2008, total departures were 6,889 out of 30,300 cases submitted from the region; a similar ratio of approximately one to four.<sup>159</sup>

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<sup>155</sup> UNHCR, *Projected Global resettlement needs, 2007*.

<sup>156</sup> UNHCR appeals for \$261 million for Iraqi refugee programmes in 2008, 8 January 2008, email correspondence from UNHCR Regional Resettlement Hub, Beirut, Lebanon 26 April 2008. From Jordan (1,666), Syria (1,492), Turkey (1,147), Lebanon (420) and Egypt (101).

<sup>157</sup> Email correspondence from UNHCR Regional Resettlement Hub, Beirut, Lebanon, 26 April 2008.

<sup>158</sup> Ibid. The USA took 1,533; Canada 260; Sweden 122; and other countries 148.

<sup>159</sup> Ibid.

The consequence is a growing gap between cases submitted and departures. This means that people recognized as refugees and adjudged by UNHCR criteria to be the most vulnerable are left in increasingly desperate situations.

Resettlement can be a life-saving answer for many, especially the most vulnerable. Amnesty International acknowledges that resettlement cannot be provided for all Iraqi refugees in the region, and not all Iraqis would exercise this option even if available, but believes that the resettlement quotas should be far higher.

The most vulnerable should be the first to benefit. Many refugees and internally displaced people have suffered extreme hardship during flight and some have endured disproportionately severe negative effects. These people, who often have difficulty in protecting themselves, including in a host country, include children, female-headed households, trauma victims and members of minority communities. Amnesty International is concerned that states considering resettlement applications may focus too much on the asylum case and miss the specific protection needs individuals may have in their host country.

Care must also be taken not to overlook groups or individuals who may not fit the traditional understanding or categories used by agencies to distribute the limited financial assistance or resettlement places. Single men and families that include a husband or father may also be vulnerable because they are ineligible for financial assistance and unable to work. At present they cannot be granted a resettlement place as they are not categorized as vulnerable.

In some parts of the world, including both Asia and the Middle East, few if any countries participate in resettlement programmes, even though they have the capacity to do so.

Even some of the countries that have participated have done so in ways that can only be described as inadequate. The UK, for example, is offering 750 resettlement places, of which some will be for Iraqis. When viewed in light of the approximately 2 million refugees in the region, such a commitment is truly negligible.

Many other richer nations, particularly in Europe, should immediately implement resettlement programmes and live up to their obligation to share in the responsibility for the world's refugees.

### **Record so far**

The **USA** has received an extremely low number of resettled Iraqi refugees – only 753 people between 2003 and 2006. In early 2007, Ellen R Sauerbrey, US Assistant Secretary of State for Population, Refugees, and Migration pledged to take up to 25,000 refugees, but this undertaking was not honoured.<sup>160</sup> The actual number of Iraqis resettled in the USA was 1,608 in the 2007 fiscal year (1 October 2006 to 30 September 2007).

Hope has been raised again by the US government's stated target of 12,000 Iraqi refugees to be resettled by September 2008. Processing is under way but it is not clear whether the target will be met. It is unlikely. Ambassador James B Foley, Senior Coordinator for Iraqi Refugee Issues, has acknowledged that meeting the target "will be challenging".<sup>161</sup> The fact that only 3,601 UNHCR-referred Iraqi refugees arrived in the USA in the first seven months of the 2008 fiscal year<sup>162</sup> despite receiving 12,997 referrals by UNHCR calls into question the commitment of the US authorities to meet their target. In any case, even if 12,000 people were resettled, this is far below the capacity and responsibility of the USA in relation to a population displaced following the US-led invasion of Iraq.

**Australia**, like the USA, has traditionally been a significant contributor to resettlement programmes. For 2008-2009 Australia has announced it will increase its Refugee and Humanitarian Programme from 13,000 places to 13,500 places.<sup>163</sup> The extra 500 places will be a one-off increase to assist people affected by the conflict in Iraq. It is likely that the remaining 13,000 places of the 2008-2009 resettlement programme will be similar to that of 2007-2008 with some 35 per cent of resettled refugees coming from the Middle East and Asia and the remaining 30 per cent from Africa.

Amnesty International welcomes the increase in the resettlement quota for refugees from the Middle East, specifically those affected by the conflict in Iraq. However, Amnesty International continues to urge the Australian government to increase its resettlement quota more broadly in order to at least maintain previous levels of resettlement in relation to its overall immigration programme.

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<sup>160</sup> See <http://geneva.usmission.gov/Press2007/0417DobrianskyPress.html>

<sup>161</sup> Reuters, *U.S. says Iraq must do more for refugees who fled*, 9 April 2008.

<sup>162</sup> Fiscal year 2008 started on October 1, 2007 and ends on 30 September 2008.

<sup>163</sup> Announced by Minister for Immigration Chris Evans 13 May 2008.

Between 1 February 2007 and 30 April 2008, 1,512 Iraqis were resettled in Australia. Of these, 1,372 arrived in 2007. This included people granted refugee visas (those referred by UNHCR) and those granted Special Humanitarian Program visas (following applications by individuals or groups from within Australia).

In addition, it was recently announced that Australia would provide permanent resettlement to Iraqi locally engaged employees and their families, including translators and interpreters, who had supported Australian troops in Iraq. The new visa policy will create a humanitarian visa specifically for locally engaged employees and their families, 600 of which are expected to be granted.<sup>164</sup>

**Germany** has not yet adopted a resettlement programme, although there are indications that a one-off acceptance of refugees belonging to Iraq's religious minorities may be possible, and that a general resettlement programme may be adopted in future.

**Belgium** also has still not introduced a resettlement programme. Hopes raised in 2007 that the new government would seriously consider introducing resettlement evaporated when no mention of this was included in the final version of the coalition agreement between the parties that formed the new government in March 2008.

**France** too has traditionally not participated in resettlement programmes. However, there have been recent indications that this might change. Early in 2008 an agreement was signed between UNHCR and the French Foreign Office that included provision for resettlement places.

In addition, recent reports indicate that France is planning to resettle 500 Christian Iraqi refugees under a separate initiative. Although a welcome move, Amnesty International would like to see the initiative provide spaces for vulnerable refugees of all religions in line with UNHCR criteria for assessing vulnerability.

**Canada** has participated in some resettlement of Iraqi refugees. Based on information available to Amnesty International Canada, Canada resettled a total of 1,259 refugees in 2007 from Damascus – 519 were government-assisted cases and 740 were privately sponsored. For 2008 Canada has made a pledge for 2,000 refugees from Syria, Jordan and Lebanon and from

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<sup>164</sup> Media release, The Hon Joel Fitzgibbon MP and Senator Chris Evans: *Protecting Iraqis who have supported Australian Troops*, 8 April 2008.

Palestinian camps in Syria. In addition, 1,400 refugees will be received from Turkey, Egypt and Abu Dhabi, a group that is understood to include some Iraqis.

**Denmark** has accepted a small number of resettlement refugees from Iraq – 10 in 2007. Overall, 474 resettlement refugees have been accepted in 2007.

While Denmark did take the positive step of granting protection to a group of 367 refugees<sup>165</sup> – Iraqi interpreters and their closest families – in a one-off initiative, this has not been formalized into a longer term arrangement. In a meeting with Amnesty International Denmark in May 2008, the Danish Minister of Refugees, Immigration and Integration indicated that the authorities do not have any current plans to resettle more Iraqis.

The **UK** does not participate in resettlement in a meaningful way. A positive move has been made to increase the annual resettlement quota from 500 to 750 to accommodate Iraqi refugees, including some people who worked with UK forces in Iraq. However, such a commitment is seriously inadequate when viewed against the needs in the region and the UK's capacity. The increase to 750 will include 300 Iraqis who worked with the UK (locally employed staff). An additional 200 places a year will be provided for other Iraqis from Syria or Jordan within the 750 places. The remaining 250 places will be used for other nationalities. Finally, some provision will be made for Iraqis (locally employed staff) to come through the direct entry route, although no official figures are available for this.

Strict limits and requirements mean that many Iraqis who are at grave risk due to their work with the UK forces are being excluded from this form of protection. The scheme requires Iraqis to have worked continuously for a minimum of 12 months and excludes those who worked with the British before January 2005. For those who are eligible, it offers the choice of one of three options: resettlement under the Gateway programme; a one-off package of financial assistance; or exceptional leave to remain in the UK for those referred directly by the government departments that employed them.<sup>166</sup>

The failure to accept people whose service was for less than 12 months, which is common as the standard employment cycle for the British military is only six

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<sup>165</sup> Information provided in May 2008 by the Danish Immigration Services.

<sup>166</sup> See statements issued by David Miliband, UK Secretary of State for Foreign and Commonwealth Affairs, on 9 and 30 October 2007, which can be found at <http://www.parliament.uk>.

months, ignores the desperate need for international protection by these individuals. The exclusion of those who worked for the British prior to January 2005 is arbitrary and also fails to recognize the risks faced by such people. Finally, the limitation of the scheme to only those who have a high level of English excludes the many thousands of former employees and contractors who are vulnerable but did not use high-level English in their work.

Amnesty International met individuals in a precarious situation in Syria who face a serious risk of persecution in Iraq because of their previous association with UK forces, but who have been denied protection as they did not meet the strict criteria. Twelve such people have mounted a legal challenge in the UK High Court as a test case.<sup>167</sup>

**“I can’t sleep at night, when I close my eyes, I hear my sister screaming”.**

Bassam, an elderly Christian man from Baghdad, and his daughter, Hura, are now living in safety in the Netherlands after fleeing Iraq. However, the trauma their family has suffered still torments them. In 2006 Bassam’s son, Albert, was kidnapped, tortured and his life was threatened by Shi’a militia “because [he is] a Christian and [has] family abroad”. They telephoned Bassam threatening him that they would deliver his son’s head to him in a box. Fortunately, Albert was released after payment of a large ransom. The kidnappers ordered Bassam to leave Baghdad with his family immediately after the release.

They did so leaving in three separate cars. Bassam thought his daughter Sara was in one of the cars; however, on arrival in Syria she was not with them. They later heard from bystanders that she had been forced into another car and most probably kidnapped. The family tried to trace her but to no avail. She has not been heard from since and they fear she has been killed.

After finding initial sanctuary in Syria Bassam and Hura managed to access the Netherlands on the basis of an invitation from another of Bassam’s sons, Mias, who had fled previously. In May 2007, Bassam and Hura arrived in the Netherlands and were given permission to stay on humanitarian grounds. They now live in physical safety and are well received and treated in the small Dutch village in which they reside. However, the mental trauma they endure continues. Bassam told Amnesty International that he “would rather be dead

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<sup>167</sup> The Independent, ‘Betrayed’ Iraqi staff in test case over UK’s refusal to offer asylum, 14 April 2008.

than alive". Hura is afraid to go out into the streets on her own. She finds the nights especially hard. "I can't sleep at night, when I close my eyes, I hear my sister screaming".

Albert remains in Syria awaiting resettlement. He is depressed and has suicidal thoughts. He hopes that the Netherlands will also provide sanctuary for him and his wife and three small children.

**Interviewed by Amnesty International, in the Netherlands, May 2008.**

**The Netherlands** participates in resettlement programmes on a small scale, with an annual quota of 500. In 2007, 148 places of this quota were granted to Iraqi refugees. While the main criteria for resettlement is protection need, and special attention is given to vulnerable people, the Netherlands also considers the "integration potential"; if it is perceived that a person will have difficulties integrating in the country, they will not be resettled. In a letter to the Dutch Parliament dated 17 April 2008, a government official in charge of this issue stated that such people were rarely submitted for resettlement by UNHCR. Amnesty International regards the criterion of "integration potential" as misjudged, as it fails to give priority to the most vulnerable cases. However, the inclusion of places reserved for medical cases is welcome.

**Sweden** has a resettlement programme slightly larger than some of its neighbours, although still well below what is necessary. In 2007, out of an overall quota of 1,800 places, 731 Iraqis were accepted for resettlement in Sweden, most of whom have already arrived. For 2008, Sweden has an overall resettlement quota of 1,900.

### ***Constraints on resettlement***

Resettlement cases headed for the **USA** and **Australia** are suffering serious delays due to the rigorous security checks to which Iraqis are being subjected in several countries. This is hindering the ability of resettlement to provide a fast and effective response to the dire situation of the most vulnerable refugees.

US laws bar from asylum or resettlement anyone who has provided what the law terms "material support" to "terrorist organizations".<sup>168</sup> The definitions of

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<sup>168</sup> While part of the law previously, the breadth of "material support" bars became a much more pronounced issue following introduction of the Patriot Act and Real ID Act, which both expanded the categories of people potentially subject to the bars. These provisions bar from asylum or resettlement anyone who has provided what the law terms "material support" to

these terms are very broad and can have the effect of excluding refugees who do not support terrorism at all and were in fact the victims of militias. For example, the “material support” bar has applied in cases where a family paid a ransom to secure the release of a relative kidnapped by a militia. The “terrorist organizations” bar has prevented the entry of Iraqis who worked against Saddam Hussein’s government because they were not working within the bounds of Iraqi law as it existed under the Ba’ath regime.<sup>169</sup>

Such cases should not subject refugees to bars on protection and at the very least, should have a speedy waiver assessment. The current US practice of putting on hold cases involving people who might receive a waiver that exempts them from the “material support” or “terrorist organizations” bars is of deep concern.

Providing limited waivers to discreet groups of people or on a case- by-case basis does not begin to address the disastrous consequences of this overbroad legislation. Nor has the US government demonstrated that the system could work. While it has recognized the availability of waivers, no procedure exists for people to take advantage of the waivers inside the USA. Meanwhile, thousands of refugees and asylum-seekers – victims of terrible human rights violations all over the world – are stranded.

Correcting the law so that it expressly excludes people who acted under duress, and expressly protects groups that the US agrees should not be deemed terrorist organizations could constitute first steps in addressing the quagmire of current US law. The US government has repeatedly stated that a situation such as the ransom case highlighted above may qualify for a waiver as it would be regarded as “material support under duress”. Given this acknowledgement, it is critical that the US authorities quickly implement a system that identifies

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“terrorist organizations.” The definitions of these terms in the immigration laws, and their application by the Department of Homeland Security and the Department of Justice are very broad and can have the effect of excluding refugees who do not support terrorism at all, and have in fact excluded the victims of terrorist acts precisely because they were victimized. For more information on material support, see [www.refugeecouncilusa.org](http://www.refugeecouncilusa.org) .

<sup>169</sup> The Washington Post reported on an Iraqi refugee who was targeted for persecution due to his work as an interpreter for the USA in Iraq, and was then barred from entry into the USA because he had previously been with the Kurdish Democratic Party (KDP), which immigration officials deemed an “undesignated terrorist organization” because it had fought against the Iraqi government – the government, that is, of Saddam Hussein. See <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/26/AR2008032602801.html>

refugees who are incorrectly falling under the “material support” bars, and swiftly removes them from danger.

Flexibility in resettlement criteria is of paramount importance. While resettlement has the benefit of allowing states to try and match their interests when selecting cases, it should not be forgotten that resettlement is first and foremost a protection and responsibility sharing tool. This means that restrictions such as the “integration potential” required in Denmark and the Netherlands should be limited. Assessing traumatized people who have just fled persecution is not always the best way to gauge integration potential, and implicitly denies that integration is possible for anyone given the necessary support.

The inclusion of criteria in the selection process should work to *include* rather than *exclude* people because of their individual characteristics. This means that criteria looking to the medical history of a refugee should serve to identify those in need of medical assistance and provide resettlement based on those criteria, as opposed to excluding them because of medical issues.

### ***In-country processing***

Some individuals in need of international protection and resettlement cannot leave Iraq. States are strongly encouraged to participate in in-country processing and resettle the individuals as soon as possible. Adopting such a system could provide urgently needed protection for people in desperate need. Amnesty International welcomes the move by the **USA** to set up in-country processing and encourages all states to look to consider establishing such a scheme.

### ***Palestinians from Iraq: a special case***

*“We regret that our plight depends on political decisions rather than humanitarian considerations.”*

Resident of al-Tanf refugee camp in the no-man’s land between Iraq and Syria, speaking to Amnesty International in March 2008

*“Before they were killed, some of our people were tortured with cigarettes or drills. There are people here who still suffer from psychological disorders and they want to die to escape life in the desert after being tortured in Iraq. We ask*

*international organizations to save the people of this camp from the desert... Believe me; these words come from our hearts. Here even men cry, I swear by God, I swear by God. It is as if we died every hour and every minute."*

**Palestinian refugee living in al-Tanf camp interviewed by Amnesty International by telephone, March 2008**

Many Palestinian refugees living in Iraq prior to the 2003 US-led invasion have fled the subsequent violence and are in urgent need of resettlement.

Palestinian refugees constitute the world's largest and longest standing refugee population as they remain without a durable solution to their plight. Sixty years on from their initial displacement, their prospects of being able to return to the lands and homes they left when they fled from what is now Israel and the Israeli-Occupied Palestinian Territories in the foreseeable future are very unlikely, even though they have a well-established right to return under international law.<sup>170</sup>

In light of this and the immediate humanitarian needs of the Palestinian population from Iraq, especially those in Baghdad and in border camps on the Iraq-Syria border, resettlement to a third country is the only solution for the time being. Countries in the region and beyond must respond to the needs of these stranded people.

Since the invasion, Palestinian refugees in Iraq have been abducted, tortured, killed, intimidated and threatened with death by Shi'a armed militia groups, in particular the Mahdi Army. They have been targeted because of their ethnicity and because they are reputed to have received preferential treatment under the former Ba'ath government headed by Saddam Hussain. Attacks against them increased considerably after 22 February 2006 following the bombing of al-'Askari Shi'a holy shrine in Samarra, when the sectarian violence in Iraq

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<sup>170</sup> Under international law, Palestinians who fled or were otherwise forcibly displaced from their homes and lands in Mandate Palestine (now Israel and the Israeli-occupied West Bank and Gaza Strip) have the right to return. This right also applies to those of their descendants who have maintained what the Human Rights Committee calls "close and enduring connections" with the area. For further information, see Amnesty International, *Israel and the Occupied Territories/Palestinian Authority: The right to return: The case of the Palestinians* (AI Index: MDE 15/013/2001), 30 March 2001.

intensified. On 1 October 2007 Amnesty International published a report detailing the various forms of abuses that Palestinians in Iraq have suffered.<sup>171</sup>

According to UNHCR, approximately 34,000 Palestinians were living in Iraq before 2003. Now there are about 15,000 living in Baghdad. Their situation is perilous: in-country processing for resettlement is an urgent need.

Many of those who fled in search of refuge elsewhere used forged documents. Thousands have ended up in makeshift camps near the border, where conditions are harsh.

Some 2,700 Palestinians denied entry by Syria are stranded in two makeshift camps at the Syria/Iraq border where conditions are extremely harsh. Al-Waleed camp, near the border with Syria, but inside Iraq, hosts at least 2,000 Palestinians. Al-Tanf camp, in the no-man's land, was hosting 710 people as of 14 May 2008. A third camp, al-Hol camp, in al-Hassakah governorate in north-east Syria, housed 326 Palestinians.<sup>172</sup>

**Al-Waleed** camp is in the Iraqi desert approximately 200m inside the Iraqi passport control. The unbearable conditions include extreme temperatures, the presence of snakes and scorpions, and serious protection issues such as the reported presence of armed non-residents entering the camp. One aid worker who has visited the camp described it as "hell". Resettlement of this population is urgently needed. On 10 May 2008 Sudan agreed in principle to resettle refugees from al-Waleed camp, a move welcomed by Amnesty International.

Very little assistance is provided to the camp's inhabitants due to difficulties with accessing the camp because of security and permission issues. Only two agencies, UNHCR and ICRC, currently provide help in the camp. Its location in Iraq's Anbar Province means that it is covered by UNHCR Iraq (operating out of Jordan). UNHCR's international staff members visit once every six weeks and ICRC once a month. These agencies are attempting to provide the services they can, including food and non-food items. ICRC is trying to obtain water

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<sup>171</sup> *Iraq: human rights abuses against Palestinian refugees*, AI Index: MDE 14/030/2007. <http://www.amnesty.org/en/library/asset/MDE14/030/2007/en/833c3e3b-a31b-11dc-8d74-6f45f39984e5/mde140302007en.pdf>. The report also highlights living conditions in the camps and puts forward a set of recommendations urging the international community to, among other things, resettle Palestinian refugees from Iraq and those who are still in Iraq, giving priority to the most vulnerable cases in accordance with UNHCR guidelines on resettlement.

<sup>172</sup> As of 14 May 2008.

from a local area because at present 80,000 litres of water need to be trucked in daily.

**Al-Tanf** camp is on the edge of the main transit road from Baghdad to Damascus and has no fence or other form of protection from the passing vehicles. A young boy was struck and killed by a vehicle on the road in 2007. Overcrowded tents are the only means of protection from the sandstorms. Residents and UNHCR say the area is infested with scorpions and snakes. The camp has been blighted by fires, which have destroyed the refugees' tents and belongings.

The camp was set up in May 2006 when the first large group of Palestinians, 389 who fled Iraq and went to the border, were refused entry by the Syrian authorities. The population of the camp keeps increasing because a number of Palestinians from Iraq who entered Syria with forged passports (around 4,000 living in Syria) are being picked up by Syrian security forces and sent to the camp. UNHCR is currently concerned about the capacity of the camp in the face of a rising population.

UN agencies provide assistance and services to the camp on a regular basis. UNHCR provides food, water and fuel, visiting the camp almost daily. UNRWA provides basic health, education and social services. UNICEF has set up a child-friendly space, while other UN agencies, including UNFPA, have also assisted.

Basic medical care is provided in the camp, and in emergencies patients are taken to Syria to be treated at the Palestinian Red Crescent Society hospital in Damascus. This service is less than satisfactory and the difficulties with logistics in 2007 resulted in the death of a man due to kidney failure. After initial treatment in Damascus, he returned to the camp and his condition suddenly worsened. He could not receive the emergency treatment he needed and died.

In March 2008 Amnesty International delegates met many people in al-Tanf who were clearly traumatized by their experiences in Iraq, by the horrendous conditions in the camp, and by the fear that they might have to stay there for a long time.

Recently, Chile generously accepted to resettle 116 Palestinians from the camp. Those who are left, along with the growing numbers arriving, are in desperate need of resettlement.



**Palestinian refugees from Iraq being greeted as they arrive in Chile, April 2008, © Justine Graham**

Some Palestinian refugees who managed to enter Jordan were housed, together with Iranian Kurds, in **al-Ruweished** camp, about 50km from the border.<sup>173</sup> They remained in the camp for about four years. Al-Ruweished camp was closed after resettlement offers from Canada, New Zealand and Brazil,<sup>174</sup> and a transfer to al-Hol refugee camp in north-east Syria near the Iraq border.

**Al-Hol camp**, as of 14 May 2008, housed 326 Palestinians, the vast majority of whom were stranded at the Iraq-Jordan border before being transferred to al-Hol under UNHCR auspices in May 2006. Basic food assistance is provided by WFP while UNHCR supplies complementary food items and covers the running costs of the camp. While a small number of people have been accepted for resettlement the majority continue to live in unsuitable conditions awaiting a durable solution.

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<sup>173</sup> The Jordanian authorities did admit 386 Palestinian refugees married to Jordanian nationals, but refused entry to other Palestinians from Iraq.

<sup>174</sup> Brazil resettled 97 refugees from al-Ruweished in November 2007.

Amnesty International hopes that resettlement countries will follow the lead of Chile, which now has a well organized integration programme, so that many more refugees from Iraq can establish themselves in a new and safe environment for however long is necessary.

## **8. Recommendations**

### **To the governments of Syria, Jordan, Lebanon and Egypt**

Amnesty International calls on the governments of Syria, Jordan, Lebanon and Egypt, as the main host countries, to:

- allow unrestricted entry to people fleeing Iraq in need of international protection, exempting them from all visa requirements;
- permit UNHCR access to monitor border areas;
- immediately cease all deportations to Iraq as this stands as a breach of the customary international law principle of *non-refoulement* to which all states are bound;
- cease practices aimed at encouraging or coercing individuals to return to Iraq prematurely, including detention;
- permit the creation of measures that allow and facilitate alternative income generation.

### **To the international community**

#### ***Assistance***

Amnesty International calls on states with capacity in the international community, in particular states that have contributed to the US-led invasion, to immediately:

- provide financial, technical and in-kind bilateral or multilateral assistance to Syria, Jordan and other states hosting Iraqi refugees in the region, in order to provide vital services; such assistance should be provided as part of an inclusive package that benefits local host communities as well as Iraqi communities and should be an on-going commitment;
- provide on-going financial assistance to UNHCR, WFP, UNICEF as well as national and international humanitarian organizations to enable them to continue to provide and expand their current work to protect and assist those in need.

### **Resettlement**

Amnesty International calls on states with capacity in the international community, in particular states that have contributed to the US-led invasion, and states with cultural or linguistic links to Iraq, to:

- share the responsibility by resettling Iraqis from Syria, Jordan, Egypt and Lebanon in an expedient manner, giving priority to the most vulnerable cases in accordance with UNHCR guidelines on the resettlement of Iraqi refugees. This should go far beyond token numbers and should constitute a significant part of the solution to the current crisis.

In particular Amnesty International calls for:

- the immediate introduction of resettlement programmes in countries which are yet to participate in such programmes;
- increased capacity in resettlement programmes for Iraqi refugees in recognition of the urgent needs of the population;
- commitments to ensure resettlement places are met by giving sufficient resources to meet the need;
- appropriate weight to be given to protection concerns in the host country as well as the asylum claim in assessing eligibility of cases;
- states in the international community to demonstrate flexibility in their processing, including through faster processing times and to not put cases on hold;
- states to ensure that any security assessments are made through individualized determinations based on a thorough investigation, and not on the basis of blanket policies excluding particular categories of refugees, for example, certain age or gender groups;
- more places for urgent medical cases;
- integration support and services for resettlement of refugees on arrival;

- resettlement places for the most vulnerable, including Iraqi Palestinians either through in-country processing in Iraq or externally;
- states to not lose sight of the needs of the refugees or responsibility sharing and protection aims of resettlement by focusing too much on “local integration potential” or health requirements;
- methods to be developed by which in-country processing can be used to provide a durable solution for the most vulnerable, including Palestinians in Iraq.

### ***Forcible returns***

Amnesty International calls on states to:

- immediately cease all forcible returns to any part of Iraq, including the Kurdish-controlled north. Any return of failed asylum-seekers should only take place when the situation in the whole of Iraq has stabilized and there are adequate conditions for a stable and durable peace.

### ***On-going assistance following refusal in asylum process***

Amnesty International calls on states hosting and processing Iraqis seeking protection to:

- continue to provide rejected Iraqi asylum-seekers with financial support and accommodation if needed, with the same entitlements and rights as provided during the asylum process; permission to work; full access to health care and all levels of education; and the right to claim benefits until their situation is resolved;
- cease practices aimed at encouraging or coercing individuals to return to Iraq prematurely.

### **To the government of Iraq**

Amnesty International calls on the government of Iraq to:

- provide assistance to internally displaced people including shelter, health care and other essential needs;

- ensure protection for all internally displaced people in Iraq, including those who have received threats or who are at risk of abuses by armed groups;
- ensure that all Iraqi governorates keep open their internal borders to those displaced from their homes and seeking refuge in another part of the country, and provide all possible assistance to those internally displaced, including shelter, health care and other essential needs.



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# RHETORIC AND REALITY

## THE IRAQI REFUGEE CRISIS

The number of Iraqis who have fled their homes in terror has swelled to several million since the US-led invasion of Iraq in 2003 and the subsequent internal armed conflict. Most are living in appalling conditions, plunged in despair and hurtling towards destitution.

Despite the vast scale of the crisis, the world's richest states have done little or nothing to help. As a result, Iraq's refugees are facing new dangers, including those associated with their inability to flee Iraq, child labour, prostitution and "voluntary" return to Iraq.

The international community has tried to evade its shared responsibility for Iraq's displaced people by promoting a false picture of the security situation in Iraq. The reality is that Iraq is neither safe nor suitable for return.

Amnesty International is urging the international community to make a true commitment to assisting Iraq's displaced people by substantially raising sustainable financial assistance, ending forcible returns, stopping practices that result in coerced "voluntary" returns, and offering increased numbers of resettlement places.

Such support is desperately needed so that countries neighbouring Iraq do not feel so saturated with refugees that they resort to repressive measures such as restricting entry and deporting people at risk of persecution.

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