

TABLE OF CONTENTS

1. A spiralling crisis	1
1.1 Scale of the problem	3
1.2 Situation in Syria and Jordan	5
1.2.1 Conditions in Syria	7
1.2.2 Conditions in Jordan	17
2. State responses to the crisis.....	24
2.1 Funding and pledges	25
2.1.1 Assistance given.....	29
2.2 Resettlement.....	31
2.3 Forcible returns	38
2.3.1 Forcible returns on criminal grounds	41
2.3.2 Forcible returns to northern Iraq	42
2.4 Failure to protect and limiting assistance.....	44
2.5 Withdrawal of refugee status	50
Recommendations	51

Millions in flight: the Iraqi refugee crisis

1. A spiralling crisis

The humanitarian crisis triggered by the mass exodus of refugees from the on-going and widespread violence in Iraq shows little sign of abating. In fact, recent estimates show this to be the fastest growing displacement crisis in the world with the number of those displaced now having reached 4.2 million¹ – 2.2 million internally displaced within Iraq² and over 2 million outside the country. The impact of such mass movement has resulted in an increasingly critical situation for host communities, notably Syria and Jordan, which can no longer be ignored. Unwelcome measures are now being taken by these neighbouring states to restrict the entry of Iraqi refugees as they become overwhelmed by a humanitarian crisis to which the world has thus far failed adequately to respond.

More than four years after the US-led invasion of Iraq, stability and peace remain out of reach for the people of Iraq. The increasingly desperate humanitarian situation of Iraqis who have been displaced inside and outside their country has been largely ignored by the rest of the world, including states whose military involvement in Iraq has played a part in creating the situation from which millions of people have fled. Governments have paid lip-service to the needs of the Iraqi displaced, but real and on-going commitment to support them has not emerged to anything like the extent necessary to address this dire and deepening crisis.

The extreme violence and instability propelling people to flee Iraq has resulted in the largest population movement in the Middle East since Palestinians were displaced following the creation of the State of Israel in 1948.³ Unsurprisingly, such widespread displacement has had a profound impact within Iraq and for the political, economic and social stability of the main countries hosting these populations. The 1.4 million Iraqi refugees in Syria now comprise at least 7 per cent of the population;⁴ in Jordan,

¹ UNHCR, Iraq: Rate of displacement rising, 28 August 2007.

² As of 24 June 2007. This figure includes those displaced prior to 2003, those displaced during 2003-2005, and those displaced after the first Samarra bombing in February 2006. UNHCR, Iraq Situation Update, 7 September 2007; UNHCR, Iraq: Rate of displacement rising, 28 August 2007.

³ UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007.

⁴ Of a total population of approximately 20 million (2007) according to UNFPA, State of the World Population 2007: Unleashing the Potential Urban Growth, 2007 accessible at http://www.unfpa.org/swp/2007/presskit/pdf/sowp2007_eng.pdf.

an estimated 500,000-750,000⁵ Iraqi refugees comprise around 10 per cent of the population.⁶ Inevitably, both countries have been severely affected by the influx of Iraqi refugees, and the situation is worsening as the savings brought by many of the refugees run out. With government resources stretched to breaking point and pressure rising internally, measures are being taken that aim to curb the population flows. The Syrian government has recently introduced strict visa restrictions for Iraqis wishing to enter the country. While these have been temporarily suspended until the end of the month of Ramadan, when fully implemented they will effectively sever the last open escape route for Iraqis. The Jordanian authorities, meanwhile, are poised to impose new visa requirements that will regularize the current, already restrictive entry practice whereby the only Iraqis permitted entry are those who hold Jordanian residency permits, those wishing to enter for certified medical reasons and invitees to conferences.

Despite this critical situation, the response of many in the international community, including states that participated in the US-led invasion and can be considered to have a particular obligation to address the humanitarian effects of their military action, has been inadequate. Relief, in the form of financial and other assistance and facilitating the resettlement of refugees, has not readily emerged. States have provided much less assistance than they could and should contribute, and many have not made any contribution to the resettlement of refugees. Worse, the authorities in some states have been prepared actively to put people's lives at risk, including through forcible returns to Iraq, cutting off basic assistance to rejected Iraqi asylum-seekers while they remain in their countries, and revoking refugee status.

Hope was raised earlier in 2007 when UNHCR convened a major conference in Geneva to make the international community aware of the crisis,⁷ but tangible results are still awaited. The need for immediate support for Iraqi refugees and the countries that host them is unquestionable. The international community has a responsibility to assist these host countries in addressing and managing this crisis which is now, day by day, not only an Iraqi crisis but assuming the proportions of a domestic crisis in these countries too. Concrete and realized commitments to providing assistance to countries in the region, and resettling the most vulnerable refugees, are now more crucial than ever.

⁵ Jordanian authority estimate as reported in UNHCR, Briefing Note Iraq: Rate of displacement rising, 28 August 2007.

⁶ The total population of Jordan is 6 million (2007), according to UNFPA, [op cit](#).

⁷ On 17 and 18 April 2007, UNHCR convened the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries at the Palais de Nations in Geneva.

Amnesty International is deeply concerned that without increased and long-term commitments from the international community, the lives of the displaced Iraqi population will become increasingly desperate as they struggle to meet their daily needs, including housing, food, employment and health care. There is a risk too that if unaddressed, the crisis situation could implode, further destabilizing the region and resulting in further human rights abuses.

In July and August 2007 Amnesty International conducted a survey, through its offices worldwide, of responses to the Iraqi refugee crisis by selected countries with developed asylum systems outside the Middle East.⁸ It also sent delegations to Jordan (March and September 2007) and Syria (June 2007) to assess the humanitarian situation faced by refugees in the region, and the impact this is having on these states. The troubling conclusion is that despite an increasingly critical situation, contributions from other countries aimed at sharing the responsibility of the crisis remain seriously inadequate.

This briefing summarizes the findings of Amnesty International's analysis of the response by the international community, focusing on a number of selected states. It also provides information on the situation in Syria and Jordan, the main host countries for Iraqi refugees. It includes recommendations addressed to the members of the international community that have a responsibility to respond to this crisis, highlighting the need to live up to their burden and responsibility sharing obligations and ease the strain on the countries currently bearing the weight of the crisis.

“The truth is, I am someone who loves his country. I was forced to leave Iraq because of the bad security situation. In addition, there are no services, no electricity, no water, no security. I and my family and many other families were forced to leave. However, if the situation became only 50 per cent better tomorrow I would return.”

Interview with an Iraqi survivor of an abduction and torture, interviewed by Amnesty International in June 2007 in Syria

1.1 Scale of the problem

The number of people forcibly displaced by the violence and conflict in Iraq is at a record high. While there are no official statistics on the actual numbers who have fled,

⁸ Some of these countries have been directly involved in the US-led invasion of Iraq while others have not.

recent estimates suggest people are fleeing at faster rates than ever before. UNHCR recently predicted the number of newly displaced to be near 2,000 a day, equivalent to 80 an hour (day and night).⁹



Iraqi refugees wait at a UNHCR office, near Damascus, Syria to register their names for residence, © Bassem Tellawi/AP/PA Photos, 23 April 2007

An estimated 4.2 million Iraqis have now been uprooted from their homes and lives as the violence gripping their country continues unabated. Some were displaced prior to 2003, but many have fled since then and their number is growing. Neighbouring Jordan and Syria, which kept their borders open to Iraqis for most of the period since the US-led invasion in 2003, have experienced the largest influxes and consequently face the greatest demands. It is now estimated that over 1.4 million Iraqis are in Syria¹⁰ and the Jordanian authorities estimate that some 500,000-750,000¹¹ Iraqis are in Jordan.

⁹ UNHCR, Iraq Situation Update, 7 September 2007.

¹⁰ UNHCR, Briefing Note Iraq: Rate of displacement rising, 28 August 2007.

¹¹ Ibid.

While tiny compared to the large populations hosted by Jordan and Syria, the number of displaced Iraqis in countries outside the region is rising. The number of Iraqi asylum-seekers in Europe rose to nearly 20,000 in the first half of 2007, equivalent to the number received in the whole of 2006.¹²

In **Germany**, for instance, some 1,293 applications were received from Iraqis in 2004; 2,117 were received in 2006 and almost as many, some 1,922, in the first eight months of 2007.

Denmark has seen 217 applications for protection received from Iraqis in 2004, 264 in 2005, 519 in 2006, and 693 in the first seven months of 2007.

Sweden has seen perhaps the most marked increase, with a rise from 1,456 in 2004 to some 9,321 in the first six months of 2007.

In **Australia**, there was an increase from 107 in 2005-06 to 207 in 2006-07.

1.2 Situation in Syria and Jordan

The willingness of Syria and Jordan to jointly host around 2 million Iraqi refugees is commendable and stands in contrast to the approach of other countries bordering Iraq, such as Saudi Arabia. The Saudi Arabian authorities have maintained a closed border to people attempting to flee from Iraq and have announced that the Kingdom will build a wall along this border for security reasons. As yet, the wall is reported to be incomplete but Saudi Arabian security forces are said to be deployed along the border with Iraq from Kuwait to Jordan in order to intercept those seeking to cross. Although Saudi Arabia's interest in maintaining security measures at its borders is acknowledged, such measures must also allow refugees access to the country in line with international law.

The lack of significant efforts by other countries to share the responsibility for protecting and assisting Iraqi refugees has resulted in Jordan and Syria initiating drastic measures to curb the large population flows. On 10 September 2007 Syria introduced visa restrictions for Iraqis wishing to enter Syria.¹³ While a limited

¹² Ibid.

¹³ This measure was temporarily suspended from mid-September 2007 apparently until mid-October 2007, over the month of Ramadan.



Iraqi refugees try to earn a living in the Sayida Zaynab market in Damascus, © UNHCR/J Wreford, January 2007

exception exists for certain professional categories,¹⁴ the overall effect of this unwelcome measure will be a closed border for those needing to flee and obtain protection. Similarly, Amnesty International delegates were informed on their recent visit to the Jordanian capital Amman that the imposition of visa restrictions for Iraqis wishing to enter Jordan is imminent. If so, these new restrictions will further cut off Jordan as a safe haven. Earlier this year the Jordanian authorities introduced a severely restrictive border entry procedure whereby only those with residency permits or invitations for medical or educational purposes have been permitted to pass through the border.

¹⁴ UNHCR, New Syrian visa requirement halts most Iraqi arrivals, 11 September 2007, “Briefings from the Ministry of Interior, Ministry of Foreign Affairs and Immigration Department indicate that at present, visas are given for reasons of commerce (with the support of the Chamber of Commerce), science (with the support of the Chamber of Industry), transport and education. Discussions with the Ministry of Education indicate that families of children attending school may be issued a one-year visa, but this has not yet been confirmed.”

While neither Jordan nor Syria are parties to the main instruments of international refugee law¹⁵ they are nonetheless obliged under international customary law and general human rights law¹⁶ to observe the principle of *non-refoulement* and not return anyone to a situation where they would face serious human rights abuses. Implicit in this principle is the requirement not to reject people in need of international protection at the border.

In the face of such large numbers of refugees, the need for international assistance to help host governments meet the needs of refugees is unlikely to diminish. As well, urgent steps are needed to develop more generous refugee resettlement programmes. The recent announcement by some of the countries contributing to the US-led Multi-National Force (MNF) that they will resettle translators and others who have worked with these forces, and who now face increased risks in Iraq as a result, is a welcome development, but insufficient. Significant increases in the resettlement of Iraqi refugees, particularly those considered most vulnerable, are needed urgently.¹⁷

During its three visits to Jordan and Syria in 2007 to conduct field research Amnesty International found a dire situation. Despite the impressive efforts of the Syrian and Jordanian authorities, local organizations such as the national Red Crescent societies, UNHCR and other international agencies, living conditions for Iraqi refugees appeared to be becoming increasingly desperate. The key findings of the research are described below.

1.2.1 Conditions in Syria

Today Syria hosts an estimated 1.4 million Iraqi refugees. The country has long been a place of refuge for Iraqis. During Saddam Hussain's rule, thousands of people opposed to his government went into exile in Syria, including members of the current government of Iraq. While many Iraqis returned home following the US-led invasion in 2003, the number of Iraqis who have taken refuge in Syria has risen dramatically over the past four years. According to a survey by UN agencies, there were about 450,000 Iraqi refugees living in Syria at the end of 2005.¹⁸ Just over a year later, by

¹⁵ 1951 Convention Relating to the Status of Refugees or its 1967 Protocol.

¹⁶ Including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

¹⁷ While it is acknowledged that resettlement can only serve as one part of the solution and include only a small proportion of Iraqi refugees, it stands as an essential component of the needed response particularly for the most vulnerable and those who remain at risk.

¹⁸ UNHCR, UNICEF, WFP, Assessment of the Situation of Iraqi Refugees in Syria, March 2006.

the first quarter of 2007, there were more than 1 million, an exodus fuelled by rising sectarian violence in Iraq, particularly after the February 2006 attack on the Shi'a holy shrine in Sammara.

A shop owner from Baghdad

AA, a 45-year-old shop owner, was abducted by armed men in civilian clothes on 23 November 2006 at about 11am in the Baiy'a neighbourhood of Baghdad. Two cars stopped next to him and he was pushed into one of them. He was driven to a house which he later identified as being located in the Hay al-'Amel district of Baghdad.

During the four days of his abduction he reportedly suffered various forms of torture. These included being beaten with a cable and a stick on various parts of his body; having electric shocks applied to his ears; and having holes drilled into his right leg. His back was also cut with a knife dozens of times – the scars were still visible when Amnesty International delegates met him about seven months after the incident.

On the fourth day of his abduction, the building where AA was held was damaged in an attack by an armed group and AA was rescued. Members of the armed group checked his Sunni identity before arranging for him to receive medical treatment. After several months of recovery he fled to Syria.

Like many Iraqi refugees, since his arrival in Syria AA has had to leave the country every three months to obtain a new visa on re-entry. This means in practice a brief return to Iraq at the Syrian-Iraqi border. However, AA is afraid to enter Iraq because he fears that members of armed groups – in particular, the Mahdi Army – are operating at the border. Rather than take the risk, AA prefers to stay illegally in Damascus.

Interviewed by Amnesty International in June 2007 in Syria

The vast majority of Iraqis in Syria reside in Damascus and its surrounding areas (Greater Damascus), many of them concentrated in certain neighbourhoods, such as Sayida Zaynab, where the majority of Iraqis are Shi'a, and Jaramana, where many members of Iraq's religious minorities live.

The number of Iraq's non-Muslim religious minorities, such as Christians and people belonging to the Sabeen/Mandaean community, continues to be disproportionately high among the refugee population. Over the past 18 months, non-Muslim religious communities have felt themselves particularly vulnerable in Iraq. They have been caught in the sectarian conflict between Sunnis and Shi'as but have been unable to obtain adequate protection from an Iraqi government that can barely function, and do not have armed groups of their own to defend themselves against militant Sunni and Shi'a forces. Scores of Christians and Sabeens/Mandaeans have been taken hostage and killed by armed groups in Iraq. In addition, a number of women from various

communities have reportedly fled from Iraq to Syria because they were at risk of becoming victims of so-called honour crimes.



AA, a 45-year-old shop owner, was subjected to various kinds of torture including knife injuries to his back when he was abducted by an armed group in Baghdad in November 2006, © Private, December 2006

Almost all of the Iraqi refugees interviewed by Amnesty International in Syria in June 2007 were recent victims of serious human rights abuses in Iraq and felt they had been left with no choice but to leave the country. They included Sunni Muslims who had been resident in predominantly Shi'a neighbourhoods in Baghdad or other towns and cities, and Shi'a Muslims who had lived in predominantly Sunni districts. All had been forced to leave their homes when their neighbourhoods were cleared through a process akin to "ethnic cleansing" by members of sectarian armed groups. Several refugees reported that they had left their homes after receiving threats from Sunni or Shi'a armed groups that they would otherwise be killed.

The refugees also included members of religious and ethnic minority communities such as Christians, Sabeans/Mandaeans and Yazidis, who fled because of sectarian

attacks. Some had been tortured when taken hostage by armed groups. Others reported that members of their families had been taken hostage and killed.

A few, both men and women, said that they had been raped – mainly by members of armed groups.

Rape of a pregnant mother from Baghdad

In October 2005 early in the morning four masked and armed men forced their way into the house of a Sabean/Mandaean family in Baghdad. The children and their father were beaten and shackled while their mother, BB, was forced into another room. There, one of the men kicked BB, who was five months pregnant, in her abdomen and burned her left arm with a cigarette. Then the man raped her. He was apparently aware that BB was Sabean/Mandaean and reportedly said he wanted her to lose the baby. She lost consciousness and woke up in a hospital where she learned that her pregnancy had been terminated due to the injuries caused by the rapist. The family then fled to Syria.

When Amnesty International delegates met the woman about 20 months after the incident, she was still receiving frequent medical treatment and traces of the burns on her arm were still visible.

Interviewed by Amnesty International in June 2007 in Syria



A drawing by an Iraqi child in Damascus with the Arabic writing saying, "I have the right to live in security and peace, I have the right to learn. I have the right to play and have fun." Syria, © AI, June 2007

The Iraqis currently living in Syria also include many former members of the Ba'ath party and former military or security officials under Saddam Hussain, Shi'a as well as Sunni, who fled after he was toppled from power because they were targeted by armed groups. Others went to Syria because they feared they would be arrested by the new Iraqi security forces because they had served under the ousted Ba'ath party.

Entry and legal status

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 be renewed for a further three months at any Syrian Passport and Immigration Department office in Damascus or elsewhere. This changed at the beginning of 2007 when the Syrian authorities reduced the length of the initial visa to one month, with this visa being renewable for a further two months.

Once a visa has been extended for two months and is about to expire, Iraqis are required to leave the country and obtain a new visa if they wish to re-enter. In practice, most travel to the border checkpoint 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) when doing so. Some of those interviewed by Amnesty International stated that they feared to travel to the border crossing point because they believed that members of armed groups were operating just inside the Iraq side of the border and could pose a risk to them.

Syrian officials told Amnesty International that a majority of Iraqis were staying in Syria irregularly, without up-to-date visas, but that this is tolerated by the Syrian government. Syrian officials acknowledged that a number of Iraqis had been forcibly returned to Iraq but said that the people concerned had been accused of committing criminal acts although they were not charged or tried. However, Amnesty International received information suggesting that Iraqi refugees who become or appear to become involved in conflicts with Syrian nationals are particularly at risk of being returned to Iraq. For example, an Iraqi man who fled to Syria after he was detained by the MNF and found work with a private company reportedly had an argument with a Syrian employee, who then complained about him. The Iraqi man was detained and taken to the Passport and Immigration Department where he was held for three days before he was reportedly deported to Iraq.

Iraqi refugees also told Amnesty International that they were frequently forced to pay bribes to Syrian security officers when they were found without a valid residency permit or tenancy contract.

Syria's open-border policy to most Iraqis changed on 10 September 2007 when new pre-entry visa restrictions were imposed on all Iraqis wishing to enter, with a few exceptions.¹⁹ While this measure has been temporarily suspended until mid-October

¹⁹ UNHCR, Briefing Note: UNHCR fears for safety of fleeing Iraqis as Syrian visa restrictions bite, 11 September 2007, op cit.

2007 during the month of Ramadan, it will require Iraqis to apply for a visa at the Syrian Embassy in the district of Al Mansour in Baghdad. This area continues to see frequent sectarian violence and UNHCR has been advised by Iraqis that their lives will be at risk if they are obliged to visit this district to obtain a visa.²⁰

According to UNHCR officials, as of September 2007 the agency had registered approximately 118,000 Iraqis.²¹ Most of those recently registered are Sunnis, followed by Shi'as and Christians. Before the end of 2005, some 25,000 Iraqis were registered with UNHCR, but this number had increased to 40,000 by the end of 2006. Until the end of March 2007, Iraqis who registered with UNHCR received temporary protection letters from the agency that were valid for six months and then renewable. Since April 2007 UNHCR has recognized all Iraqis from the central and southern areas of Iraq as *prima facie* refugees, although they are still interviewed by UNHCR protection officers in order to establish whether they are genuinely from one of these regions. Iraqi asylum-seekers who come from any of the three Kurdish governorates in northern Iraq are considered by UNHCR on a case-by-case basis to determine whether they have a well-founded fear of persecution.

Access to food, housing and employment

A growing number of charities, Christian and Muslim, also distribute meals to needy Iraqi families. However, the humanitarian assistance provided by UN agencies and the few national and international non-governmental organizations (NGOs) that are still active in Iraq reach only a minority of the refugees. Many Iraqis interviewed by Amnesty International said they had received no food aid even though their savings were exhausted.

One Iraqi woman said she had fled to Syria in November 2006 after her husband was kidnapped by an armed group in July 2006 and killed. She told Amnesty International:

"I do not have any income here and all the savings I brought with me have almost exhausted now. My 12-year-old daughter and myself live in one room that we are renting from an Iraqi woman owner of the house, and we pay 5000 Syrian Pounds (US\$100) a month for this room. I don't work and no one is helping us."

²⁰ Ibid.

²¹ UNHCR, Iraq situation update, 7 September 2007.



Iraqi families receive a cooked meal from a charity in the Jaramana district of Damascus, Syria, © AI, June 2007

When Iraqis cross the border their passports are stamped banning them from working. However, many Iraqis do take paid work illegally and they have become for local employers a cheap workforce. The Syrian authorities are aware of this and tolerate it. They have also taken advantage of the presence of professionals such as medical doctors, teachers and engineers among the Iraqi refugees by issuing them with work permits and allowing them to take jobs in Syria.

Syrian officials have expressed concern, however, that a growing number of Iraqi refugees are becoming involved in the sex trade as prostitutes or workers in sex clubs. Amnesty International was told that some Iraqi girls and women have been forced by their families to engage in prostitution to earn money to enable them to meet their daily needs, and there is concern that child prostitution and trafficking of Iraqi children is growing. The Syrian government has acknowledged the seriousness of this matter and is drafting new legislation in response with the assistance of the International Organization for Migration (IOM).

Access to education

According to UNHCR and Syrian government officials, there are no restrictions preventing Iraqi children from attending schools in Syria. In June 2007 there were reported to be some 32,000 Iraqi children, aged between six and 18, attending public schools and about 1,000 children attending private schools. The total is low considering the estimated 1.4 million Iraqi refugees in Syria and the proportion of these who are likely to be children of school-going age.²² Of the 33,000, some 30,000



Young Iraqis playing football in a Damascus quarter, Syria © UNHCR/J.Wreford, January 2007

were children in primary education, who are normally aged between six and 15, and the remainder, aged between 15 and 18, were attending secondary education. Two-

²² This seems to be due to several factors. First, many Iraqi families are too poor to buy materials and uniforms that their children require to attend school and need their children to work, although they are not formally allowed to do so, to contribute to the family's living costs. Secondly, many Iraqis arrived in Syria after September 2006 when it was too late to enrol their children in school for the 2006-7 academic year. Thirdly, many families left their homes in Iraq hurriedly to escape the spiralling violence without having the time or opportunity to collect important personal documents such as school and birth certificates. Consequently, they are unable to produce these records which are required when parents wish to register their children in schools in Syria.

thirds of the 33,000 were attending schools in Greater Damascus. There are 5.3 million children attending schools in Syria nationwide.



Iraqi refugee children being looked after by a volunteer of the Syrian Arab Red Crescent Society while their families are waiting to be registered with UNHCR in Damascus, Syria, © AI, June 2007

Although a relatively small proportion of Iraqi refugee children were attending Syrian schools at the time of its visit, Amnesty International was informed that many schools were already overcrowded with up to 50 pupils in a classroom. However, it was expected that there would be a significant increase in school attendance by Iraqi children when the new academic year started after the summer. UNHCR had begun construction of six schools in Damascus with the work expected to take between 360 and 500 days.²³ Syrian officials told Amnesty International that 91 new schools were needed to accommodate comfortably the 33,000 Iraqi children already receiving education.

²³ UNHCR, Iraq Situation update, 7 September 2007.

Access to health care

Until the end of 2005 all Iraqi nationals living in Syria, including refugees and asylum-seekers, received free health care in government hospitals. However, the Syrian authorities then introduced a number of restrictions due to rising costs. Syrian officials assured Amnesty International that Iraqi refugees can receive free health care in government hospitals in emergency cases but must pay if they require treatment for certain serious illnesses, such as cancer or heart ailments, because of the high costs involved.

In practice, many Iraqis rely on private clinics and hospitals, which are largely funded and run by charities, although government hospitals continue to receive emergency patients who are treated for free. In addition, as a result of an agreement between UNHCR and the Syrian Ministry of Health, Iraqis who are registered with UNHCR and have serious illnesses can receive treatment, including surgical operations, at clinics run by the SARCS. In such cases, UNHCR meets 80 per cent of the treatment costs and the patient must pay the rest.

One serious gap is the absence of any provision for psychological counselling and other treatment for Iraqi refugees who have been directly exposed to human rights abuses. Amnesty International met a number of Iraqi refugees who were still apparently traumatized by the experiences they had been through, including men and women who had been raped and otherwise tortured. On 19 July 2007 UNHCR stated that during the previous six months, more than one in five refugees interviewed by the agency in Syria had been registered as a victim of torture, and one in six had a serious medical condition.²⁴

A police officer from Baghdad

CC is a 20-year-old Christian from Baghdad who was employed with a special police unit guarding buildings and endowments of religious minorities. In the second half of 2006 he received threatening phone calls and letters telling him to quit his job and convert to Islam. One afternoon in November 2006 CC was at his father's shop near a church in Baghdad's al-Jadida neighbourhood when armed men set the place on fire and abducted CC. He was forced into a car and driven to an unknown location where there were about 20 other abducted men.

On the second day of his abduction CC was raped. When Amnesty International delegates met CC about six months after the incident he was not yet able to talk and cried. His family provided Amnesty International with a written account according to which CC's clothes had been torn off and he was shackled to a tree and raped. After about a week CC was released for the payment of ransom.

²⁴ UNHCR, UNHCR deputy chief urges Iraqi refugees to send children to school, 19 July 2007.

A week after the incident the family escaped to Syria. CC continues to suffer from nightmares and is in need of psychological treatment. His family reported that on several occasions when reminded of the incident he had said he wanted to commit suicide.

Interviewed by Amnesty International in June 2007 in Syria

1.2.2 Conditions in Jordan

There are an estimated 500,000 to 750,000²⁵ Iraqi refugees in Jordan, although no official statistics are publicly available and there is some confusion about the figures. The Norway-based Institute for Applied International Studies (FAFO) recently concluded a survey of Iraqi refugees commissioned by the Jordanian government, but the findings have not yet been made public.

A radio manager from the South

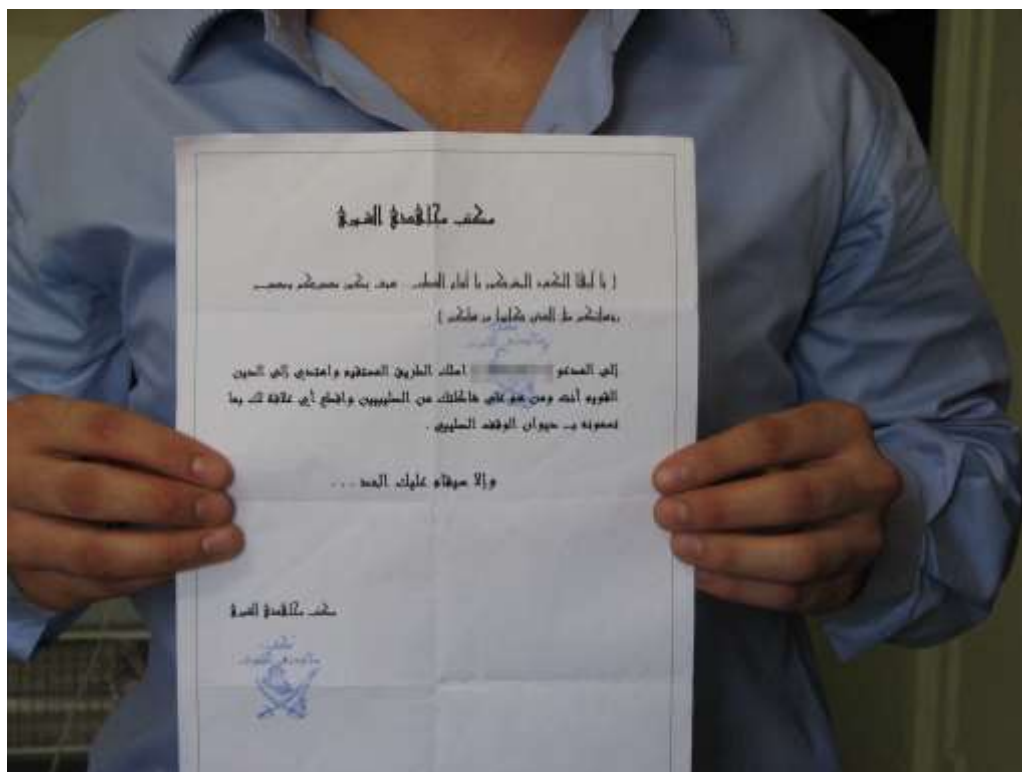
DD a Shi'a Muslim woman worked in southern Iraq as the manager of a radio station which provided a space for the voicing of different Iraqi opinions. Although DD and her colleagues received death threats and were targeted by insurgents because of this approach to broadcasting, they continued.

In early 2006 DD left Iraq for business. While away she learnt that her cousin was taken by armed men from his home, tortured and killed. His body was found on the road with the word "traitor" written on it. DD did not return to Iraq as she was told that armed men had also gone to her home on the same day looking for her.

Amnesty International delegates met DD in Jordan where she is registered with UNHCR and awaiting resettlement. She wants to go home to Iraq because she misses her family and her country, but now accepts that she may not be able to do this for a long time as armed groups continue to inquire about her. DD hopes to be resettled one day to a country where she can live safely and work legally.

Interviewed by Amnesty International in September 2007 in Jordan.

²⁵ Jordanian authority estimate as reported in UNHCR, Briefing Note Iraq: Rate of displacement rising, 28 August 2007.



Death threat sent by an armed group to a police officer in Baghdad referring to his Christian identity © AI, June 2007, Syria

During the period of Saddam Hussain's government, thousands of Iraqis took refuge in Jordan for political reasons or due to the economic hardship caused by the international sanctions on Iraq. Today, the majority of Iraqi refugees reside in Amman and its surroundings – many live in the eastern parts of the city where rents are cheaper.

An imam and preacher (*khateeb*) from Baghdad, who was detained and tortured by US forces in 2003 and then by Iraqi forces in 2005 and, on each occasion, subsequently released uncharged, told Amnesty International about the situation and fears of Iraqi refugees in Jordan:

“This is a safe country. But we have no legal status here. Our residence permits have expired; we have exhausted [our savings]. If we have to leave, this could mean that thousands would have to leave and would be sent to the border. The Iraqi government and the militias would take their chance to kill

them... What we request is a residence [permit] which prohibits us to be deported and financial support to cover living expenses."²⁶

Entry and legal status

Amnesty International delegates were informed by a senior government official during their visit to Amman in September 2007 that the introduction of new visa restrictions, requiring that visas be issued before arrival at the border, was imminent. Such measures are aimed at clarifying the situation for many Iraqis who wish to leave Iraq and are currently selling their belongings to facilitate travel or taking real risks to reach the border, only to be turned away under the current approach to border entry operated by Jordanian officials. At present, only people with Jordanian residency, or certain categories of people such as those needing medical treatment certified by a hospital and those invited to attend seminars or conferences, are permitted entry. Amnesty International delegates were told by government officials that the intended



In Amman, most Iraqi refugees live in very basic and often crowded accommodation, © UNHRC/P.Sands, 12 September 2006

²⁶ Interviewed by Amnesty International delegates in March, 2007 in Jordan.

visa requirements may allow for online applications to be made – by those Iraqis with access to computers – due to the absence of a Jordanian Embassy in Baghdad.

Most Iraqis are in an irregular situation in Jordan. Amnesty International was told that many Iraqis have been arrested by Jordanian police and security forces for overstaying and, sometimes, for working illegally. Those arrested, it is alleged, are often forcibly returned to Iraq; in most cases, they are returned to Iraq by land, which is the most dangerous way to travel and places them at risk.

Some Iraqis interviewed in March 2007 by Amnesty International delegates in Jordan alleged that a number of Iraqis had been forcibly returned from Jordan to Iraq, mostly individuals who were not registered with UNHCR. In one case, a group of six or seven Iraqi Shi'a from Samawa were said to have been forcibly returned through the Iraq/Jordan border (Treibeel border crossing) in December 2006. In Iraq, their vehicle was reportedly forced to stop near al-Ramadi by insurgents, who then beheaded all but one of the occupants. The beheadings were apparently video-taped. The one passenger left unharmed apparently lied to the assailants and convinced them that he was from al-Adhamiya, a Sunni district in Baghdad.

In March 2007 Amnesty International was told by Iraqis who had recently arrived in Jordan via Amman airport that most of the other Iraqi passengers who had travelled on the same flights from Baghdad were sent back to Iraq by Jordanian officials, even though they apparently had proper documentation. Amnesty International was not able to obtain names or other details of those concerned, nor ascertain what became of them on their return to Iraq, but the organization fears that some of these Iraqis may well have sought to leave Iraq because of well-founded fears for their safety. If this is the case, their forcible return may have put them at serious risk of human rights abuses by armed groups or others, and would constitute a serious breach of Jordan's international human rights obligations, most particularly, the principle of *non-refoulement*.

In 1998 Jordan and UNHCR signed a Memorandum of Understanding (MoU) which allows UNHCR to process asylum applications. According to the MoU, UNHCR must resettle those recognized as refugees within six months of recognition. In practice, however, some recognized refugees who fled Iraq during the period when the country was ruled by Saddam Hussain have been awaiting resettlement for seven or eight years. Amnesty International was told by Jordanian officials that as of early September 2007 around 45,000 Iraqis have been registered with UNHCR. The refugee agency has a target of 55,000-60,000 registered by the end of 2007. The cases of

5,023 people have been submitted to nine countries for resettlement, including 3,531 to the USA.

A mechanic from Baghdad

Until the US invasion EE was employed as a car mechanic at the Presidential Palace. In early 2004 he was detained at his house in eastern Baghdad and held for three months in US and Iraqi detention.

In October 2006 EE fled with his family to Jordan. However, his three oldest sons – aged between 21 and 34 – were turned back at the Jordanian border. When Amnesty International met EE with his wife and youngest son in March 2007 in Amman, they had exhausted their financial resources and were planning to travel to Syria to live with another son who had taken refuge there. However, EE was returned at the Syrian border because he was unable to pay the fines for having stayed illegally in Jordan. In June 2007 Amnesty International delegates met EE's son and his family in Syria and were told that EE had returned to Iraq, but the son had not heard from his father for several weeks.

Interviewed by Amnesty International in March 2007 in Jordan



Access to food, housing and employment

Iraqi woman sells cigarettes on the streets of downtown Amman to make ends meet © UNHCR/P.Sands, 12 September 2006

In Jordan most Iraqi refugees appear to attempt to meet their daily living costs – including food and housing – using their savings or by relying on financial support from friends or relatives. Some may work illegally but those who are detected are at risk of detention and possibly deportation. There is only very limited support available for those who are not able to pay for their essential needs.

An Iraqi hairdresser who fled from Baghdad to Amman in 2004 after two of his friends had been killed told Amnesty International about his economic situation:

“My situation here is precarious. At the beginning it was still good, but now it has become difficult. I am now already for a long period in Amman and this is a problem. Jordan is expensive. From where should we get the money? The money we brought with us is spent. Finished! There is no more money. There are problems to meet the rent and the costs of living. Everything has become very difficult for the Iraqis... We need a basic income... The Iraqi government has lots of money. There is the petrol. They can come up with a budget.”

Cheesemaker from Wasit governorate

FF was reportedly detained some time in mid-2005 by Iraqi Security Forces and held for six days and beaten. At the end of 2005 his 76-year-old father was abducted by members of an armed group and released after the payment of a ransom. After his 23-year-old brother was shot dead by unknown assailants in early 2006, FF, who is married with five children, fled to Amman. He told Amnesty International delegates about his situation:

“When we came to Jordan we tried to get a residence permit, but did not succeed. The conditions are difficult, you cannot imagine. I now have to pay the rent for the last three months. We are at risk of being thrown out. I explained [to the landlord] that I don't have the money at the moment...”

When we arrived in Amman, the first three nights, I and the boys slept in the park. We just had one blanket. I just had US\$100 to live on – ie to pay for food and drink and accommodation... I also now have to pay [overstay] fines for eight months. The period which I was given in my passport expired eight months ago. I am afraid if the Wafidin Police stops me that we will be deported... My financial situation is below zero. We had no mattress. Some good people donated to us. They also gave us a TV.”

Interviewed by Amnesty International in March 2007 in Jordan

Access to education

Iraqis' access to education in Jordan was, until the last academic year, restricted. As a general rule, foreign students are allowed to attend public and private schools if they are legally resident in the country. Iraqis were partly exempted from this regulation; while they were not allowed to attend public schools they could enrol in private schools even if they were not resident. In September 2006 there were about 40,000 foreign students in primary and secondary education in Jordan, out of a total of 1.6 million students in both public and private schools. Iraqis made up a quarter of all foreign students, with 7,203 in private schools and 2,662 in public schools. The vast majority of Iraqi families in Jordan were unable to send their children to school because they could not afford private education. They were also unable to send their children to public schools because they did not have valid residency permits.

In a much welcomed move, the Jordanian government decided in August 2007 to allow Iraqi refugee children to attend public schools regardless of whether their parents are residents or not. As of mid-September 2007, approximately 22,000 have registered for the new academic year. More registrations are expected as some children move from private schools their families are no longer able to afford to the public school system. The Jordanian government expects that up to 50,000 Iraqi children will register for schools this academic year.²⁷ However, it is understood that some families may not register their children because they fear being identified through the school registration system and then deported from the country.

Furthermore, concern exists that teachers and other education providers are not equipped or sufficiently trained to deal with the new arrivals, some of whom are highly traumatized.

UNHCR has now signed a US\$10 million agreement with the Jordanian government on education aimed at improving schools. Support for education in Jordan is coming through the UNHCR/UNICEF appeal, US\$40 million of which will go to Jordan.

Access to health care

There are two public hospitals in Amman and around 20 private hospitals. Amnesty International was told by Jordanian government officials that Iraqis have access to emergency health care regardless of their legal status. However, to receive further treatment in public hospitals they need to be residents. They can also use private hospitals, but most cannot afford to do so.

A number of health centres provide care at little or no cost. Caritas provides health care to Iraqis registered with UNHCR, including those recognized as refugees and who are awaiting resettlement. A partnership between UNHCR and the Jordanian Red Crescent for the coming year will provide a limited service to some Iraqis, including those not registered with UNHCR. However, many Iraqis remain in real need of health care, particularly in relation to critical or on-going illnesses for which treatment and medicines are very expensive. Amnesty International met Iraqis whose family members are suffering from serious illnesses such as cancer who are unable to receive adequate treatment or medicines due to their cost.

²⁷ See "UNHCR hails decision to let Iraqi children attend school in Jordan", online at <http://www.unhcr.org/news/NEWS/46c9c3fc2.html>, last visited 6 September 2007.

2. State responses to the crisis²⁸

The generosity of Jordan and Syria in welcoming Iraqi refugees is placing a huge strain on their resources and may soon become unsustainable unless they receive increased and long-term support from other states. If the wider international community fails to meet its obligation to share responsibility with the main host countries there will be a deepening humanitarian crisis and greater political instability across the wider region. Already, the strain on the host countries is evident from the steps they have taken to effectively close off the most viable escape routes for most Iraqis at risk. It is more critical than ever, therefore, that other states recognize the moral imperative to stop the situation turning into a long-term humanitarian crisis, and that those that have the capacity to assist act upon their burden and responsibility sharing obligations.

As the political debates in countries with direct involvement in the conflict focus on the appropriateness and duration of military intervention, the effect on the Iraqi people is not adequately examined, particularly the plight of the displaced. A survey by Amnesty International of action taken in the region and further afield shows not only a high degree of apathy by most countries surveyed, but also that some states are actively taking steps that are detrimental to the protection of people fleeing Iraq.

Under international refugee law, a collective responsibility to share the burden of a refugee crisis is held by all states in the wider international community. Such an obligation attaches directly to states party to the 1951 UN Convention relating to the Status of Refugees (Refugee Convention). As clearly stated in the Convention's preamble, "the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation". This commitment has been reaffirmed by states in recent years following UNHCR's Global Consultation on International Protection process. Specific acknowledgement and affirmation of responsibility sharing as a key component of international refugee protection and international co-operation emerged in the conclusions of the final document of this 18 month process: *the Agenda for Protection*.²⁹

²⁸ This chapter covers only selected states with developed asylum systems outside of the region.

²⁹ Although not a legally binding document, the Agenda has considerable political weight as it reflects a broad consensus on what specific actions can and should be undertaken to achieve certain agreed goals in refugee protection. Paragraphs 8 and 12 highlight the need for increased responsibility sharing among states and the Programme of Action further articulates this by setting out the specific goal of

Further to this obligation, Amnesty International believes that states that participated in the US-led invasion of Iraq carry particular responsibilities to Iraqis that must be acknowledged and responded to with concrete, immediate and meaningful action. Despite some indications that these responsibilities would be upheld, the reality of action taken so far falls short of what is required. Furthermore, the continued use of negative measures such as forcible returns highlights that the suffering faced by millions of Iraqis is overshadowed by measures aimed at validating political actions.

2.1 Funding and pledges

As highlighted above, the worsening humanitarian situation facing Iraqis is placing huge strains on Jordan, Syria, the Iraqi government, UN agencies and humanitarian organizations. The impact of the exodus is affecting the security, political, economic and social spheres in host countries and Iraq itself. With no foreseeable end to the current situation, long-term financial, technical and in-kind assistance is crucial to help Jordan and Syria cope with such a large population of refugees. Despite repeated calls to this effect by the governments concerned, UNHCR and various NGOs, including Amnesty International,³⁰ this has not materialized in the form or to the extent required.

In April 2007, in response to the worsening crisis, UNHCR convened an international conference designed to sensitize the international community about the need to address urgently the humanitarian needs of refugees and internally displaced persons (IDPs) inside Iraq. With more than 100 countries meeting over two days in Geneva, Switzerland in conjunction with the UN, the International Committee of the Red Cross (ICRC), the Red Crescent Movement and 60 NGOs, it was hoped that the support voiced at the conference would materialize into concrete action both through contributions to UNHCR and other bilateral assistance.

“Sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees” (Goal 3).

³⁰ See, for example, Amnesty International, *Iraq: The Situation of Iraqi refugees in Syria, an Amnesty International briefing*, 26 July 2007 (AI Index: MDE 14/036/2007); *Iraq: International support urgently needed to address spiralling refugee crisis* (MDE 14/037/2007); *JHA: Iraqi refugees need urgent EU action* (MDE 14/024/2007); *Iraq: a deepening refugee crisis* (MDE 14/021/2007); *Iraq: New humanitarian crisis looms as more than three million Iraqis displaced by war* (MDE 14/022/2007); and *Iraq: US, UK and other states must protect Iraqi refugees* (MDE 14/006/2007).

While the initial response to the conference and UNHCR's supplementary programmes has generally been positive, the need for broader bilateral assistance to assist Jordan and Syria in areas such as expanding their infrastructures, utilities and provision of job opportunities has not materialized. As months have passed, the tangible outcomes, in particular commitment to the provision of longer term and increased bilateral assistance, have been disappointing. For instance, Amnesty International delegates were informed in September 2007 by Jordanian government officials that no direct bilateral assistance had yet been received.

While it is difficult to put an exact figure on the amount needed to support the host communities and agencies due to the fluid situation and increasing numbers of refugees, indications from Jordan, Syria and agencies show that high levels of on-going support are needed. In April at the UNHCR-convened conference, the Jordanian delegation stated that supporting the Iraqi community was costing the country an estimated US\$1 billion a year.³¹ This figure was confirmed by Jordanian officials to Amnesty International delegates in September 2007. The Syrian representative also highlighted the economic, social and security impact on Syria, and stated that approximately US\$257 million was needed in direct financial assistance to continue providing humanitarian, health and educational services over the next two years.³² More recently, the Syrian authorities have stated that the cost of hosting Iraqi refugees also stands at US\$1 billion a year.³³

UNHCR has repeatedly highlighted the continuing and increasing need for contributions to alleviate the situation. In addition to its annual funding programme, in January 2007 the agency launched the first of two supplementary appeals for support for its programme for the Iraq Situation (Iraq, Syria, Jordan, Egypt, Lebanon and Turkey).³⁴ The appeal, which was increased to US\$123 million in July, received a

³¹ Statement by the representative of the Kingdom of Jordan at the April UNHCR-convened International Conference on Addressing the Humanitarian Needs of Persons inside Iraq and in the Neighbouring Countries, Geneva, 17 April 2007.

³² The exact sum was US\$256,810,000. Paper presented by the Government of the Syrian Arab Republic to the International Conference on Addressing the Humanitarian Needs of Persons inside Iraq and in the Neighbouring Countries, Geneva, 17 April 2007.

³³ IRIN, Iraq pledge to Syria fails to assuage refugees, 23 August 2007, accessed at <http://www.irinnews.org/Report.aspx?ReportId=73895>.

³⁴ The main objectives of the supplementary programme are to: 1. Ensure effective protection and assistance to vulnerable Iraqis who have fled and who continue to flee to neighbouring states; 2. Improve the delivery of protection and assistance to refugees inside Iraq and pursue durable solutions. 3. Provide focused and targeted assistance to the needs of the most vulnerable internally displaced persons and the communities hosting them inside Iraq; 4. Promote greater international attention and advocacy on behalf of displaced Iraqis and refugees in Iraq; 5. Update UNHCR's regional contingency plan and its emergency operational plan, UNHCR, Supplementary Appeal

relatively positive response but is still no more than three-quarters funded and, in reality, represents only a small part of what is needed.³⁵

In July 2007 UNHCR and UNICEF launched a second, education-specific appeal for US\$129 million aimed at funding the education ministries of Jordan, Syria, Egypt and Lebanon. Of the near 2 million externally displaced Iraqis currently in neighbouring countries, 500,000 of these are of school age making the need to facilitate access to education crucial. The appeal is aimed at providing schooling for an additional 155,000 young Iraqi refugees during the 2007-08 school year and comes in response to growing concerns that a generation of Iraqis could grow up uneducated and alienated.³⁶

Other UN agencies are also launching efforts to assist the host nations. For example the World Health Organization (WHO) and its UN health sector partners, UNFPA, UNHCR, UNICEF and WFP, launched on 18 September 2007 an appeal to assist the national health systems of Syria, Jordan and Egypt to meet the needs of their Iraqi refugee populations.³⁷

While UNHCR's role in responding to the crisis is crucial and must not be overlooked, the agency cannot provide all the answers. The complex and on-going nature of this crisis, the actual numbers registered or assisted by UNHCR and the limited mandate of UNHCR all mean that assistance given through this channel must not be the only help provided. While some UNHCR and other assistance is being channelled through government services, this cannot respond adequately to the overall impact of the refugees on the national infrastructures of host countries. Broader direct bilateral assistance in varying forms is needed, something that has not been forthcoming to this point.

In addition to the clear need for education and health assistance, the more subtle effects of the surge in population caused by the influx of Iraqi refugees – for example,

Iraq Situation Response: Protection and assistance to Iraqi refugees in neighbouring States and to IDPs and non-Iraqi refugees in Iraq, January 2007.

³⁵ As of August 2007 US\$92 million had been provided out of a \$US123 million appeal.

³⁶ UNHCR/UNICEF Joint Appeal, Providing Education opportunities to Iraqi children in host countries: A regional perspective. July 2007. The appeal is aimed at 1. Expansion of educational infrastructures in the host countries; 2. Integration of school drop outs through community mobilization, particularly for girls and adolescents; 3. Outreach to poor and vulnerable families; Advocacy campaign to encourage Iraqis to enrol their children in schools, with a special focus on girls as well as children with special needs

³⁷ WHO, Iraq: Supporting the health needs of Iraqis displaced in neighbouring countries, 14 September 2007.

on water supplies, irrigation systems, job opportunities, road repairs, and garbage collection and disposal – also require on-going increased support.

Unlike many other refugee crises, where assistance by UN agencies is channelled through camp environments, the urban living arrangements for most refugees in Jordan and Syria means there is increased need for contributions to help maintain basic services within the national infrastructures.

UNHCR's capacity to assist is further restricted by its mandate and the limited number of individuals registered as people of concern. Of the 500,000-750,000 Iraqis currently in Jordan, only 45,500³⁸ are currently "assisted and/or registered" by UNHCR.³⁹ This figure is targeted to rise by the end of 2007, but only to 55,000-70,000.⁴⁰ Similarly, while there are an estimated 1.4 million Iraqis currently in Syria, under current projections UNHCR plans to assist and/or register only some 150,000 by December 2007.⁴¹ To date, UNHCR has registered around 118,000 Iraqis.⁴²

As the figures show, a massive shortfall still exists between those registered and the numbers estimated to now be resident in neighbouring countries. The low number of individuals registered should not, however, be taken as reflecting the true number of those in need of assistance or protection. The gap is due to a variety of factors, including a lack of capacity on the part of UNHCR to register people before January 2007; confusion and concern among refugees about what registration means, and fear that registration might lead to arrest and deportation.

With no foreseeable end to the violence and instability in Iraq, the on-going nature of this humanitarian crisis must not be ignored. While initial contributions may have

³⁸ Figure as of 30 August 2007. UNHCR, Iraq Situation update, 7 September 2007.

³⁹ UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007; UNHCR, Supplementary Appeal

Iraq Situation Response: Protection and assistance to Iraqi refugees in neighbouring States and to IDPs and non-Iraqi refugees in Iraq, January 2007.

⁴⁰ The figure of 55,000-60,000 was given to Amnesty International delegates by UNHCR officials in Amman, September 2007. The 70,000 figure is based on UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007; UNHCR, Supplementary Appeal.

⁴¹ UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007; UNHCR, Supplementary Appeal

Iraq Situation Response: Protection and assistance to Iraqi refugees in neighbouring States and to IDPs and non-Iraqi refugees in Iraq, January 2007.

⁴² Figures as of 30 August 2007. UNHCR, Iraq Situation update, 7 September 2007.

been somewhat positive, continued support is crucial. States should not regard one-off contributions as fulfilling their obligations.

2.1.1 Assistance given

While the response of some states in financial terms may at first glance appear reasonable, when viewed in light of the actual needs on the ground, they can be seen to be inadequate.

Financial contributions provided by selected states include:

The **United Kingdom (UK)**, whose forces actively participated in the US-led invasion, has contributed US\$3.23 million⁴³ to UNHCR's supplementary programme and approximately US\$20.3 million⁴⁴ to humanitarian agencies operating in Iraq and the region, including the UNHCR since January 2007.⁴⁵

The **USA** has contributed US\$17 million to the UNHCR 2007 supplementary appeal, and more recently to the education specific appeal and other appeals.⁴⁶ However, the strong commitments for continued and increased support voiced by its representative/s at the April UNHCR conference, where a figure of US\$100 million in humanitarian assistance for Iraqi refugees and IDPs in 2007 was pledged, is understood by Amnesty International to have not yet fully materialized.⁴⁷

Early in 2007 **Australia** announced it would provide approximately US\$5 million⁴⁸ to help support Iraqi refugees and IDPs, with approximately US\$2.5 million⁴⁹ for

⁴³ Figure as of July 2007 according to UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007.

⁴⁴ £10 million.

⁴⁵ Since 2003, the UK has made a humanitarian contribution for Iraq of over US\$254.3 million (£125 million).

⁴⁶ New assistance contributions have been announced for, among other things, the UNHCR-UNICEF education specific appeal, NGOs in the region and IOM. See United States Department of State, New funding announced: U.S. contributes \$24 million for relief of refugees and displaced persons in the Middle East and Sri Lanka, 12 September 2007.

⁴⁷ While this figure may appear high, it is relatively small compared with other expenditure undertaken by the US government. For example, the US military expenditure budget for the fiscal year 2007 was set at US\$439.3 billion. US Department of Defense, FY 2007 Department of Defense Budget, 6 February 2006 accessed at <http://www.defenselink.mil/news/Feb2006/d20060206slides.pdf>

⁴⁸ Aus\$6 million.

⁴⁹ Aus\$3 million.

UNHCR's work in Syria and Jordan and approximately US\$2.5 million going to the IOM for Iraqi IDPs.⁵⁰ Later, in May 2007, Australia stated it would provide US\$18.8 million towards the reconstruction of Iraq and improving the lives of the Iraqi people in addition to the previous commitment of around US\$144.6 million.⁵¹ Australia also announced it has given US\$2.3 million to the 2007 UNHCR supplementary appeal.

At the April 2007 UNHCR conference **Denmark** announced that it would broaden its support for humanitarian assistance. From 2003 to 2008, over US\$100 million has been programmed or spent in humanitarian and reconstruction assistance in relation to the Iraqi crisis. An additional US\$17 million was committed to being spent through the UN and other international and Danish organizations, US\$11.6 million⁵² of this going to UNHCR's supplementary appeal.

The Netherlands has contributed around US\$1.2 million⁵³ to the UNHCR supplementary appeal. At the April UNHCR conference it was announced that €1 million (about US\$1.4 million) would be contributed to the ICRC.

Germany has provided US\$998,667 to the UNHCR supplementary appeal. The Ministry of Foreign Affairs pledged financial assistance at the April UNHCR conference and promised concretely €2.2 million (about US\$3 million) for Iraqi refugees and IDPs. €1 million was promised to the ICRC and the same sum to UNHCR for projects for Iraqi refugees in Syria and Jordan. €205,000 was promised to the German Red Cross for their technical support of the Iraqi Red Crescent. In August the Ministry of Foreign Affairs stated that assistance for Iraqi refugees in Jordan and Syria as well as for IDPs in Iraq would be increased to a total of €4.1 million (about US\$5.7 million) in 2007. The Minister for Development visited Syria on 28 August 2007 and announced that Germany would support Syria with €4 million to build schools for Iraqi children.⁵⁴

⁵⁰ Australia has previously contributed approximately US\$5.6 million to the UN and approximately US\$3.3 million to IOM in order to support IDPs in Iraq, Media Release Minister for Foreign Affairs Alexander Downer, "Australia Provides \$6 Million to Support Displaced Iraqis", 14 February 2007., www.ausaid.gov.au/media/release.cfm?BC=Media&ID=5949_143_8931_3402_778

⁵¹ This brings the total support for Iraq to approximately US\$163 million (Aus\$173 million) since 2003.

⁵² Figure as of July 2007 according to UNHCR, Iraq Situation Response: Update on revised activities under the January 2007 Supplementary Appeal, July 2007.

⁵³ Ibid.

⁵⁴ Federal Ministry for Economic Cooperation and Development, Wieczorek-Zeul pledges assistance for Iraqi refugees in Syria, 29 August 2007 accessed at http://www.bmz.de/en/press/pm/pm_20070829_97.html.

While the contributions and pledges made by all states, including the states highlighted above, are greatly welcome, Amnesty International is concerned that they fall significantly short of the estimates provided by the Jordan and Syrian governments. They also appear insufficient when set against the reality of the situation on the ground, the relatively low number of registered refugees and others who will benefit from UNHCR-raised funds, and the lack of any foreseeable end to the crisis. Consequently, Amnesty International considers that on-going and increased direct bilateral assistance is urgently needed for Iraqi refugees in the region and that this should take the form of financial, technical and in-kind contributions.

2.2 Resettlement

The complexity of the humanitarian situation currently faced by Iraqi refugees in the region and elsewhere means that no single solution will suffice. A variety of complementary approaches to responsibility and burden sharing must be utilized to assist and protect Iraqi refugees. One crucial component is resettlement.

Resettlement to a third country, the process by which states accept refugees still in the region at the request of UNHCR or private sponsors, can and should play a key part in the international community's response to the needs of Iraqi refugees. Resettlement serves a number of crucial roles in any refugee crisis: it protects by removing vulnerable people from environments where they are at risk; it offers a durable solution for the individuals concerned; and it represents an important expression of international responsibility sharing.

Despite its importance, resettlement in general and specifically in relation to Iraqi refugees has received only a lukewarm acceptance from the international community. Resettlement programmes worldwide still affect only a small proportion of the world's refugee population. For example, in 2006 a total of 71,700 refugees were admitted by 15 resettlement countries.⁵⁵ Although in recent years a number of new resettlement countries have emerged,⁵⁶ nine countries stand out as the main receiving countries of the world's resettlement refugees.⁵⁷

⁵⁵ UNHCR, *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, 16 July 2007. Included in this figure are UNHCR resettlement refugees and possibly people resettled for the purpose of family reunification or other humanitarian programmes, for example in Australia, the USA or Canada.

⁵⁶ With the inclusion of Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland, the UK and Spain.

⁵⁷ USA, Canada, Australia, Sweden, Norway, Finland, New Zealand, Denmark and the Netherlands. See <http://www.unhcr.org/protect/3bb2e1d04.html>.

In relation to Iraqi refugees, the small numbers are particularly concerning. Despite the continuing violence and increased numbers in flight, the number of Iraqi refugees resettled fell between 2003 and 2006. According to UNHCR, 1,425 Iraqi refugees were resettled to third countries in 2003,⁵⁸ compared to a mere 404 in 2006.⁵⁹

In addition to the broader issue of reluctance, practical obstacles stand in the way of resettlement becoming a solution for those in need. Some countries have announced additional resettlement places in the past year, but delays in processing cases and added requirements such as looking at how well an individual will integrate into the resettlement country or health restrictions, are of particular concern.

While both UNHCR and states are involved in the resettlement process, referrals by UNHCR are not resulting in actual resettlements at the rate necessary to respond to the crisis.⁶⁰ Some national delegations have visited Jordan and accepted referred cases, but this process needs to happen more quickly.

While resettlement affords states flexibility in the selection process, Amnesty International believes that the intended purposes of resettlement should remain in focus and not be overly influenced by political imperatives. Acknowledging that restrictions may in some limited circumstances be deemed necessary, aspects such as local integration potential and health benchmarks must not overshadow the role of resettlement as a protection tool and as a means to respond to refugee crises. Amnesty International acknowledges that states may need to undertake security assessments of potential resettlement refugees, but such assessments should be individualized and based on a thorough investigation, and not form blanket policies excluding particular age groups, for example.

An interpreter from Baghdad

GG is a 42-year-old Sunni woman graduate in business administration from Baghdad who was employed after the 2003 invasion at a liaison office established by the Coalition Provisional Authority (CPA). After she was elected in April 2004 to be a member of the municipality of a district in Baghdad she received threatening letters accusing her of collaboration with the US forces. In January 2005 GG fled with her husband and children to Damascus, but returned to Baghdad in May 2005.

⁵⁸ UNHCR, Resettlement of Iraqi refugees, 12 March 2007.

⁵⁹ In 2004, 682 Iraqis were resettled and in 2005 the figure was 672.

⁶⁰ As of 31 August 2007 UNHCR advised that they had referred a total of 13,696 Iraqis for resettlement, including 5,031 from Amman, 4,903 from Damascus, 2,266 from Ankara, 1,138 from Beirut, 213 from Cairo and 145 from other locations. UNHCR, Iraq situation update, 7 September 2007.

In July 2005 GG was abducted by a group of armed men while on her way to work. She was held for eight days during which she was beaten and insulted. After her relatives paid a ransom GG was released and left Iraq with her family.

GG first took refuge in Jordan and Egypt before proceeding to Syria where she is working illegally as an interpreter. GG and her family were earmarked by UNHCR for resettlement, but their departure has been delayed indefinitely due to security checks in the potential host country.

Interviewed by Amnesty International in June 2007 in Syria

The resettlement approach to Iraqi refugees of some countries is as follows:

At present **Germany**, a country with a population of over 82 million people,⁶¹ does not participate in a resettlement programme for quota refugees of any nationality. While a political agreement was reached under the previous coalition government⁶² that 500 refugees should be allowed access to Germany to obtain residence permits on humanitarian grounds, this appears to have ceased.⁶³ Amnesty International has also learned that the German authorities have no intention of participating in a programme for Iraqi refugees.⁶⁴

Currently **Poland**, a country of over 38 million inhabitants,⁶⁵ also does not operate a resettlement programme. However, in a recent interview with a spokesperson from the Ministry of Foreign Affairs in the *Gazeta Wyborcza* newspaper it was revealed that the authorities are considering resettling to Poland Iraqis working with Polish troops together with their families.⁶⁶ It was indicated that such a measure might be seen as viable as the individuals concerned could be exposed to attacks and be at serious risk because of their role in assisting Polish troops in Iraq.

In recent years the **UK**, a country with a population of approximately 60 million, has agreed to participate in a resettlement project – the Gateway Protection Programme –

⁶¹ Total population of 82.7 million (2007), according to UNFPA, *op cit*.

⁶² Coalition of Social Democrats party and the Green party.

⁶³ Despite the quota of 500 only 14 refugees from Uzbekistan were accepted according to this agreement in 2005.

⁶⁴ During a lobbying approach by Amnesty International Germany, the Federal Interior Minister stated that he was opposed to Germany participating in a resettlement programme for Iraqi refugees.

⁶⁵ Total population of 38.5 million (2007), according to UNFPA, *op cit*.

⁶⁶ *Gazeta Wyborcza*, *Polski MSZ nie wyklucza, że przyjmimy irackich uchodźców* (“Polish MoFA considers to take Iraqis refugees”), 27 July 2007.

<http://wiadomosci.gazeta.pl/Wiadomosci/1,80590,4343556.html>

with an annual general quota of 500.⁶⁷ While Amnesty International acknowledges that initial discussions about resettling Iraqis have begun, it urges the UK government to expedite the process so that concrete action can be taken soon.⁶⁸ Furthermore, Amnesty International believes the quota should be increased significantly and that Iraqis should be included at an increased rate as soon as possible.

In August Prime Minister Gordon Brown agreed to review the cases of Iraqi interpreters who have worked for British forces in Iraq and who wish to apply for asylum in the UK.

At a meeting of the Home Office's National Steering Group on Gateway in September, officials from the Borders and Immigration Agency (BIA) indicated that they would be increasing their annual target for the number of refugees resettled in the UK through the Gateway Programme from 500 to 750. Officials said that most of the additional 250 individuals would be Iraqis and that the BIA will send a selection mission to the region. It was not made clear what the criteria for selection would be.

The **Netherlands**, a country with a population of over 16 million,⁶⁹ also has a resettlement quota of only 500 a year.⁷⁰ Even though this quota has not been used for Iraqis since 2003, when 10 were received, it was announced that 125 places for Iraqis have been allocated for 2007. Amnesty International has learned that an identification mission has been sent to Syria to fill 100 places, and the other 25 cases will be taken from Jordan following an identification mission in September.

Australia has traditionally been a welcome participant in resettlement programmes, and continues to perform this role with 13,000 new places annually being available for resettlement.⁷¹

⁶⁷ Total population of 60 million (2007) according to UNFPA, *State of the World Population 2007: Unleashing the Potential Urban Growth*, 2007 accessible at [op cit](#).

⁶⁸ The government has informed Amnesty International UK that discussion has taken place with UNHCR regarding the feasibility of possibly resettling some very vulnerable displaced Iraqis under the Gateway Protection Programme.

⁶⁹ Total population of 16.4 million (2007) according to UNFPA, [op cit](#).

⁷⁰ From 2004-2007 the resettlement quota was set at 1,500.

⁷¹ Some 6,000 of these places were for refugees and 7,000 were for the Special Humanitarian Program and initial Onshore Protection Grants and other humanitarian visas granted onshore.

Australia has taken approximately 2,000 Iraqis a year over the past five years, and Amnesty International hopes the authorities will maintain this policy but increase its



An Iraqi human rights defender from Basra, recognized by UNHCR as a refugee and awaiting resettlement from Jordan to Australia, © AI, Amman, September 2007

capacity given the extent of the crisis. The announcement that the resettlement programme for 2007-08 will see an increase in Middle Eastern refugees is welcomed. It is hoped that Australia will also continue to provide funding to UNHCR for its International Catholic Migration Commission (ICMC) partnered resettlement deployment scheme aimed at enhancing the staff capacity for resettlement of Iraqis in Iran and Lebanon.

The **USA** has one of the world's largest resettlement programmes and has historically accepted refugees from many areas of the world. However, despite the opportunity for

up to 70,000 resettlement places a year,⁷² the USA had been slow to respond to the Iraqi situation, resettling a mere 753 Iraqi refugees since April 2003.⁷³ During 2007 the USA initially committed to 7,000 referrals of Iraqi refugees. This number was later increased, according to public statements made by Ellen Sauerbrey, the Assistant Secretary of State, indicating that the USA could take up to 25,000 refugees in 2007.

Despite these relatively positive indications, Amnesty International is concerned that the USA is trying to distance itself from these commitments. Amnesty International USA learned at a meeting in July 2007 with the Departments of State/Homeland Security that they expect up to 2,000 arrivals before 1 October 2007, the end of the fiscal year. Amnesty International has been informed that in August the USA took 540 resettlement refugees and 700 will leave for the USA in September.

While the US authorities have indicated that the USA will accept more Iraqi refugees through resettlement than any other country, Amnesty International is concerned that the numbers proposed – whether 7,000 or even the increased commitment to 25,000 – are small compared to the extent of the need and the potential capacity of the USA, a country with a population of nearly 304 million.⁷⁴

In addition, the special immigrant visa programme (SIV), which allows entry for up to 500 translators from Iraq and Afghanistan, while a positive measure, should be significantly increased and expanded to include others who have worked with the MNF, media, international agencies and NGOs in Iraq, and who are under serious threat as a result.

Canada, another traditional resettlement country, has indicated its intention to provide further resettlement places for Iraqis. Following the UNHCR-convened international conference in April, a commitment to an additional 500 referrals in 2007 was announced.⁷⁵ Amnesty International encourages Canada to live up to this commitment and welcomes the announcement that it is prepared to make a multi-year commitment for 2008. This is over and above the previous commitment to resettle 900 Iraqis in 2007.⁷⁶

⁷² While the overall ceiling for total resettlement places has been set at 70,000, this has not been reached in recent years.

⁷³ 2006: 202 Iraqis resettled; 2005: 198 Iraqis resettled; 2004: 66 Iraqis resettled; 2003: 298 Iraqis resettled.

⁷⁴ Total population of 303.9 million (2007), according to UNFPA, [op cit](#).

⁷⁵ This figure is part of an annual intake of refugees of 1,370 for refugees of all nationalities. UNHCR, Resettlement of Iraqi refugees, 12 March 2007.

⁷⁶ According to UNHCR, Resettlement for Iraqi refugees, 12 March 2007, “The 2007 Canadian targets for the Middle East – for all nationalities and not specifically Iraqis – are: • Damascus (which also

However, Amnesty International is concerned about the high rate of private sponsor refusals, which stood at 70 per cent from Damascus in 2006, and urges the Canadian authorities to live up to their commitment to review this approach in light of the current crisis as soon as possible.⁷⁷

Brazil has emerged recently as willing to participate in responsibility sharing work through its commitment to resettle 107 Iraqi Palestinians from the desert camp at Ruweyshid (Jordan) from mid-September. These individuals will receive integration and assistance from UNHCR.

Denmark participates in a resettlement programme with a quota of around 500 refugees a year.⁷⁸ However, only 10 Iraqis have been accepted as part of this since 2003, leaving much room for improvement.⁷⁹ Following lobbying efforts by Amnesty International Denmark, the Ministry of Refugee, Immigration and Integration Affairs indicated that the 100 places that remained for 2007 devoted to quota refugees in need of urgent help could be used for Iraqi refugees.⁸⁰

In addition, a review of the use of the integration potential requirement is needed. This requirement, which looks at the ability of the whole family to be well integrated into Danish society, has raised concerns for particular individuals in dire need of protection and a durable solution who may not be literate and thus find it difficult to integrate swiftly.

covers Lebanon and Jordan): Government Assisted: 450 persons; Privately Sponsored: 500 persons • Cairo: Government Assisted: 300 persons Privately Sponsored: 450 persons • Ankara: Government-assisted: 400 persons Privately Sponsored: 40 persons. Canada has indicated that it may be able to increase its regional target but has made no official commitment to date. UNHCR is encouraging Canada to strategically use its Private Sponsorship Programme to increase the in-take of Iraqi refugees including the possibility of the visa officer referral (VOR) route. Canada has indicated openness to the use of simplified [Resettlement registration form] RRFs and expects to be selecting Iraqis into 2008 and 2009.”

⁷⁷ Amnesty International Canada.

⁷⁸ Under an agreement with UNHCR as noted in the Danish Aliens Act §8.

⁷⁹ Four in 2003, three in 2005 and one annually in 2004, 2006 and 2007.

⁸⁰ This was following indications to this effect given at the April UNHCR conference in the Danish statement: “We agree that resettlement opportunities should be discussed and considered by as many countries as possible. Within the existing Danish resettlement framework, we have already decided to reserve a certain number of places for urgent cases, which also are available for Iraqis in urgent need of protection.”

The much publicized move by the Danish government to provide visas for around 300 Iraqis⁸¹ who have been working for the Danish troops (and their closest relatives)⁸² is welcomed. The asylum applications for these individuals are currently being processed and so far 59 have received protection in Denmark.⁸³ However, a firm commitment to protection through overall increased use of resettlement is strongly encouraged rather than relying on ad hoc visas for certain individuals.

Sweden operates a resettlement quota that is generous by European standards but still falls short of what it is capable of and what is needed. Over recent years Sweden has taken quota refugees in increasing numbers. Some 890 people were received in 2003, 1,659 in 2004, 1,120 in 2005 and 1,600 in 2006. Included in these numbers have been Iraqis and an increase for 2007 is recognized. Some 91 Iraqis were resettled in 2003, 38 in 2004, 64 in 2005 and 79 in 2006. As noted, 2007 has seen an increase, with 170 Iraqis resettled in Sweden already this year.

Sweden's role in lobbying for increased use of resettlement throughout Europe is also acknowledged. The Minister for Migration and Asylum Policy has encouraged other countries in the European Union (EU) to share the responsibility for Iraqi refugees, including through increased resettlement.

Resettlement of Iraqi refugees has the potential to be a key part of the solution to the crisis. However, states so far have made too few commitments for resettlement and the rate of processing cases and implementing resettlement has been disappointing. Moreover, many states have no resettlement programmes at all and appear resistant to them, while others have offered resettlement places well below their capacity. Still others have yet to honour commitments they made. Overall, resettlement needs to be taken seriously as a responsibility, not just an option, and real action must be taken immediately to ease the increasingly dire situation faced by so many.

2.3 Forcible returns

Despite the well acknowledged deteriorating security situation in Iraq and huge outflows from the country, certain governments, including those involved in the

⁸¹ As of 31 August 2007.

⁸² Generally children and spouses. However, in some cases sisters, brothers and parents have been included.

⁸³ Under Article 7(2) of the Aliens Act.

conflict, are taking the extreme measure of forcibly returning people back to Iraq in the face of strong criticism.⁸⁴

Amnesty International has learned that states have either forcibly returned, or are attempting to forcibly return Iraqis to both southern and central Iraq and the Kurdish-controlled north. Amnesty International currently opposes all forcible returns to any part of Iraq due to the security and humanitarian situation, and the continued instability.⁸⁵

Some of the countries practising forcible returns are:

The **UK** has been one of the key players in forcible returns of Iraqis. Among European states, the UK has returned the most Iraqis,⁸⁶ sending them to the Kurdish-controlled north, which they regard as “sufficiently stable for returns.”⁸⁷ Despite the worsening security situation within Iraq, the UK is known to have forcibly returned **four groups** of rejected Kurdish asylum-seekers to Erbil in northern Iraq in November 2005, September 2006, February 2007 and September 2007 following the conclusion of a MoU on 30 January 2005. In addition, Amnesty International has been informed that other flights are planned to forcibly return further Iraqi rejected asylum-seekers.

In addition, Iraqis who are denied any legal status are offered assistance to voluntarily repatriate through the IOM’s Voluntary Assisted Return and Reintegration Programme (VARRP). This package encourages people to return to their country of origin by presenting them with a relocation package of £1,500 (around US\$3,000).⁸⁸ Combined with the concurrent general policy of stopping assistance and benefits for asylum-seekers who have reached the end of the asylum process, the voluntariness of such returns can be called into question.

Troubling information has also emerged from **Poland**, where Amnesty International has learned that a forced return of **one** Iraqi took place to southern Iraq, an area almost

⁸⁴ See, for example, Amnesty International UK, *UK/Iraq: Amnesty warns against forcible return of asylum seekers to Iraq*, 7 February 2007, Amnesty International UK, *UK: Forcible return to Iraq would be unlawful*, 21 November 2005.

⁸⁵ See below for Amnesty International position on northern Iraq.

⁸⁶ ECRE, *Guidelines on the Treatment of Iraqi Asylum Seekers and Refugees in Europe*, April 2007.

⁸⁷ ECRE, *Guidelines on the Treatment of Iraqi Asylum Seekers and Refugees in Europe*, April 2007, BBC News, *Fear over Iraqis return from the UK*, 21 November 2005.

⁸⁸ Telephone call with IOM, London, 5 September 2007. A £500 cash relocation grant is given pre-departure and £1,000 can be applied for within three months of arrival in the country of origin for the purposes of training, study, job placement or business.

exclusively agreed to be extremely dangerous. The Iraqi was accompanied by a border guard to Tallil, a village near the city of al-Nassirya, south of Baghdad in southern Iraq.

Poland has also returned people to countries neighbouring Iraq. One person was forcibly returned to Amman in 2004, **five** were returned to Damascus in 2006, and so far for 2007, **two** people have been sent to Amman and **two** to Damascus.⁸⁹

Netherlands forcibly returned of least **one** individual in July 2006 to Erbil. In addition, attempts were made to return Iraqis to central and southern Iraq between February 2006 and April 2007. However, practical problems, including difficulties obtaining travel documents and receiving permission from transit countries, hampered these attempts. Since April, despite a general policy protecting Iraqis from return to south and central Iraq, people who are excluded from refugee protection under the exclusion clauses⁹⁰ can be returned to central Iraq, according to information received by Amnesty International Netherlands from the Secretary of Justice. At present, attempts are being made to forcibly return at least **two** such individuals, although legal and practical issues mean this has not yet occurred. In relation to northern Iraq, no such general protection policy exists, leaving open the possibility for further returns to a situation that Amnesty International considers is volatile and unsafe for returns.

The **Czech Republic** has forcibly returned five individuals to Iraq. **One** was forcibly returned in 2005 and **four** were returned to Erbil in 2006.

Iraqis attempting to reach **Greece** from Turkey by boat have been forcibly pushed back. Such a practice is unlawful in international law as rejection at the frontier breaches the principle of *non-refoulement*. Amnesty International Greece has also learned that an unwritten agreement between Greece and Turkey could see Iraqis from Evros in northern Greece returned to Iraq through Turkey.

⁸⁹ Information provided by e-mail, 3 September 2007, by Border Guard of the Republic of Poland (Straz Graniczna Rzeczypospolitej Polskiej) to Amnesty International Poland.

⁹⁰ Please note, they may still be protected against forcible return by for example, Article 3 of the European Convention of Human Rights.

2.3.1 Forcible returns on criminal grounds

Denmark recently forcibly returned **four** Iraqi asylum-seekers to the Kurdish-controlled northern region in Iraq. The individuals were expelled as they had been convicted of criminal acts.⁹¹ The expulsions followed various negotiations with the Iraqi authorities in Baghdad and Kurdish authorities in the north aimed at allowing return of rejected asylum-seekers from Denmark.

Sweden has also participated in forcible returns of Iraqis who have been convicted of serious criminal offences to Iraq via Jordan.

Germany is forcibly returning both Iraqi convicted criminals⁹² and those who are considered to pose a threat to Germany's national security to northern Iraq, the latter category being people suspected of supporting terrorist groups but who have not been convicted in a court of law.⁹³ While there are no official statistics on such deportations, Amnesty International Germany has learned that at least **four** Iraqis have been deported to northern Iraq so far in 2007. Some of them belong to ethnic (Turkmen) or religious (Yazidi) minorities. At least one had reportedly been living since childhood with his parents in central Iraq (Baquba), although he was born in the Kurdish north, before escaping to Germany where he unsuccessfully applied for asylum.

Belgium has not forcibly returned any Iraqis so far because of a lack of a bilateral readmission agreement, according to information received by Amnesty International. However, it is understood that the Belgian government may be looking to participate in joint missions to return Iraqis organized by other EU countries already forcibly returning people to Iraq.

Amnesty International remains opposed to the forcible return of any Iraqi refugee or asylum-seeker to any part of Iraq as this forms a breach of the fundamental principle of *non-refoulement*. Furthermore Amnesty International opposes the return of any rejected asylum-seeker to Iraq. In Amnesty International's opinion, at present no forcible returns of any individual should take place to any part of the country, including the Kurdish-controlled north.

⁹¹ Information received by Amnesty International Denmark from the Danish police on 19 July 2007.

⁹² For criminal offenders this is understood to be a minimum sentence being a fine of 50 daily rates which would mean a prison term of 50 days if the fine is unpaid.

⁹³ More widespread forcible returns are reportedly not occurring due to practical rather than security concerns.

Most states accept that the situation in southern and central Iraq precludes the forcible return of refugees, asylum-seekers or rejected asylum-seekers to these areas.⁹⁴ The continued forcible returns to northern Iraq fails to address the safety and sustainability of returns in the context of the political, humanitarian and security situation there.

2.3.2 Forcible returns to northern Iraq

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

UNHCR has expressed concern about the instability of the situation in the three Northern Governorates. In its *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers*, the agency stated in August 2007 that:

⁹⁴ See also UNHCR, Return Advisory and position on international protection needs of Iraqis outside Iraq, 18 December 2006, states that (iii) “No Iraqi from Southern or Central Iraq should be forcibly returned to Iraq until such time as there is substantial improvement in the security and human rights situation in the country. UNHCR, in particular, advises against returns to the three Northern Governorates of persons not originating from there.” Furthermore, while UNHCR does not specifically advise against forcible returns of rejected asylum-seekers to northern Iraq, a strict set of criteria is outlined for any such possible returns in addition to the statement that “(iv) [b]ased on the above [criteria], in relation to Iraqis from the Northern Governorates who are found not to have international protection needs, host States may consider allowing stay on a humanitarian basis.” For further information see UNHCR, Return Advisory and position on international protection needs of Iraqis outside Iraq, 18 December 2006.

“taking into consideration the tenuous and unpredictable nature of the situation in the region and the possibility of sudden and dramatic change, the approach⁹⁵ outlined in these Guidelines for asylum-seekers from Central and Southern Iraq may likewise, at some point, have to be followed.”

Furthermore, there are already thousands of IDPs from central Iraq in the North and this is putting a strain on the limited resources of the region and its ability cope with new arrivals. UN agencies have publicly express concern about the deteriorating humanitarian situation in areas where IDPs live.

Amnesty International believes that no individuals, including failed 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 referendum on the status of Kirkuk later this year;

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 if the security situation deteriorates. Return should only take place when there is an end to the wide-scale violence and fighting in Iraq, and when conditions of safety and durability of peace have been established.

⁹⁵ “In view of the ongoing violence, conflict and human rights violations in Central and Southern Iraq, UNHCR considers Iraqi asylum-seekers from these areas to be in need of international protection. In those countries where the numbers of Iraqis are such that individual refugee status determination is not feasible, UNHCR encourages the adoption of a prima facie approach. In relation to countries which are signatory to the 1951 Convention relating to the Status of Refugees (“1951 Convention”) and/or its 1967 Protocol, and have in place procedures requiring refugee status determination under the Convention on an individual basis, Iraqi asylum-seekers from Central and Southern Iraq should be considered as refugees based on the 1951 Convention criteria, given the high prevalence of serious human rights violations related to one of the five grounds. Where, however, such asylum-seekers are not recognized under the 1951 Convention refugee criteria, international protection should be afforded through the application of an extended refugee definition, where this is available, or otherwise through a complementary form of protection.” Section 5 “Eligibility for International Protection” of this document for a discussion of the approach.”

2.4 Failure to protect and limiting assistance

Many asylum-seekers are currently being denied the protection to which they are entitled through erroneous interpretations of eligibility for either refugee status or complementary protection.

Despite the serious human rights violations in Iraq at present, there are widely diverging practices for processing asylum claims by Iraqis outside the region. As a result, the outcome of claims often depends more on the country in which the application is made than the actual future risk of persecution faced by the individual.

Sweden has taken a positive approach to assessment, with a reported 91 per cent overall protection rate for 2006.⁹⁶ Similarly, **Australia** has been generous, with the majority of those seeking protection from 2005 onwards being granted some form of protection.⁹⁷

Others, however, have failed to provide the needed protection to Iraqi asylum-seekers. In 2006 **Greece** had a zero overall protection rate for Iraqis, and the **UK's** overall protection rate stood at only 12 per cent.⁹⁸

Amnesty International is very concerned that such approaches to refugee status and other forms of protection determination are placing individuals at risk of human rights abuses either through the failure to provide protection and potential return to Iraq, or through leaving them in legal limbo in which their economic, social and cultural rights are denied and access to services, or assistance they were provided during the asylum process is cut off.

One tactic that is emerging in a number of countries is that of greatly reducing or even totally cutting off the aid that persons who have sought international protection receive making life so difficult and untenable that they will leave the country, even if it means returning to the situation of danger and instability.

⁹⁶ UNHCR, *Are Iraqis getting a fair deal? Refugees: Number 146, Issue 2, 2007.*

⁹⁷ In 2005-2006, 105 Iraqis were granted asylum and in 2006-2007 there were 158 protection visas granted. Statistics show 107 Iraqis made applications in 2005-2006 and 207 in 2006-2007.

⁹⁸ UNHCR, *Are Iraqis getting a fair deal? Refugees: Number 146, Issue 2, 2007.*

As highlighted above, Amnesty International currently opposes all forcible returns to any part of Iraq. As such, in order to avoid a situation whereby individuals that reach the end of the asylum process become destitute and as such may be compelled to leave the host country due to the inability to meet their basic daily needs such as shelter, food and healthcare, rejected Iraqi asylum seekers should receive financial support and accommodation if needed with the same entitlements and rights as provided during the asylum process; be given permission to work; full access to health care, all levels of education and right to claim benefits until their situation is resolved.



Iraqi refugees learn Swedish at a school in Södertälje, Sweden, © Panos Pictures, June 2006

The practice of cutting off assistance at the end of the asylum process can be seen in a variety of countries:

The **UK** operates a harsh practice of cutting off assistance, including accommodation and benefits, for people who reach the end of the asylum process. Once the appeal against the refusal of asylum is lost, the applicant is expected to leave the UK within

21 days.⁹⁹ On the basis of research undertaken in 2006 Amnesty International concluded that rejected asylum-seekers were being made destitute to force them to leave the UK.¹⁰⁰

At the end of the asylum process, the majority of rejected asylum-seekers subsist without any statutory assistance, although a minority receive the cashless “Section 4 support”.¹⁰¹ This severely limited system of assistance requires individuals to show there is a temporary barrier to return for one or more of the five criteria.¹⁰² Many destitute asylum-seekers are not eligible for Section 4 support and others choose not to apply for it, mainly because they see it as a ploy to force them to return to their country of origin. The latest Home Office statistics show that 3,460 Iraqis were receiving Section 4 support. A number of Iraqis, particularly Iraqi Kurds who have been in the UK for many years, refuse to apply for Section 4 support as they believe they will be coerced into making a “voluntary” return to Iraq. The majority therefore rely on the help provided by voluntary organizations, refugee community groups, faith organizations, friends and family to survive, living hand to mouth.

A lawyer from Suleimaniya

HH is an Iraqi Kurdish lawyer who arrived in the UK and applied for asylum in April 2000. His case took years to process and his financial support and accommodation stopped in March 2006. He is now homeless and survives on the charity of friends and community. He refuses to apply for Section 4 support which he refers to as “Section Force”: he believes the authorities use it to force people back to Iraq. His lawyer has now made a fresh claim for asylum on his behalf.

⁹⁹ An exception to this rule exists for families with children.

¹⁰⁰ Amnesty International, *Down and Out in London*, 2006.

¹⁰¹ Regulations made under Section 4 of the Immigration and Asylum Act 1999, as amended by the Nationality, Immigration and Asylum Act 2002 and the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, provide for support (in the form of vouchers) and accommodation to be available for rejected asylum-seekers who are destitute and are temporarily prevented from leaving the UK. They must satisfy one or more of the following criteria: a) that they are taking all reasonable steps to leave the UK or place themselves in a position in which they can leave the UK; (this may include complying with attempts to obtain a travel document to facilitate departure; or where the individual has applied to IOM for assisted return under VARRP); or b) that they are unable to leave the UK by reason of a physical impediment to travel or for some other medical reason; or c) that they are unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available; or d) that permission has been obtained to proceed with a judicial review against a decision relating to the person’s asylum claim; or e) the provision of support is otherwise necessary to avoid a breach of a person’s human rights within the meaning of the Human Rights Act 1998. (This includes where the applicant has made a fresh asylum claim.)

¹⁰² See footnote above.

HH has been attending the Medical Foundation for the Care of Victims of Torture for depression. He has a stomach ulcer from anxiety and pains in his joints but finds it hard to get medical treatment because he is homeless. He cannot afford to buy the medicine he needs. He currently lives with a friend who works in a hotel and pays the rent. He feels humiliated having to rely on his friend and tries hard not to think about it. He has tried to find a job and has approached 500 companies.

HH comes from a prosperous family in Suleimaniya. An advocate of women's rights, he legally represented a woman whose husband was killed and children taken from her because she broke the gender norms of her tribe. Members of the tribe abused and beat his mother while searching for HH and threatened to kill him and his employer. He was forced into hiding and does not know what happened to his employer. HH believes the tribe is now more powerful and centralized and will kill him if he returns to Iraq. He has also been politically active in the UK.

To escape Iraq, he walked from his country through Iran and Turkey where a smuggler arranged for him and others to be transported in trucks to the UK – a terrifying journey during which he thought he would die. Some of the women travelling with him were raped and when he tried to help them he was threatened with death.

He knew there was an asylum process in European countries but did not realise what it was like and has been very disappointed. He found a lawyer in the UK to represent him through his community. He has had six legal representatives so far. He had legal advice and representation at all stages of the asylum process. While his claim was being processed, two of the law firms, both regarded as experts in the immigration sector, closed in April 2004 when public funding for immigration and asylum work was cut.

He waited so long for his asylum interview that his MP wrote to the Home Office to ask what was happening with his claim. He complained that one of the solicitors did not pay attention to detail and treated his claim as routine. Another did no work on his application. After his asylum claim was refused and the appeal dismissed, a further appeal to the Immigration Appeals Tribunal was made. Unexpectedly, one of the firms of solicitors made him pay for his appeal application to the Tribunal. Once the application was made, the solicitor left, transferring the files to another solicitor and creating more complications. This solicitor never answered his calls and never met HH. He feels that at no stage of the asylum process was he able to fully explain his claim.

Based on Down and Out in London, Amnesty International UK, 2006

During the asylum process in **Germany**, assistance is provided for claimants living in reception centres. While there, they are given food and shelter, access to basic and emergency medical care, as well as to primary and secondary education. However, once an individual has reached the end of the process, assistance becomes limited with social benefits and medical treatment reduced to a minimum. Some people lose

their work permits.¹⁰³ Amnesty International regards these measures as being aimed at exerting pressure on the rejected asylum-seeker to return “voluntarily” to their country of origin.

Even though **Australia** does not forcibly return Iraqis, asylum-seekers face serious difficulties. Assistance is not guaranteed at the same level for all, with the type of assistance dependant on the type of bridging visa individuals are granted. Very few asylum-seekers are entitled to food and shelter, unless they are in detention. Some money is provided by the government to the Red Cross for the Asylum Seeker Assistance Scheme (ASAS) for those in desperate circumstances, but many remain in trouble. There are also a significant number of asylum-seekers on a “Bridging Visa E” (BVE), which does not entitle the individual to work or receive any form of medical care, and does not provide them with income support. Furthermore, at the end of the asylum process the practice of placing them on a BVE puts pressure on people to leave Australia.

However, Amnesty International welcomes the recent measure taken by the Australian government in conjunction with the Red Cross to ease the suffering of some of the more extreme cases through the Community Care Pilot.

In the **Netherlands**, assistance provided during the asylum claim process is stopped four weeks after rejection of the second appeal,¹⁰⁴ after which they are required to leave the provided accommodation. This leaves rejected asylum-seekers destitute. Some organizations try to provide shelter, but their capacity is limited. Individuals who cannot be forcibly returned theoretically can obtain a temporary permit if they fully co-operate in their voluntary return and the country refuses to issue travel documents. In practice, however, this has only ever resulted in 100 such permits.

Similarly **Belgium** dramatically reduces assistance following the rejection of an asylum claim. At this point the person is considered an “illegal immigrant” and as such is granted only very basic rights.

Denmark also operates a policy of restricting access to rights for rejected asylum-seekers, including Iraqis. Access to work, family reunification and education are denied for those who do not receive a positive decision in the asylum process,

¹⁰³ Generally, a year after entry to Germany an asylum-seeker whose claim has not been decided will get a work permit. This is conditional on the fact that no German seeking employment is able to take up the work the claimant wishes to take up. If an asylum claim is rejected the restricted work permit is normally withdrawn.

¹⁰⁴ In a first asylum procedure.

including currently 560 rejected Iraqi asylum-seekers who have no foreseeable prospect of return and as such remain in an extremely difficult situation.

Amnesty International is concerned that efforts to encourage individuals to return “voluntarily” through offers of assistance during their remaining time in Denmark and once returned to Iraq do not recognize the current unstable situation in Iraq.

All individuals regardless of their status, including rejected asylum-seekers, are entitled to the full protection of international human rights law and standards. Included in these protections are economic, social and cultural rights, such as the rights to health,¹⁰⁵ education,¹⁰⁶ adequate housing,¹⁰⁷ adequate food and water¹⁰⁸ work and rights at work.¹⁰⁹

While the fundamental principle of non-discrimination permits certain distinctions to be made between nationals and non-nationals, these distinctions must serve a legitimate objective and must not be disproportionate. Most importantly, such distinctions must not inhibit the individual, either directly or indirectly, from enjoying his or her human rights. Amnesty International considers that in order to ensure that the human rights of rejected Iraqi asylum seekers are met, and they are not encouraged to return to a situation of continued violence and instability, they should continue to be provided financial support and accommodation if needed with the same entitlements and rights as provided during the asylum process; be given permission to work; full access to health care, all levels of education and right to claim benefits until their situation is resolved.

¹⁰⁵ 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

¹⁰⁶ ICESCR Articles 13 and 14; CRC Articles 28 and 29; ICERD Article 5(e)(v); Migrant Workers’ Convention Article 30

¹⁰⁷ ICESCR Article 11; CEDAW Article 14(2); CRC Articles 16(1) and 27(3); ICERD Article 5(e)(iii)

¹⁰⁸ ICESCR Article 11; CRC Article 24(2)(c); CEDAW Article 14(2)

¹⁰⁹ ICESCR Articles 6 to 8; ICERD Article 5(e)(i); CEDAW Articles 11 and 14; Migrant Workers’ Convention Articles 25 and 26

2.5 Withdrawal of refugee status

One European state has developed a uniquely troubling measure in their treatment of Iraqi refugees – withdrawing their refugee status. Despite the on-going security situation in Iraq, since 2004 revocation proceedings have been used extensively in relation to Iraqi refugees who have sought and received protection in **Germany** during Saddam Hussain’s rule, with almost 20,000 revocations being launched by the Agency for Migration and Refugees (BAMF).

From 2003 until mid-2006, 17,238 recognized Iraqi refugees had their status revoked. Many of those affected have brought legal proceedings against the revocations with the administrative courts. Currently, no statistics are available on the outcomes of these proceedings.

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”.

In response to sustained campaigning by Amnesty International Germany, UNHCR and refugee supporting organizations, in May 2007 the Ministry of the Interior directed the BAMF to stop opening revocation procedures for Iraqi refugees who belong to religious minorities, including Christians, Mandeans and Yazidis, provided that they came from central or southern Iraq and did not have an individual flight alternative within Iraq.

Furthermore, some groups of Iraqi refugees (Iraqis from Baghdad without flight alternative, women without family, families with minor children, sick and elderly people, and well-integrated Iraqis) are currently being spared with the order that revocation procedures should not be opened or, if already started, the procedures should “rest”.

However, both concessions will be reviewed in September 2007 and Amnesty International is concerned that this practice may return.

Recommendations

1. Governments of Jordan and Syria

Amnesty International calls on the governments of Jordan and Syria:

- To allow unrestricted entry to people fleeing Iraq in need of international protection, exempting them from visa requirements.
- To articulate their needs in dealing with the current crisis and to inform the international community of such needs.
- Not to forcibly return Iraqis at risk of human rights violations back to Iraq in breach of international law.

2. Financial, technical and in-kind 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 assistance to Jordan, Syria 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 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.
- Urgently honour pledges for assistance to states hosting refugees in the region, as well as pledges to Iraq for providing assistance to IDPs.

3. Resettlement

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

- Share the responsibility by resettling Iraqis from Jordan and Syria 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 introduction of new resettlement programmes in countries not currently participating in resettlement programmes;
- an increase in annual overall resettlement quotas in countries with established resettlement programmes;
- an immediate increase in the number of Iraqis taken in annual quotas;
- honouring of promises made to increase resettlement numbers;
- undertaking faster processing arrangements to ensure protection is provided as quickly as possible;
- for states not to lose sight of the needs of the refugees or responsibility sharing and protection aims of resettlement by placing disproportionate focus on “local integration potential” or health requirements; and
- for states to ensure that any security assessments are made through individualised 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.

4. 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.

5. On-going assistance following refusal in asylum process

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

- Continue to provide to rejected Iraqi asylum-seekers: 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.

6. Revocation procedures

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

- Immediately halt procedures to revoke refugee status or another form of protection for Iraqis.