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NOTE

from	:	Netherlands delegation
to	:	CIREA
Subject	:	Situation in Northern Iraq (April 2000)

Delegations will find attached a report ¹ from the Netherlands delegation on the present situation in Northern Iraq.

This report updates the earlier official general reports of 31 March and 13 November 1998 on Northern Iraq (13493/98 CIREA 98).

¹ Translated into English only.
This report may be released to the public.

Official general report on Northern Iraq

(April 2000)

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1. Introduction

This official general report describes the present situation in Northern Iraq insofar as is relevant in assessing asylum applications by people from (Northern) Iraq. The internal resettlement alternative for Iraqis in Northern Iraq is also considered.

"Northern Iraq" is used in this report to mean that part of the Republic of Iraq which is controlled by Kurdish parties in the north of the country. The part of Iraq termed "Central Iraq", coming under the authority of the Baghdad regime, is covered by the official report of 15 April 1999 on Central Iraq. References to the pre-1991 situation make no distinction between Northern and Central Iraq. This official general report updates the earlier official general reports of 31 March and 13 November 1998 on Northern Iraq.

The bases on which this official report has been drawn up include our own findings and reports from Netherlands embassies in the region. Use has also been made of documents from sources such as the German *Bundesamt für die Anerkennung ausländischer Flüchtlinge* [Federal Office for the Recognition of Foreign Refugees], Amnesty International, the Swiss *Bundesamt für Flüchtlinge* [Federal Office for Refugees], *Schweizerische Flüchtlingshilfe* [Swiss Refugee Aid], the German Ministry of Foreign Affairs, the US State Department, the UK Foreign Office, the International Red Cross and the UNHCR. Specialist literature and media reporting have also been drawn upon. Where non-confidential sources are cited, the text is in many cases also based on information supplied confidentially.

Section 2 outlines the political and economic situation, including security aspects and the role of Iraq's neighbours as well as the position of political parties in Northern Iraq.

Section 3 describes the human rights situation. The various religious minorities and some Islamic and Christian parties are dealt with under the heading of freedom of religion and the position of ethnic minorities and other specific groups and parties is also discussed.

Section 4 begins by looking at the reasons for migration from Northern Iraq before going on to examine the scope for internal (re)settlement there. Consideration is given to humanitarian, social and economic aspects of (re)settlement in Northern Iraq, with the position of displaced persons also being described. The last two subsections of section 4 give an account of the policies of other western countries and of the UNHCR.

Section 5 contains some general conclusions.

2. Information on the country

2.1. Basic facts

2.1.1. Country and people

Iraq has a population of about 20 million ². Ethnically and linguistically, Iraq as a whole includes Arabs, Kurds, Turkmen, Persians and Armenians among its different population groups. Estimates of the proportion of Arabs in Iraq as a whole range from 70% to 85% and those of the proportion of Kurds from 15% to 20%. In religion, for Iraq as a whole the main distinction in numerical terms is between Sunni and Shia Muslims. Sunni Arabs make up 12% to 15% ³ of Iraq's total population and Shia Arabs 50% to 65%. The number of Christians in Iraq is put at from 600 000 to 1,5 million. There are an estimated 3,5 million largely Sunni Kurds living in Northern Iraq ⁴, as well as Assyrian, Chaldean and Turkmen minorities, among others, totalling a few hundred thousand. Northern Iraq has down the ages had little or no Arab community and there are also few if any Armenians living there.

Since the end of the Gulf War, in 1991, the Republic of Iraq has in practice been split into two, with Northern Iraq removed from the control of the central authority in Baghdad. The two main parties in Northern Iraq, the Kurdistan Democratic Party (KDP), led by its Chairman, Massoud Barzani, and the Patriotic Union of Kurdistan (PUK), led by its Secretary-General, Jalal Talabani, in practice each hold *de facto* control of part of the region. Northern Iraq comprises, roughly speaking, the three governorates ⁵ of Dihok, Arbil ⁶ and Sulaymaniyah. There is also the newly established governorate of New Kirkuk. That northern part of the governorate of Al Ta'mim (capital: Kirkuk),

² Fischer Weltalmanach 1996 and Harenberg Länderlexikon 1995/1996. An official census by the authorities in Baghdad put the population in 1997 at 22 million.

³ Some sources consulted give higher percentages.

⁴ The area inhabited by the Kurds is not confined to Northern Iraq; there is also a sizeable population of them in Central Iraq, as well as in Iran, Turkey, Syria, Armenia and Georgia. Many Kurds have emigrated from their original home area as well. The Kurdish people as a whole is estimated to number around 25 million.

⁵ The Arabic term being *Muhafaza* (governorate, province or administrative district).

⁶ Known in Kurdish as Hawler.

like a small part of the north of the governorate of Diyala, does not come under Baghdad's effective control, being run by the PUK. The southern part of the governorate of Arbil still remains under the Baghdad government's effective control. In addition, a small part of the governorate of Ninawa (capital: Mosul) comes under the KDP's control. Broadly speaking, however, there are just three governorates involved (Dihok, Arbil and Sulaymaniyah). Of the three main cities, Arbil and Dihok are KDP-controlled and Sulaymaniyah PUK-controlled.

Moreover, both KDP and PUK territory are also inhabited by tribes not aligned with the party in question or even having turned against the controlling party. Such divisions are also often to be found within tribes.

Northern Iraq consists in large part of inhospitable terrain, offering little by way of a living. Only the valleys, where the large towns and cities lie, contain fertile land. Their position leaves such urban centres militarily vulnerable. The mountainous countryside in the north of Northern Iraq, however, is unsuited to large-scale military operations.

Language

The Kurds speak Kurdish, an Indo-European language related to Farsi and comprising a number of dialects. The two main dialects in Northern Iraq are Badinan, spoken in the north-western governorate of Dihok, and Sorani, used in the governorate of Arbil and in the PUK-dominated area. In the Barzan district (KDP territory), both Badinan and Sorani are spoken. Sorani and Badinan speakers are able to understand one another fairly well. Arabic is also widespread in Northern Iraq. Most of the Kurdish population have a good command of Arabic, with some of the local population being more fluent in Arabic than in Kurdish. In Northern Iraq, Kurdish is written in a specially adapted Arabic script. Newspapers and other publications appear in both languages. The largely Sunni Turkmens are related to the Turks and speak a language of their own, related to Turkish. Assyrians, who like Turkmens and Yazidis ⁷ live mainly in KDP territory, use an Aramaic language of their own, as do Chaldean Christians.

⁷ See subsection 3.3.3.

Clans

Kurdish society has traditionally been based on a clan system. The clan leader, or *aga*, used to have virtually absolute power. In recent times, however, the clans' influence has declined, partly as a result of the collectivisation campaign waged by the Iraqi President, Saddam Hussein ⁸, in the 1980s ⁹, which brought the destruction of many Kurdish villages. In the east of Northern Iraq, even, practically all villages have now disappeared. In spite of the destruction of traditional village communities and urbanisation, the old clan loyalties still remain a factor to be reckoned with for KDP and PUK leaders.

2.1.2. History

During the First World War, the territory of what is now Iraq was seized from the Ottoman Empire by British troops. The state of Iraq came into being in 1920, comprising the former Ottoman provinces of Baghdad, Basra and Mosul. The country was governed by the United Kingdom under a mandate from the League of Nations. In 1921 Faisal Ibn Hussein was crowned King of Iraq. Following a period of Kurdish insurgency in the north and border disputes in the south of the country, Iraq gained its independence in 1932.

The military coup in which King Faisal II was toppled from the throne in 1958 brought to power a left-leaning nationalist regime led by General Abd al-Karim Qasim. Following the Aref brothers' presidencies, power was taken in 1968 by the Baath Party, which introduced a one-party system. Ahmed Hassan al-Bakr became President, Prime Minister and Chairman of the Revolutionary Command Council, Iraq's highest authority. Saddam Hussein was appointed Vice-President, before fully taking over power in 1979 as al-Bakr's successor ¹⁰.

⁸ This being the usual English spelling of his name. A more accurate transcription would be Saddam Husayn or, to give him his full name, Saddam Husayn al-Tikriti.

⁹ See subsection 2.1.2.

¹⁰ The Baath Party's seizure of power made no difference to ethnic and religious relations within Iraq. Since Ottoman rule, the Shiites have in fact, despite their numerical superiority, consistently found themselves at a disadvantage. The dominant position held by the Sunnite group of rulers continued after 1968 and has over the years largely been due to the "Tikriti group", with both Hassan al-Bakr and Saddam Hussein coming from the town of Tikrit.

After a few years of disagreement over matters such as border issues, Iraqi troops invaded Iran in 1980, resulting in a war that lasted until 1988. On 20 August 1988 a ceasefire agreement was reached, whereupon the Baghdad regime deployed troops thus released against the Kurds in their struggle for autonomy ¹¹. In the offensive launched a while previously, the "Anfal campaign", use was also made of chemical weapons. The attack on Halabja on 16 March 1988 is notorious. The international community was shocked by pictures of the innumerable victims of chemical warfare. The use of chemical weapons was condemned by the UN Security Council in Resolution 620 that year. In an attempt to gain greater control over Kurdish village communities, the Iraqi government had in the preceding years begun implementing a plan to house the Kurds in collective villages. Most Kurdish villages were razed to the ground and their inhabitants forced to move ¹².

Gulf War

Following unsuccessful negotiations with Kuwait over bilateral problems concerning oil production, territorial claims and settlement of debts, Iraq occupied Kuwait on 2 August 1990. Six days later, Iraq announced formal annexation of Kuwait.

After all diplomatic efforts and peace initiatives to induce Iraq to withdraw from Kuwait had failed, the UN Security Council adopted Resolution 678, allowing UN Member States to resort to all possible means in order to bring about an Iraqi withdrawal from Kuwait. The first attacks on Iraq and Iraqi targets in occupied Kuwait were carried out by a US-led multinational force in the night of 16-17 January 1991, followed by a ground war against Iraqi troops ¹³. That operation resulted in the destruction of a large part of the Iraqi military apparatus. On 28 February 1991 a ceasefire was agreed on. Iraq dropped its claim to Kuwait and had to release prisoners of war and comply with all conditions in "ceasefire" Resolution 687 and other relevant Security Council resolutions.

¹¹ It should also be noted here that there are still many landmines in Northern Iraq, dating back to the time of the Iran-Iraq War.

¹² Middle East Report/The Kurdish Experience, Amir Hassanpour, July 1994.

¹³ An offensive known as "Operation Desert Storm".

The military weakening of Iraq after the Gulf War led to considerable internal unrest. After the allies launched Operation Desert Storm in January 1991, armed insurrections dubbed an "*intifada*" broke out in southern Iraq and in the Kurdish governorates in the north.

In March 1991 Basra and other southern towns and cities were taken by rebels, including many Shiites as well as discontented members of the armed forces. However, troops loyal to Saddam Hussein soon had those localities under control again.

In the north, the Kurdish factions joined forces in fighting against Central Iraqi government troops ¹⁴. In March 1991, however, Iraqi troops were able to put down the uprising and managed to regain control of the cities of Kirkuk, Arbil, Dihok and Zakho, taken by the Kurds. Iraq's recapture of the northern areas set off a mass exodus of refugees heading for the borders with Turkey and Iran.

In Resolution 688 of April 1991, the UN Security Council called for respect for minority rights in Iraq. Measures were subsequently taken by the allies to restrict Baghdad's freedom of action in the north and in the south. On 16 April 1991 the United States of America, France and the United Kingdom launched "Operation Provide Comfort", aimed in particular at refugees along the Turkish-Iraqi border. Allied forces were deployed in the area, which Iraqi government troops eventually pulled out of; in October 1991 Central Iraqi troops (and officials) withdrew from most of the northern governorates. Baghdad thereupon announced an economic blockade of the area.

¹⁴ In 1988 a Kurdish alliance had been formed, under the name of the Kurdistan Iraqi Front (KIF), with the inclusion of both the PUK and the KDP.

According to some sources, the UN Security Council measures made the stationing or presence of Iraqi troops in the area under Kurdish self-rule undesirable or unauthorised. The allied forces¹⁵ have also declared the airspace north of the 36th parallel out of bounds to Iraqi 'planes and helicopters¹⁶. That northern no-fly zone was established in order to protect local communities.

The Baghdad government has never recognised either the northern or the southern no-fly zone and since the end of the US-UK Operation Desert Fox in December 1998 has been engaging in active resistance to the zones. The Iraqi regime has stated that it will no longer observe the no-fly zones and will actively resist the presence of allied 'planes in Iraqi airspace. American and British 'planes in those zones have been fired on by the Iraqi armed forces, with US 'planes retaliating. The Americans and the British are reported to have eliminated radar and missile facilities in the vicinity of Mosul, among other targets. On 25 January 1999 a stray American missile landed in a residential district of Basra, killing a number of civilians. On 28 February 1999 American 'planes reportedly eliminated a military communications centre and brought the carriage of oil along the pipeline between Iraq and Turkey to a halt. On 4 March 1999 oil exports via the pipeline resumed again. On 21 June 1999 an Iraqi command and control centre and a radar station near Mosul were reportedly attacked¹⁷. Further American and British air operations have also been carried out since¹⁸.

Kurdish self-rule

Kurds in the north of Iraq had previously long been seeking self-rule. The Security Council measures helped make possible after the Gulf War a self-governing area able to retain a large measure of independence. Kurdish refugees and Kurds naturalised in the west have since returned to assist with reconstruction.

¹⁵ The United States of America, the United Kingdom and France.

¹⁶ There is also a no-fly zone in the south, extended from the 32nd to the 33rd parallel on 3 September 1996 following an offensive by Iraqi troops in Northern Iraq. Both zones are patrolled by British and American 'planes. France discontinued its flights in the southern zone after Operation Desert Fox in December 1998.

¹⁷ Associated Press, 21 June 1999.

¹⁸ See also section 2.4.

In May 1992 elections were held in Northern Iraq for a new parliament, comprising 105 seats in all. It was decided in advance that five seats would be set aside for Christians in the area ¹⁹. The two big Kurdish parties finished with very similar results, the KDP winning 44% of the votes and the PUK-dominated Green List 43%. A 7% electoral threshold barred any other parties from being represented in parliament ²⁰. In the end the KDP and the Green List received 50 seats each. The seats set aside for the Christian minority went to the Assyrian Democratic Movement (ADM), which won four of them, with the last seat going to a KDP-linked Christian party.

These were the first and so far the only free general elections in Northern Iraq. The 50-50 split of seats in parliament and the matching of ministers from one party with deputy ministers from the other has in practice had a paralysing effect, increasing rather than reducing mutual distrust.

Cooperation between the KDP and the PUK since then has long proved awkward. Once the common enemy had receded into the background, cooperation in setting up an efficient administration turned out to be scarcely possible and old antagonisms between the two main Kurdish parties in Northern Iraq began to surface again. The rivalry between the two parties divided up the area. Following the outbreak of heavy fighting between the PUK and the KDP in May 1994, there ceased to be any effective joint Kurdish government and the region was in practice split into two administrative units.

In the first phase of armed conflict, in mid-1994, there was still close contact between the two parties. Iraq's umbrella opposition movement, the Iraqi National Congress (INC), acted as a mediator in attempting to resolve the conflict and a ceasefire was agreed on in August 1994. Fresh hostilities broke out in December 1994, however, and in that second phase any contact between the two parties ceased. The PUK managed to take control of the city of Arbil.

¹⁹ Non-Kurds may also belong to the PUK or the KDP. François Hariri, the governor of Arbil and a former KDP Minister, is a Christian and a decades-long member of the KDP. When the Assyrian ADM party was founded in the late 1970s (see subsection 3.3.3), he remained a KDP member.

²⁰ The Islamic parties and the Communists won only a few percent of the votes. Various parties in Northern Iraq have adopted an identifying colour: yellow and green for the KDP and the PUK respectively and purple for the ADM.

In the spring of 1995, Iranian mediation brought about a second ceasefire, although this did not last long. The US then played a part in arranging a third ceasefire, in August 1995.

Attack on Arbil

On 16 August 1996 the PUK broke the year-old third ceasefire, taking the KDP by surprise as it was that day celebrating its fiftieth anniversary. In the end, the offensive rebounded on the PUK and on 31 August 1996 the KDP, in an alliance of convenience with Central Iraqi government troops, recaptured Arbil from the PUK, driving the PUK's troops out of the city.

It appears that Central Iraqi troops were deployed only for the recapture of Arbil and withdrawn within a few days. In the attack on Arbil, Central Iraqi troops mainly targeted Arab political opponents of the Baghdad regime (such as the INC), who had offices in Arbil and on their own admission had carried out operations in Central Iraq from there ²¹. There is no reliable evidence of Iraqi troops being deployed elsewhere in the area.

During the capture of Arbil, serious human rights violations were committed. Operations appeared to have been thoroughly prepared by the Central Iraqi secret service. Central Iraqi troops made arrests from detailed lists of people incurring the regime's displeasure and of their whereabouts. They knew exactly which buildings to search in order to neutralise individuals who might in any way put the survival of Saddam Hussein's regime at risk ²². Many of Baghdad's political opponents were eliminated in the capture of Arbil. Between 100 and 200 people are estimated to have been killed. There are also reports of hundreds more being deported to Central Iraq, a number of whom apparently died in Iraqi prisons.

²¹ The INC reportedly carried out a raid in Central Iraq in March 1995, together with the PUK and a number of smaller groups.

²² In his November 1996 report, the UN rapporteur on human rights in Iraq, Max van der Stoep, gave examples of political killings by Iraqi security forces. See also section 2.4.

Panicking at the KDP attack and even more so at the presence of Central Iraqi troops, the population of the PUK-controlled part of Northern Iraq attempted to flee. The KDP took advantage of the confusion to capture Sulaymaniyah, the PUK's home base, as well. PUK supporters and large sections of the population fled to Iran ²³.

On 4 September 1996 the KDP announced an amnesty under which PUK supporters were allowed to return to their homes in Arbil, provided that they signed a declaration of surrender. Returning PUK members also in some cases had to pay "caution money".

In September 1996 the central government in Baghdad decided to lift the economic embargo on Northern Iraq and also announced an amnesty for people in the area. The amnesty excluded, among others, those allegedly involved in "espionage", a term broad enough to be applicable to people working for humanitarian organisations and operating in the north without Baghdad's consent. In response to the threat posed by this and to the deployment of Central Iraqi army units in Arbil, the US strongly advised all American NGOs to withdraw from Northern Iraq, taking thousands of local staff with them.

On 13 October 1996 the PUK, now armed with heavy weapons, returned from Iran and its *peshmergas* ²⁴ went on to recover the territory they had lost, with the exception of Arbil. Most of the refugees then also returned from Iran between October and December 1996. Animosity between the KDP and the PUK seemed to have become more firmly entrenched.

Ankara process

With the assistance of Turkey, the United Kingdom and the United States of America, a fourth ceasefire was arranged in Ankara in late October 1996. A framework for peace talks, known as the "Ankara process", was established, with the KDP and the PUK as its participants and the US, the UK and Turkey acting as brokers. To their annoyance, Turkmen representatives were not officially included ²⁵.

²³ The PUK did manage to put the power station on Lake Dukan out of action, leaving Arbil without electricity.

²⁴ Kurdish fighters.

²⁵ See also the "Final Document after the meeting of Representatives of Turkey, the United States and the United Kingdom with Delegations of the KDP, the PUK and the Turcoman Front on October 30-31 1996", as published in the Turkish Daily News on 5 October 1998.

Under the peace process, following the ceasefire between the PUK and the KDP, a monitoring unit was set up and stationed in the buffer zone to ensure observance of the KDP-PUK demarcation line. That Peace Monitoring Force (PMF) consisted of Assyrians (the ADM) and Turkmens, led by Turkish military officers, and watched over the demarcation line until October 1997. After holding for a year, the fourth ceasefire collapsed on 13 October 1997 when fresh fighting broke out. PUK attacks on KDP positions brought a temporary halt to peace talks under the Ankara process. Following the outbreak of renewed hostilities between the PUK and the KDP, the PMF withdrew, ceasing to have any part to play.

In the ensuing period, the PUK hoped to expand its power base, with Iranian support. It did at first gain ground, but was eventually pushed back behind the PUK-KDP demarcation line again. Fighting was apparently more local in nature. The PUK, in particular, reportedly suffered heavy casualties in battle, with many *peshmergas*, including some commanders, losing their lives. Hundreds of prisoners of war were taken on each side as well, some of them being summarily executed. Clashes between the Kurdish factions continued until 25 November 1997.

Seizing the opportunity to attack the PKK ²⁶ and the PUK and side with the KDP, the Turkish army operated in Northern Iraq in 1997 up until late December. Turkish tanks were reported from Aqrah down to the more southern parts of the governorate of Arbil and right up to the PUK-KDP demarcation line, with Turkish aircraft in places bombing PKK positions.

Renewed cooperation

A ceasefire has been in force again since 25 November 1997, with the pre-13 October 1997 KDP-PUK demarcation line in the end virtually unchanged.

²⁶ For information on the PKK, see also the official general report of 17 September 1999 on Turkey.

Early 1998 saw the first steps towards a more lasting improvement in relations between the KDP and the PUK. Peace talks between the two parties, held abroad up to October 1997 under the Ankara process, resumed in February 1998 in Northern Iraq itself, focussing initially on humanitarian issues. "Agreement in principle" was reached, with both parties promising to observe the ceasefire and put an end to media skirmishing. A start was then made in March 1998 on exchanging prisoners.

In spite of this *rapprochement*, however, there remained considerable mutual mistrust, owing to the many dead and wounded, the forced relocations, resulting in groups of internally displaced persons (IDPs) ²⁷, and the atrocities committed in prisons ²⁸. Each party accused the other of being to blame for past constant rekindling of the conflict. The main obstacles identified to a settlement were the displaced persons issue, prisoner exchanges and above all power sharing and apportionment of oil revenue ²⁹.

Background to the KDP-PUK conflict

There are a number of opinions as to the causes of the conflict between the KDP and the PUK. The KDP sees the conflict as a straightforward power struggle. The KDP was founded in 1946 by Mustafa Barzani, the father of its present leader, Massoud Barzani, and regards itself as a mother party for all of Iraq's Kurds. Following a disagreement with Mustafa Barzani, Jalal Talabani left the KDP in 1975 and set up the PUK. In the KDP's view, the reason for that split lay in Talabani's political ambitions.

The PUK, on the other hand, highlights ideological differences. The PUK likes to portray itself as a modern western party, in contrast to the traditional clan mentality ³⁰, whereas the KDP regards the PUK as setting too little store by tradition and the KDP leadership's historic roots. Personal animosity between the two party leaders also appears to be a factor.

²⁷ See section 4.2.

²⁸ See also subsection 3.3.6.

²⁹ See also sections 2.3 and 2.6.

³⁰ The PUK leader, Talabani, wears western tailor-made suits, while Barzani deliberately dresses in traditional Kurdish style.

Each party has its own regional backing. Kurmanji-speaking Kurds in the west largely support the KDP, while Sorani-speakers tend to rally to the PUK. In the villages of Dihok governorate, for instance, there has never been any substantial support for the PUK.

In addition to the above factors, economics also comes into the equation. One important factor in antagonism between the KDP and the PUK is the question of control over revenue from import duties charged on transit trade at the Ibrahim Khalil border crossing with Turkey. Income from that lucrative source, largely based on illegal oil transit from Central Iraq to Turkey, accrues entirely to the KDP, thereby threatening to upset the balance between the two parties, for the PUK region has no comparable sources of income ³¹.

2.2. System of government ³²

The Baghdad government does not at present exercise any effective control in Northern Iraq. Formally, however, the territorial integrity and national unity of the Republic of Iraq are not at issue ³³. Nor do the major parties in Northern Iraq advocate independence. Both the PUK and the KDP state their aim to be a federal union within the Iraqi state. Each of the two parties enjoys almost complete freedom of action in its own territory, with the following exceptions:

- * the PKK is active in the inhospitable, mountainous northern section of the governorates of Dihok and Arbil that borders on Turkey. PKK units regularly come under fire from the Turkish army;
- * within PUK territory, the town of Halabja and its immediate environs are dominated by the Islamic Movement in Iraqi Kurdistan (IMK) ³⁴, although the PUK is present in that area;

³¹ See also section 2.5.

³² Although Northern Iraq is not an independent state, for the sake of consistency it has been treated in the same way as one under the standard heading used for this paragraph in official general reports.

³³ The UN in principle channels its operations in Northern Iraq, too, through Baghdad.

³⁴ See section 2.4 and subsection 3.3.3.

* the locality of Said Sadeq near Halabja is under the control of the Kurdistan Socialist Democratic Party (KSDP) ³⁵, although the PUK is present there. Strangely enough, a Jegertou ³⁶ mayor was elected there in local elections held on 3 February 2000 ³⁷.

The KDP and PUK areas are strictly separate from each other. Despite several agreements on the subject, neither party or government at present has any bases or offices in the other's territory. Up to now there has been no mutual exchange of representatives. While the parliament based in Arbil does still sit, it is no longer recognised by the PUK, which has no parliament in operation in its territory. Since the KDP took over power in Arbil from the PUK in 1996, the vast majority of the Green List ³⁸ members of parliament have left for Sulaymaniyah.

While the administration in each of the two areas is dominated by one of the two major parties, other parties and independents do participate in both governments. Both the PUK and the KDP have set aside ministerial posts in their governments for other parties. The KDP government formed in December 1999 and led by Nechirvan Barzani as Prime Minister also includes members of the ADM, the PKSK and the Jegertou as well as representatives of the Turkmen, Yazidi and Fayli Kurdish communities ³⁹.

The IMK has (deputy) ministers in the PUK government formed in August 1999, in which the Toilers' Party and the KSDP ⁴⁰ also hold ministerial portfolios. There are no smaller parties represented in both governments.

There is no question about the day-to-day running of both regions by the public authorities. They have police, including traffic police, hospitals, schools and universities. *Peshmergas* come under ministries of *peshmerga* affairs.

³⁵ See section 2.3.

³⁶ See subsection 3.3.3.

³⁷ See also the PUK Internet website: www.puk.org, 23 March 2000.

³⁸ See subsection 2.1.2.

³⁹ KDP Internet website, 29 December 1999.

⁴⁰ See section 2.3.

Organisation of the KDP

The KDP is headed by its Chairman, Massoud Barzani, who has a deputy. Immediately below the party chairman comes the working committee, whose three members also belong to the eleven-member politburo. Politburo members sit on the central committee, consisting until October 1999 of 36 or 37 members and since then of 31, including one woman, as well as alternate members. Elections within the KDP for membership of the central committee are held at KDP congresses. The KDP has twelve branches (*laks*), including three abroad. A number of members of the central committee also head one of the KDP's regional branches. Regional branches follow a top-down structure: regional branch, local organisation, main cell and cell.

Apart from that reduction in the number of central committee members, in spite of great expectations, the twelfth party congress (6 to 14 October 1999) did not bring any great change. The serving party officers were re-elected virtually *en bloc*. The party chairman, Barzani, had announced beforehand that a number of changes would be made within the KDP's organisation. One of the reasons for this was apparently growing corruption, which had further alienated the public from KDP officials.

In December 1999, though, a number of long-serving members of the KDP government were replaced. The most newsworthy of Barzani's appointments was that of his nephew, Nechirvan Barzani, as Prime Minister.

Organisation of the PUK

The PUK is headed by its Secretary-General, Jalal Talabani. The central committee consists of 38 members, including twelve members and five deputy members of the politburo.

The PUK's local branches are called *malbands*. There used to be five of them – now eleven. The PUK also has branches abroad, including in the US and Europe. The *malbands* are in general geographically organised.

Each *malband* consists of a general purposes committee and an executive committee. Elections for the representatives in the *malband* are held annually within the local PUK branch. The PUK is organised as follows at local level: committee, *pol*, *kart* and cell. The *pol*, *kart* and cell are mostly geographical units.

Membership of the KDP and the PUK is not confined to Kurds. Assyrians or Arabs, say, can also belong to the KDP or the PUK as well as to a number of other political parties in Northern Iraq, such as the KSDP or the communist parties.

2.3. Political developments

2.3.1. Internal relations

The improvement in relations between the KDP and the PUK as from the end of 1997 has continued since. The ceasefire along the KDP-PUK demarcation line has in general been properly observed. Both parties have since commented favourably on cooperation in many areas, such as electricity and water supplies, reciprocal trade and the scaling down of media campaigns against one another. A limited number of prisoners have also been exchanged since March 1998 ⁴¹.

⁴¹ See later in this section as well as subsection 3.3.6.

Washington agreement

On 17 September 1998 a US-sponsored agreement was signed in Washington between the PUK's leader, Talabani, and the KDP's head, Barzani, who had not met for four years. That Washington agreement, reached under United States, United Kingdom and Turkish supervision ⁴², can be regarded as an important move in consolidating stability in the region and further cooperation between the Kurdish parties ⁴³. The accord ⁴⁴ covers general *rapprochement* and cooperation between the two parties, power and revenue sharing and security cooperation ⁴⁵.

It was agreed that, after a transitional phase, parliamentary elections would be held in the summer of 1999 and a common regional administration and joint parliament then established ⁴⁶. The agreement would set up an interim authority, the High(er) Coordination Committee (HCC), to work on further reconciliation between the two parties and the putting in place of a common administration and joint parliament. Seats in the new parliament would have to be set aside for minorities. It was also agreed to conduct a census ahead of the elections ⁴⁷.

The parties further agreed to refrain from negative media reporting of each other in future and arranged for assistance for people displaced as a result of the conflict between the two sides.

⁴² On 10 November 1998, in a trilateral statement simultaneously made public in Ankara, London and Washington, the three countries set out basic policy principles with regard to Northern Iraq.

⁴³ Turkish Daily News, 10 November 1998.

⁴⁴ Text of the September 17 joint statement by Massoud Barzani and Jalal Talabani: final statement of the leaders' meeting, Washington, 17 September 1998.

⁴⁵ Turkish Daily News, 5 October 1998.

⁴⁶ Agence France Presse, 18 September 1998; Reuters, 18 September 1998.

⁴⁷ Neue Zürcher Zeitung, 30 September 1998.

As regards revenue from the northern enclave, it was agreed that it should be used for the benefit of the entire population of Northern Iraq. A single finance ministry should supervise this, thus partly removing the KDP's dominant position as a result of oil revenue and hence one of the PUK's main grievances ⁴⁸.

On security, the prospect was held out of possibly setting up a joint force, which in addition to the PUK and the KDP could involve Turkmen and Assyrian participation. The two Kurdish leaders also agreed on arrangements regarding the PKK, which would no longer be allowed to operate from bases in Northern Iraq. Both parties reportedly further agreed to cooperate more closely in better controlling the Kurdish enclave's borders ⁴⁹.

It was lastly agreed that up until the elections KDP and PUK leaders, in cooperation with the HCC, would hold regular meetings in Northern Iraq, the USA, the UK or Turkey.

Non-Kurdish minority groups (in particular Turkmen and Assyrians) came out in support of the general thrust of the agreement, while considering themselves to have been insufficiently involved in reaching it.

Implementation of the Washington agreement ⁵⁰

In spite of the continuing lack of mutual trust, the PUK and the KDP can be said to appear to realise that they have far more to gain, both at home and abroad, from cooperating than from fighting one another. The tone in which they refer to the other party is noticeably conciliatory in comparison with a few years ago. The KDP and the PUK have reported frequent consultations at all levels with regard to both political coordination and practical cooperation on matters such as energy supplies and the oil-for-food programme ⁵¹.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Security and economic aspects are mainly dealt with in sections 2.4 and 2.6 respectively.

⁵¹ A UN programme explained in section 2.5.

Although agreement has been reached in important respects, a number of controversial issues, such as the elections and the planned census ahead of them, the composition of the joint (interim) government and parliament, the status of Arbil and revenue sharing, remain unresolved. Nor has full agreement been reached on tackling the PKK, while the position of five (former) PUK members who after 1996 continued to sit in the KDP-controlled parliament in Arbil is open to debate; their loyalty is unclear, with the result that they could tip the balance in favour of the KDP in any future joint parliament.

The time frame mapped out for the planned joint elections has not been kept to. The elections should have been held in the summer of 1999, but it is so far unclear for what new date they are scheduled. By the beginning of 2000 no election date had yet been set. Nor has any firm decision so far been taken on lowering the electoral threshold. No steps have yet been taken either to organise the census due to precede elections.

The KDP area did hold a student poll in late 1998, which could serve as a pointer for parliamentary elections. The KDP reportedly won "only" 58% of the votes in Dihok, awakening disquiet in KDP circles⁵². The KDP leader, Barzani, apparently toured the villages of Dihok governorate partly in response to that development, wishing to be more in touch with the local population and if possible to boost his popularity.

The KDP and the PUK seem to have pursued different strategies for improving their initial position in any elections. The PUK has endeavoured to build cooperation links with the smaller parties, most of which, even in KDP territory, have recently expressed their appreciation of the PUK leader, Talabani, and his efforts for the region.

The KDP leader, Barzani, seems to take a different stance for the purposes of elections, his position and popularity being due in particular to his father, the late Mullah Mustafa Barzani. The KDP maintains less close relations with other parties, which makes coalition-building a less obvious

⁵² The Kurdistan Islamic Union won a relatively large number of votes in the student poll. See also subsection 3.3.3. One of the reasons for the fall in the KDP's popularity seems to be its leaders' personal wealth, derived in part from the oil trade.

possibility. According to observers, since 1998 the KDP has set up a number of parties designed to attract particular target groups (such as Christians and Turkmens), while in fact being very closely linked with the KDP. It is as yet not possible to establish whether there is any truth to such reports. Local observers also take the view that both the PUK and the KDP face large losses in any elections, with the dispute between the two parties and corruption costing them votes. In the KDP's case, another factor is its links with Baghdad and Ankara and its anti-PKK line, which are not universally appreciated in the Kurdish enclave. It should lastly be reported that local elections were held in the PUK area on 3 February 2000 ⁵³, passing off peacefully. They were won by the PUK ⁵⁴; unlike ten other parties, the KDP did not participate ⁵⁵. The party did not think the time yet ripe to do so, as more progress first needed to be achieved in implementing the Washington agreement. The PUK expressed its regret at that attitude, but would have preferred to see local elections throughout Northern Iraq. With a turnout of over 80%, the PUK reportedly won 70% of the votes. A number of mayorships went to the former IMK and other parties.

There are also other bones of contention between the PUK and the KDP. Both parties have used the local and international media as vehicles for mutual accusations of failure to observe the Washington agreement. The PUK has often reprehended the KDP for failing to honour its financial commitments. The KDP in turn has frequently reproached the PUK, especially in the Turkish media, with tolerating, if not facilitating, PKK operations.

⁵³ L'Orient le jour, 4 February 2000.

⁵⁴ See also Kurdistan Newsline (www.puk.org/knewsl), PUK Bureau for International Relations, Washington, 19 February 2000.

⁵⁵ Islamic Unity Movement in Kurdistan, KCP, Democratic Movement of the People of Kurdistan, Democratic Movement, Independence Action Party, IWCP, Jegertou, Toilers' Party of Kurdistan, Conservative Party and KSDP. See later in this section as well as subsection 3.3.3.

At a meeting between the PUK's leader, Talabani, and the KDP's head, Barzani, in Salahudin on 8 and 9 January 1999 ⁵⁶, it was nonetheless stated that both parties stood by the Washington agreement. Each party also agreed to install a representative in the other's "capital": a KDP member in Sulaymaniyah and a PUK member in Arbil, and arrangements were settled regarding prisoners and displaced persons ⁵⁷.

Little practical progress was then made in either area; no representatives were exchanged or offices opened in each other's territory, while any more than a limited exchange of prisoners also proved very problematic. The continued holding of prisoners of war from the other side represents a major obstacle standing in the way of the rebuilding of trust between the KDP and the PUK. It is unclear how many prisoners on each side are involved. Estimates range from a few dozen to a few hundred ⁵⁸.

After an HCC meeting scheduled for 17 May 1999 in Shaqlawa was cancelled for reasons which remained unclear, a meeting of the HCC from 16 to 25 June in Washington brought agreement on the reciprocal opening of liaison offices in the near future (in Arbil, Dihok and Sulaymaniyah) and on the work of those offices, without any timetable being set. Arrangements were also made for more effective joint action against the PKK, and the return of refugees was discussed. Progress was made, too, regarding negative media reporting of each other and revenue sharing ⁵⁹. Several bilateral commissions were set up, including for tackling the PKK.

⁵⁶ Deutsche Presse-Agentur, 16 January 1999.

⁵⁷ Joint statement issued at the conclusion of Talabani-Barzani meeting in Salahudin, Salahudin, 9 January 1999.

⁵⁸ See also subsection 3.3.6.

⁵⁹ Statement on KDP and PUK talks held under US auspices on 16-25 June 1999, KDP press release, KDP homepage, 25 June 1999; Reuters, 28 June 1999.

As regards revenue sharing and the formation of a joint administration and joint interim parliament, there turned out still to be sizeable differences of opinion ⁶⁰, as also emerged from a PUK communiqué ⁶¹. The same applied to free political operation in each other's areas and to the situation in Arbil, where the PUK lays claim to shared authority. Even arrangements on a time scale for reaching agreement gave rise to problems ⁶². It did not prove possible to issue any PUK-KDP joint statement, although it was agreed that talks would continue along the lines of the Washington agreement ⁶³.

September 1999 saw another two high-level meetings between the KDP and the PUK. Talks in Northern Iraq reportedly once again reached agreement on putting a stop to media attacks on each other and also settled financial arrangements. In late September 1999 Nechirvan Barzani, a prominent member of the KDP politburo, although not yet KDP Prime Minister, held consultations in Washington with the PUK leader, Talabani, on implementation of the Washington agreement. In early October 1999 a high-level PUK delegation attended the twelfth KDP congress ⁶⁴.

At a high-level meeting in Sulaymaniyah on 22 October 1999, the PUK and the KDP agreed to maintain closer relations and work for *rapprochement* under the Washington agreement. Each other's members held as prisoners of war would be exchanged within a week and 30 displaced families on both sides be allowed to return to their original homes. Once they arrived, an overall plan for the return of other displaced persons would have to be prepared ⁶⁵. Exchanges of prisoners and internally displaced persons between the PUK and the KDP have since, however, not yet really started up, although a mutual exchange of 50 to 60 displaced families did take place in November 1999.

⁶⁰ *Ibid.*

⁶¹ PUK Delegation to Washington, Statement on the Washington talks between PUK and KDP, 26 June 1999.

⁶² See also the Turkish Daily News, 23 June 1999.

⁶³ Statement on KDP and PUK talks held under US auspices on 16-25 June 1999, KDP press release, KDP homepage, 25 June 1999.

⁶⁴ PUK Delegation Attends the 12th KDP Congress, PUK Bureau for International Relations website, 8 October 1999.

⁶⁵ Anatolia press agency, 26 October 1999.

On 22 October 1999 it was once more agreed that the KDP offices in Sulaymaniyah and Kalar and the PUK offices in Arbil and Dihok would open, which again failed to materialise; similar agreements in the past had broken down as a result of differences over matters relating to security and the official status of such offices and their staff. In October 1999 it was agreed to limit the offices' work to non-political areas such as economic, social and military affairs. The guarding of offices represented an important issue and the stationing of a party's own *peshmergas* in the office grounds was discussed. However, no agreement has so far been reached on reciprocal military presence.

The meeting in late October 1999 also arrived at arrangements on free trade, tax collection, oil-for-food cooperation and the removal of travel restrictions for passenger traffic. It was reportedly agreed as well that PUK and KDP leaders would visit each other in order to improve relations further and continue dialogue ⁶⁶.

The KDP transferred a sum of IQD 50 million to the PUK as a (second) instalment of a revenue-sharing financial settlement ⁶⁷. It was agreed to postpone discussion of such revenue sharing and a number of other disputed key issues (elections and an interim government).

Although there has been a considerable improvement in mutual relations, partly through the Washington agreement, the PUK and the KDP can still not openly engage in political activities in their rival's territory. Freedom of movement for PUK and KDP supporters in each other's territory has, though, become far greater since late 1999; the improvement in relations between the KDP and the PUK during 1999 has made it possible for senior PUK officials since October 1999 to leave the country for Turkey via KDP territory. KDP and PUK officials regularly travel back and forth, e.g. for joint meetings and private visits.

⁶⁶ *Ibid.*

⁶⁷ A substantial sum having already been transferred to the PUK in January 1999. See section 2.5.

Implementation of the Washington agreement has made limited headway in recent months. There has been no progress on the reciprocal opening of liaison offices, a state of affairs for which the PUK and the KDP each hold the other responsible. After the 46th HCC meeting, in Koi Sanjaq on 7 February 2000 ⁶⁸, had achieved no significant results, a US delegation visiting Iraq that same month ⁶⁹ tried to bring further progress in implementing the agreement, which may have had a bearing on the exchange of 15 prisoners (ten PUK members and five KDP members) shortly afterwards. Arrangements have reportedly been agreed on with the UNHCR for the exchange of larger groups ⁷⁰.

Other parties

The KDP and the PUK enjoy a dominant position in Northern Iraq. In both subareas, however, there are myriad smaller political parties, varying considerably in size. In all, Northern Iraq may have over seventy parties and organisations in operation ⁷¹ ⁷². None of the smaller parties managed to win more than a few percent of the votes in the 1992 elections in Northern Iraq. Although a few parties hold one or more portfolios in the PUK and KDP governments, none of those parties is included in both the PUK and the KDP governments.

* *Iraqi Communist Party (ICP)*

The ICP's influence and activities in Northern Iraq have declined since the attack on Arbil in August 1996. Many Arab ICP members have left Northern Iraq. The ICP has a few offices in Northern Iraq in places such as Shaqlawa and Sulaymaniyah. The party publishes a few periodicals in the region, including "Tariq al-Sha'b" ⁷³. It maintain normal relations with the KDP and the PUK and has close links with its fellow communist party, the KCP.

⁶⁸ According to a report in Brayati on 8 February 2000.

⁶⁹ Agence France Presse, 14 February 2000.

⁷⁰ See also subsection 3.3.6.

⁷¹ A number of the political parties operating in Northern Iraq focus primarily on Central Iraq. Such parties are described in the official general report on Central Iraq (DPC/AM-635432), Ministry of Foreign Affairs, The Hague, 15 April 1999.

⁷² Subsection 3.3.3 includes the IMK and other religiously inspired parties. Subsections 3.4.1 and 3.4.6 deal with Turkmen and Fayli Kurdish parties.

⁷³ Meaning "The People's Way".

* *Iraq(i) Workers' Communist Party (IWCP/WCPI)*

The IWCP is represented in KDP territory although, strictly speaking, an illegal party there, not being officially registered and authorised to engage in political activities. The IWCP increasingly includes extreme left-wing Iranians. The party's supposed anti-nationalist and anti-religious leanings cause friction with the KDP and have of late also been giving rise to trouble with the PUK.

The IWCP is nevertheless officially represented in PUK territory, having its head office and radio station in Sulaymaniyah. The party publishes the newspaper "Bopeshawa" ⁷⁴. Relations between the IWCP and the PUK could until a short while ago be described as reasonably good. The PUK used to assist the IWCP by means of monthly donations. Recently, however, some tension has arisen, partly as a result of an accusation of illegal fund-raising levelled at the IWCP by the PUK and an investigation into IWCP involvement in the death of two former IWCP members ⁷⁵. There are also rumours abroad of an IWCP *rapprochement* with Baghdad.

Fierce animosity is felt between the IWCP and the Islamic Movement in Kurdistan. The IWCP arouses irritation, not only on the part of the IMK, by its extreme political views, which often run directly counter to Kurdish traditions. At the funeral of the IWCP's founder, Farad Farradj, for instance, the *Internationale* blared forth. The IMK was suspected of involvement in the murder of two IWCP members in Sulaymaniyah in October 1999 ⁷⁶. The IWCP earlier accused "Islamic groups in the city of Arbil" of the murder of two IWCP members on 18 April 1998 ⁷⁷. To the best of our knowledge, however, there have been no really large-scale incidents between the IMK and the IWCP.

* *Kurdistan Communist Party (KCP)*

This party operates in both KDP and PUK territory. The KCP remains on good terms with the PUK. Like other communist parties, it has in the past encountered problems with the IMK.

⁷⁴ IWCP Internet website: www.wpiraq.org, 25 February 1999.

⁷⁵ PUK Kurdistan Newslines, issue # 23, PUK Internet website: www.puk.org, 14 March 2000.

⁷⁶ See also section 2.4.

⁷⁷ IWCP Internet website: www.wpiraq.org, 25 February 1999.

* *Kurdistan Toilers' Party (KTP)/Zahmatkeshan*

The left-leaning Parti Zamekeshani Kurdistan, founded according to the party itself on 12 December 1985, publishes the newspaper "Alay Azadi" (Banner of Freedom) in Sulaymaniyah. A few cultural and ideological periodicals ("Pesh Kawtin" and "Nojan") are also reportedly published and television and radio programmes put out on its own broadcasting stations. The relatively small KTP is included in the PUK-dominated government. The KTP does not enjoy good relations with the KDP and has no offices in KDP territory. There has, however, never been any serious confrontation between the two parties.

* *Kurdistan Socialist Democratic Party (KSDP)*

The KSDP, springing from the Kurdistan Socialist Party – Iraq (KSP-I), is a small, tribally-based party, led by Muhammed (or Hama) Hadji Mahmoud. He was briefly a member of the KDP when the Socialist Party, to which he belonged, united with the KDP in 1993. Mahmoud soon clashed with the KDP leadership, left the party and set up the KSDP. That party does not engage in any open activities in KDP territory. The KDP would not allow it to, as relations between them are apparently too bad ⁷⁸. The KSDP is included in the PUK government and reportedly has hundreds of *peshmergas* in PUK territory. It is on good terms with the PUK and operates openly in the latter's territory. The KSDP enjoys good relations with the Iranian intelligence service, Ettela'at, and is said to receive financial support from Iran. The KSDP executive is based in Sulaymaniyah.

* *Conservative Party of Kurdistan (CPK/Al-Muhafizin)*

The CPK was set up in late 1991/early 1992. The party is mainly clan-based and not very ideological, having links with the Surchi tribe. At first it maintained normal contacts with the KDP and the PUK. Since 1995/1996, however, relations with the KDP have deteriorated considerably, with the KDP suspecting Al-Muhafizin of ties with the PUK. The KDP raid on a Surchi village in 1996, in which the Surchi tribal chief at the time was killed, provides one explanation for deep-felt CPK grievances against the KDP. The CPK has since then in practice no longer been tolerated in KDP territory. The party has ceased to operate there, although the CPK has never officially been banned. The party does operate in PUK territory, though, and until recently had a minister in the PUK government.

⁷⁸ A KSDP splinter group does reportedly have offices in Dihok and Arbil (KDP territory).

* *Iraqi Democratic Liberation Movement (IDLM)*

This is an Arab tribal party, led by the reputedly very wealthy Jebouri family. The party is reported to be on good terms with the KDP and the PUK, but to engage in little activity in Northern Iraq.

* *Parti Kari Sarbakhoy Kurdistan (PKSK/Action Party for the Independence of Kurdistan)*

The fairly small PKSK, led by Yousif Hanna Yousif ("Abu Hikmet"), is represented in the KDP government in Arbil, where the PKSK also has a party office. The party is on good terms with the KDP.

In addition to the above parties, there are also known to be others such as the Kurdistan Democratic Movement (KDM).

2.3.2. External forces

Role of Baghdad ⁷⁹

Great international consternation and outrage were aroused when it became apparent that the Baghdad regime and the KDP were working together in August 1996 to drive the PUK out of Arbil and eliminate the Arab opposition to Saddam Hussein there ⁸⁰. According to the KDP, collaboration with Baghdad was a one-off occurrence and there is now no question of extensive cooperation.

⁷⁹ The Baghdad regime's influence on conditions in Northern Iraq is also considered in section 2.4, describing the security situation in the Kurdish enclave.

⁸⁰ See section 2.2.

Although both the KDP and the PUK condemn Saddam Hussein's regime, the rival Northern Iraqi parties do maintain relations with Baghdad. Iraqis frequently travel to the Kurdish enclave on official business and regular passenger traffic between Central and Northern Iraq is also possible ⁸¹. While there are fairly strict checks, it is quite possible, say, to travel from Kirkuk (in Central Iraq) to Arbil (in KDP territory) and vice versa ⁸². Many students from the three northern governorates attend university in Central Iraq, including children of prominent Kurdish families.

The brisk passenger traffic between KDP territory and Central Iraq provides an indication that the relationship between the KDP and the Central Iraqi authorities seems to have become more normal in a number of respects. It cannot, however, automatically be concluded from apparent signs of a normalisation of relations between the Northern Iraqi parties and the central government that they have formed some kind of alliance. This rather reflects a pragmatic *rapprochement*. The parties concerned cooperate in various areas, where it suits them to do so ⁸³.

Role of neighbouring countries ⁸⁴

The Iraqi Kurdish parties are commonly used as pawns by surrounding countries in the region, which fear that an independent Kurdish state would upset regional stability. The governments in Baghdad, Ankara, Tehran and Damascus have a mutual interest here. The Kurdish parties realise that they are being played off against each other, but can do little about it. Internal dissension between Iraq's Kurds compounds the power vacuum, thus opening the way for outside interference.

⁸¹ Since the cooperation between Baghdad and the KDP in Arbil in 1996, the Dihok and Arbil football teams have again been playing in Iraq's premier league. The clubs' supporters can travel to Baghdad or elsewhere in government territory to cheer their teams on at away matches.

⁸² See also subsection 3.3.4.

⁸³ See also section 2.5.

⁸⁴ The influence of Iran and Turkey on conditions in Northern Iraq as well as the significance of the PKK are considered in section 2.4, describing the security situation in the Kurdish enclave.

Turkey

Relations between Turkey, on the one hand, and the PUK and the KDP, on the other, are heavily influenced by the Turkish campaign against the PKK. Turkey's involvement in the Ankara process and other contacts with the two Kurdish parties in Northern Iraq have to be viewed in that light.

Relations between Turkey and the KDP are good⁸⁵. KDP territory borders on Turkey and the KDP is dependent on border trade with Turkey for a large part of its income⁸⁶. In late March 2000 Nechirvan Barzani paid a visit to Ankara, where Turkey voiced concern at signs of increasing independence in the Kurdish enclave in Northern Iraq. The KDP seems recently to have been in some doubt as to the need for a Turkish military presence in Northern Iraq on such a great scale, especially now that the PKK threat there has declined. KDP circles do question whether the large number of Turkish troops stationed in Northern Iraq in late March 2000 is not out of proportion to the number of PKK members to be fought there⁸⁷.

Relations between the PUK and Turkey are fairly cool. Turkey accuses the PUK of supporting the PKK, although Turkish objections to PUK passivity towards the PKK seem to have abated somewhat during 1999. Turkey does object, though, to the PUK's good relations with Iran. Constructive consultations were in fact held between the PUK and Ankara in early March 2000 on economic and political matters, among others. PUK territory does not border on Turkey and so the party is less dependent than the KDP on keeping on good terms with Turkey.

⁸⁵ See also section 2.4.

⁸⁶ See section 2.5.

⁸⁷ See section 2.4.

Turkey has a special relationship with the Turkmen⁸⁸ in Iraq and is in fact regarded as a kind of protector figure by the Turkmen population there. The Turkmen thus find themselves in a singular position in the political, social and economic spectrum in Northern Iraq. Instances of this include the precedence accorded them in obtaining visas from the Turkish authorities⁸⁹ and the role of Turkmen in the Peace Monitoring Force, as well as their (albeit limited) involvement in the Ankara process⁹⁰. Turkish nationalism among Turkmen in Northern Iraq is fanned from Turkey and Turkish politicians and media regularly address the situation of the Turkmen minority in (Northern) Iraq⁹¹.

Iran⁹²

Keeping on good terms with neighbouring Iran is both economically and politically more important for the PUK than are good relations with Turkey. Border trade with Iran is important for the economy in PUK territory⁹³. According to an Iranian source, "the cross-border trade with Iraqi Kurds at Javanroud's border market [amounts to] \$10 million annually"⁹⁴. Items smuggled include car parts and medicines.

Prominent PUK members can leave Northern Iraq via Iran to travel abroad. When Barzani turned out to have called on Baghdad for assistance in August 1996, Iran lent the PUK its support and many PUK followers were able to escape to Iran.

Nevertheless, relations between the PUK and Iran are not plain sailing. The PUK claims to be a modern, western-oriented party and this does not chime with the Iranian authorities' ideology. Iran attempts to expand its influence in Northern Iraq through the IMK and other Iraqi Kurdish fundamentalists.

⁸⁸ See subsection 3.4.1.

⁸⁹ See subsection 3.3.4.

⁹⁰ See subsection 2.1.2.

⁹¹ See also the Turkish Daily News, 11 January 1999: "Turkomans accuse Ankara, KDP of misguided policies".

⁹² See also the official general report of 21 December 1999 on Iran.

⁹³ See section 2.5.

⁹⁴ IRNA, 13 March 1999.

At the same time, there are a number of Iranian opposition groups based in PUK territory, foremost among them the KDP-Iran (KDPi) ⁹⁵ and Komala. The PUK tolerates the presence of those parties, which have not in recent years engaged in any activities in Northern Iraq. In the interests of good relations with Iran, moreover, the PUK appears more or less obliged not to allow any Iranian opposition activities, or only to permit them a very limited extent. In early 2000 the PUK leader, Talabani, reportedly invited KDPi and Komala representatives for consultations, which was not appreciated in Tehran. Iranian support for the IMK in the local elections held in PUK territory on 3 February 2000 apparently also somewhat cooled relations between the PUK and Tehran.

The KDP's relations with Iran are in fact said to have improved somewhat of late, with agreement to open a KDP office in the Iranian capital.

The KDPi is reported currently to be led by Abdullah Hassan Zadeh. The party has its heavily guarded headquarters at a camp in Koi Sanjaq ⁹⁶.

The KDPi liaison office in Sulaymaniyah has now been closed, but the KDPi does still have a few camps. The party has a reported membership in Northern Iraq of around 3 000 civilians and 500 or 600 *peshmergas*. There is a small KDPi branch office in Arbil and another one in Gomaspan. The KDPi publishes a newspaper and runs a radio station.

The marginalised Komala, which in recent years has not engaged in any noticeable activity in its own country, is led in Northern Iraq by its Secretary-General, Ebrahim Ali Zadeh. The party has one camp, near Zarguz, about 15 km south of Sulaymaniyah, where the party leadership, an estimated 200 to 300 *peshmergas* and a number of families live. The camp comes under the PUK's control and is heavily guarded ⁹⁷.

⁹⁵ The abbreviation IKDP also being used.

⁹⁶ Also known as Koya.

⁹⁷ See also section 2.4.

Syria

The Syrian government does not appear to play any significant role in the Iraqi Kurds' internal disputes. Syria's attitude toward the PUK and the KDP is partly influenced by relations between Baghdad and Damascus, which in spite of some signs of a revival and the formal re-establishment of diplomatic relations in February 2000 have for years been classifiable as poor.

2.4. Security situation

The Washington agreement has made a positive impact on the security situation generally in Northern Iraq, which can at present be classed in relative terms as fair to good. In comparison with the pre-1995 period, the number of violent incidents over the last two years especially has been low. In 1998 hardly any incidents occurred and the overall security situation was classed by very well-informed, independent observers on the ground as unusually quiet. Despite a number of attacks and disturbances in the first half of 1999 in particular, there has been no serious threat to the stability of the region.

Next to no clashes take place between the PUK and the KDP. Each party has its own territory largely under control ⁹⁸. As stated earlier ⁹⁹, there are exceptions to this in the mountainous north of KDP territory, where the PKK is active, and in Halabja and environs in PUK territory, where the IMK has a dominant presence.

Neither the KDP nor the PUK will put up with any acts of aggression by other groups within its own area. Although not all incidents can be prevented, the KDP and the PUK must basically be regarded as capable of protecting the population of their areas from attacks by other forces ¹⁰⁰. Members of certain risk groups ¹⁰¹ may nonetheless find themselves in danger in PUK and KDP-controlled areas, without the KDP or the PUK being able or willing to afford effective protection.

⁹⁸ The PUK and the KDP each have their own police force, security service (the *Asayish*), intelligence service and armed forces. Both sets of armed forces consist in large part of *peshmergas*. A number of other parties also have such armed fighters.

⁹⁹ See section 2.2.

¹⁰⁰ Any violent incidents occurring are generally reported in the regional press.

¹⁰¹ See also subsection 4.2.1.

The number of checkpoints along the front line between the two parties has been considerably reduced since the agreement was reached. Quite a large volume of traffic passes between the areas controlled by the two parties.

The situation in the towns and cities, too, can be classed as relatively normal, albeit with many *peshmergas* on the streets. Virtually all important buildings and individuals are guarded. UN agencies and NGOs have a prominent presence.

Many local observers believe stories of incidents such as bombings and shootings generally to be greatly exaggerated. Attacks and other incidents do nonetheless occur. On 24 January 1999 the PUK Ministry of Humanitarian Aid and Cooperation suffered an attack attributed to Baghdad. Four suspects were arrested.

Three bomb attacks were reported in Dihok and Arbil around 10 March 1999. One of them took place on 8 March 1999 on an office of a Turkmen organisation in Dihok, with suspected PKK involvement¹⁰². On about 11 March 1999 a World Food Programme (WFP) car which had just returned from Mosul was then blown up by a bomb and another bomb went off, placed in a rubbish bin outside the office of the Food and Agriculture Organisation (FAO) in Arbil. The last two attacks were attributed by some sources to Baghdad.

In April 1999 hand grenades were thrown at the home of a member of staff of a British NGO, MEDS, and in an ICRC office, without anyone being killed. The murder on 24 May 1999 of a New Zealander working for UNOPS¹⁰³ was put down to Baghdad. May 1999 brought a few bombings in Sulaymaniyah and Arbil, in which some saw the hand of Baghdad or the PKK. That

¹⁰² See also later in this section as well as subsection 3.4.1.

¹⁰³ A UN agency whose operations include mine clearance. See also subsection 3.4.2.

same month the PKK carried out a few attacks in KDP territory. In June 1999 a UNHCR car was fired on, without anyone being killed. The period from April to June 1999 thus saw a slight increase in the number of attacks, to a few each month, as compared with the preceding quiet period. During 1999 a time bomb was also found attached to a UNESCO car and a grenade was thrown at the UNICEF office.

Since June 1999 there have been very few if any reported incidents about the presence of international NGOs and UN agencies. Two Iraqi IWCP supporters were murdered in October, though, with suspected IMK involvement. The IMK was also believed to be involved in the explosion of a hand grenade on 7 or 8 November at a local liquor store in Arbil. No-one was killed or wounded in this last incident; The first quarter of 2000 also brought a few more attacks on liquor stores and barbers' shops.

In the first half of November 1999 five PKK members were killed in an armed clash with KDP *peshmergas*. Casualties are also regularly still caused by (old) landmines. In January 2000 a newspaper in Bahrain ran an unconfirmed report of the KDP having forestalled attacks on the parliament building and other official premises in Arbil ¹⁰⁴. In early 2000 a few people were wounded in operations carried out against shops selling alcohol. An unsuccessful attempt to assassinate a clergyman, Sheikh Muhammad Mufti, at a mosque in Halabja is reported to have been made on or around 2 January 2000 ¹⁰⁵. A bomb attack was carried out on the IMK office in Arbil on 25 January 2000, with no victims.

Independent, very well-informed local sources nevertheless believe the number of incidents to be limited, at any rate as far as politically motivated incidents are concerned ¹⁰⁶. They deny reports of large numbers of attacks instigated by Baghdad and threats by *peshmergas*.

¹⁰⁴ Al-Ayyam, 11 January 2000.

¹⁰⁵ Brayati, 12 January 2000.

¹⁰⁶ Northern Iraq's flourishing regional economy also creates a risk of business disputes leading to incidents.

More personal, clan-related ordinary incidents do commonly occur. In the fabric of Northern Iraq's predominantly traditional, tribal society, blood feuds and practices whereby disputes are settled in customary ways or people take the law into their own hands are not unknown, although blood feuds are less common than they used to be. Kurdish tribal traditions mean that vendettas, against which the PUK and the KDP cannot always provide effective protection, sometimes cost lives. Murder, abduction, manslaughter and serious injury are encountered. The holding of arms is widespread in Northern Iraq, with the consequence that disputes are not infrequently settled by violence. Adultery may in some instances result in death. Many tribal conflicts down the ages have been bound up with disagreements over marriages, land and/or livestock.

In seeking to resolve blood feuds and similar inter-tribal problems, in addition to the judiciary, in a relatively large number of cases the various families and tribes are also involved. Tribal chiefs are often called in to reach a settlement without any need for a magistrate to intervene. It is common for a conflict to be "resolved" by the payment of blood money and/or by marrying off women ¹⁰⁷.

The PUK and KDP authorities may also intervene to bring about settlements between the families, clans and tribes concerned. Where tribal chiefs cannot agree or in the case of a particularly serious criminal offence (such as murder), the KDP and the PUK will endeavour to ensure that due judicial process operates and that a court judgment is in fact accepted. One means available to the authorities here is the imposition of fines or reduction of sentences.

¹⁰⁷ See also subsection 3.3.5.

However, the ability and willingness of the PUK and the KDP to intervene will depend in part on the power and position of the individuals, families, clans and tribes concerned; the PUK and the KDP will not always take action, not even in the case of "honour killings" in which women and girls are the victims of acts of revenge for allegedly having dishonoured the family and/or tribe¹⁰⁸. Even in cases which (may) involve an offence not centring on tribal aspects, however, the PUK and the KDP will not always intervene. In the second half of 1999, for instance, controversy surrounded the head of the KDP in Dihok, whose (Christian) household help was murdered, according to a number of sources by her employer. In spite of protests by Christian parties, he was not prosecuted and went on to be re-elected as a member of the KDP's central committee in October 1999.

It should also be borne in mind that problems of a traditional, tribal nature arise mainly in the countryside; in Sulaymaniyah, Arbil and other urban centres, tribal ties are of lesser importance, with more scope for departing from traditional Kurdish customs.

Threat from the Baghdad regime

In comparison with the past few years, there is at present no question of any increased threat from the Baghdad regime. No evidence is apparent of members and supporters of the Northern Iraqi parties experiencing any problems with Baghdad¹⁰⁹, although there are some signs that the Central Iraqi secret service still remains active in the area. Its operations seem mainly confined to intelligence gathering and Central Iraqi agents may be trying to infiltrate Northern Iraq. Economic and financial aspects are becoming increasingly significant here; the north's relatively strong economy also arouses interest in Central Iraq on the part of the Iraqi secret service, looking in particular for sources of revenue.

¹⁰⁸ See also subsection 3.4.2.

¹⁰⁹ Following the launching of the *intifada* and Northern Iraq's *de facto* self-government, supporters of the Baath regime have continued living in Northern Iraq.

People in northern Iraq have reportedly been approached by the Central Iraqi secret service in search of information (e.g. confidential technical details of dams and irrigation projects). Such attempts appear to have met with little success, however, with most people in Northern Iraq disinclined to do Baghdad any favours in the first place and the secret service lacking sufficient financial resources to tempt potential informers.

Apart from supplying information, people are sometimes also recruited in order to carry out attacks in Northern Iraq. Such attacks are rare, however, and according to local observers there have been none or far fewer in recent years. The attacks in early March 1999 on a WFP car and on the FAO office may possibly be attributable to Baghdad, which is also cited in connection with the attempted poisoning with thallium of the former Minister for Industry and Energy in 1999 ¹¹⁰.

There is no tangible evidence that Iraqis from Central Iraq who leave for Northern Iraq or have already been living there for some while are generally in danger of attacks by the Central Iraqi secret service, with the exception of a few special risk groups ¹¹¹.

Iraqi troops also reportedly at times engage in fairly small-scale military operations against Northern Iraq. In late 1998 a marked increase in Central Iraqi infantry and artillery was observed along the borderline with Northern Iraq. Some exchanges of fire were reported, with a fatality resulting in one case. On 15 September 1999 the village of Qingrian in PUK territory was reportedly fired on from Central Iraq, also causing one death ¹¹². A small number of similar incidents occurred in 1999 in the vicinity of Arbil and Chamchamal. Central Iraqi troop movements were also observed in 1999 along the borderline with the Kurdish enclave, particularly near Kalar, Kifri and Chamchamal.

¹¹⁰ See also earlier in this section as well as section 3.4.

¹¹¹ See also subsection 4.2.1.

¹¹² Agence France Presse, 15 September 1999.

It is generally assumed that the United States and the United Kingdom will take action against any attacks on the Kurdish enclave by the Baghdad regime. The US ¹¹³ stated in the summer of 1999 that it would take punitive action against any attack by Baghdad on Northern Iraq.

The US and UK operations in Iraqi airspace have no adverse implications for Northern Iraq, except that ammunition from Central Iraqi air defence systems occasionally lands in PUK or KDP territory. In a small number of cases this has caused slight material damage.

Central Iraqi aircraft movements over PUK territory below the 36th parallel (i.e. south of the no-fly zone) have also been observed, probably in an attempt at intimidation, without posing any real military threat.

Role of the PKK

The differences between the PUK and the KDP cannot be seen in isolation from the conflict between Turkey and the PKK. The Washington agreement includes a stipulation that PKK activities in the region are to be banned. The KDP is fiercely combating the PKK, while the PUK has also reportedly of late been distancing itself from the PKK. The PKK is thus currently no longer openly present in Sulaymaniyah and reportedly at present operates only on a very limited scale in PUK territory. The five PKK offices have now been closed down. Whether a PKK hospital has also been so remains unclear, although the PKK does make use of Sulaymaniyah to care for wounded fighters. The newspaper "*Wlat*", published by the PKK in Sulaymaniyah, has apparently ceased appearing there since early January 1999. The PUK nevertheless openly admits that it will not actively combat the PKK. To judge from pro-Öcalan demonstrations in PUK territory in early 1999, the PKK still enjoyed strong support there at the time.

Naturally enough, the PKK has no offices in KDP territory. PKK supporters there automatically risk arrest. The KDP will also take action against anyone collaborating with the PKK. Attacks on senior PKK members in KDP territory cannot be ruled out.

¹¹³ In the person of the Deputy Secretary of State, Strobe Talbott.

There can be no doubt that, as in previous years, the PKK remains militarily active in the region, mainly in the sparsely populated northern border area of the governorates of Dihok and Arbil, but also in a few mountainous areas in the interior of the KDP zone, as well as in the north of the PUK zone. The KDP, which sees the PKK's presence as a threat and fiercely combats the party, seems to have local difficulties above all at night with the estimated few thousand PKK fighters in the area ¹¹⁴. Some thoroughfares in KDP territory are closed as from sunset for that reason ¹¹⁵.

The PKK is mainly active outside the winter season. In May 1999 it attacked the locality of Qasri in KDP territory, killing two people and wounding a few others. According to the KDP, the PKK assailants came from PUK territory; according to the PUK, they came from Iran. There are unconfirmed reports of the PKK having in early June 1999 killed five people and wounded eleven in a raid on a village near Hamciumran, in KDP territory close to the Iranian border ¹¹⁶.

The PKK usually scales down its operations from November to April each year, when PKK fighters mostly withdraw into the mountains along the Turkish-Iraqi border. In late 1999 armed PKK units reportedly again withdrew to "hibernate" in inhospitable mountainous terrain. The initial, winter months of 2000 brought very little news of any armed clashes between the Turkish army or the KDP and the PKK in Northern Iraq.

The PKK is said to have laid landmines in various places in the past. It is also common knowledge that in recent years the PKK has carried out repeated attacks in Northern Iraq, some of them proving fatal. A regional KDP leader was reportedly killed together with his family by a PKK car bomb in Dihok in August 1998¹¹⁷. The PKK was also linked with the attack on the Iraqi Turkoman Front in Dihok on 8 March 1999, as well as with a married couple reportedly arrested that same month when preparing to carry out an assassination attempt on the KDP Prime Minister with ten kilos of explosive.

¹¹⁴ There being a well-known saying that: "The day belongs to the KDP, the night to the PKK".

¹¹⁵ One example being the Dihok-Atrush-Aqrah road, which is heavily guarded by KDP *peshmergas*. The Amadiyah-Delarok road was reopened in the second half of 1999.

¹¹⁶ Hürriyet, 4 June 1999.

¹¹⁷ IRNA, 4 August 1998.

During 1999 the scale of the PKK presence in Northern Iraq seems to have declined. The number of incidents involving the PKK has fallen. In October 1999 Turkish armed forces in Northern Iraq carried out a large-scale operation against retreating PKK units.

There remain an estimated 2 000 to 3 000 PKK members, divided up into smaller groups, in the area along Northern Iraq's border with Iran. The PKK has also apparently partly withdrawn into Central Iraq. It is present to some extent in Syria as well.

It would appear, however, that cooperation between the KDP and Turkey is increasingly forcing the PKK on to the defensive. In addition, Turkey and Iran reached agreement on 12 August 1999 to work together in combating the PKK ¹¹⁸. An agreement to do so was reportedly signed the next day ¹¹⁹.

On 25 August 1999, after on a number of previous occasions offering Turkey a ceasefire or calling for a renunciation of violence, the PKK announced its withdrawal from Turkey ¹²⁰. The PKK is also reported to have repeatedly appealed to the KDP for a ceasefire, appeals rejected by the KDP. In September 1999 the KDP leader, Barzani, pointed to the disastrous effects of the PKK's presence in the region, saying that they PKK was only interested in laying landmines and blowing up schools and mosques ¹²¹.

The PKK now appears to have changed its strategy in Northern Iraq; after in previous years maintaining more or less permanent bases, the party seems recently to have switched to smaller, nimbler, more mobile groups of fighters.

In January 2000 the PKK held its seventh party congress at a secret location, possibly somewhere in the PUK-controlled part of Northern Iraq.

¹¹⁸ Anatolia press agency, 12-13 August 1999; Deutsche Presse-Agentur, 12 August 1999.

¹¹⁹ See also the official general report of 17 September 1999 on Turkey (DPC/AM-659382), p. 23.

¹²⁰ *Ibid*, pp. 19-24.

¹²¹ Interview with Radio Free Europe, 20 September 1999.

The Northern Iraqi population have in the past supported the PKK, in some cases for financial reward. In addition, the PKK has on occasion forced the population in the north of Northern Iraq to supply food or other assistance. The PKK has also reportedly brought pressure to bear on Iraqi Kurds to serve as PKK fighters, enticing them with the prospect of good pay and a promise that, after serving for a set term, they would be able to leave for Western Europe.

From 100 to just over 400 villages and hamlets in the mountainous area bordering on Turkey have reportedly now been evacuated or destroyed ¹²² as a result of the conflict with the PKK. The inhabitants of such villages have been driven out, mostly fleeing southwards and often now living as displaced persons in camps elsewhere in Northern Iraq ¹²³.

Role of Turkey

The Turkish army seems to have a semi-permanent presence in the KDP part of the border area, varying from a few hundred to thousands of men. With the KDP's consent, the Turkish army frequently moves further inland to fight the PKK. On 1 October 1998, for instance, 10 000 Turkish troops reportedly crossed the Turkish-Iraqi border ¹²⁴, supported by fighter aircraft ¹²⁵. Turkish military operations were also carried out in Northern Iraq in November 1998 ^{126 127} and again in 1999 ¹²⁸. Turkish and other newspapers reported 20 000 Turkish troops entering Northern Iraq in November 1999 ¹²⁹. Baghdad regularly protests at the Turkish military presence in Iraq; the Baghdad government has in the past called on the United Nations to force Turkey to withdraw its

¹²² Figures vary and may depend on the source.

¹²³ See subsection 4.2.2.

¹²⁴ ANP, 4 October 1998; Agence France Presse, 4 October 1998.

¹²⁵ Deutsche Presse-Agentur, 5 October 1998.

¹²⁶ Reuters, 8 and 9 November 1999.

¹²⁷ Human Rights Watch, World Report 1999.

¹²⁸ Reuters, 29 September 1999; Financial Times, 30 September 1999.

¹²⁹ Reuters, 9 December 1999.

troops from Iraqi territory ¹³⁰. On 30 November 1999 Iraq condemned the "fresh military incursion into its north" ¹³¹. On 30 March 2000, with KDP support, Turkey launched its spring offensive against the PKK in Northern Iraq, with the deployment of an estimated 5 000 to 10 000 plus Turkish troops.

In the past, PUK positions have also come under fire from the Turkish army and Turkish tanks have been observed along the KDP-PUK demarcation line. Turkey's presence is plainly visible in the form of checkpoints, military camps and vehicles. However, even the Turkish army with its abundant presence, working together with the KDP, has not up to now managed to put a halt to PKK activities. Clashes between the Turkish army and the PKK are mostly localised affairs. In December 1999 it was reported from Turkey that Turkish forces had dismantled the Sinaht PKK camp, one of the main PKK bases in northern Iraq ¹³².

In 1998 Turkish tanks were reported in Amadiyah and Digala. Within Northern Iraq the Turkish army has laid a parallel road in the vicinity of Aqrah and a few other roads more easily negotiable by tanks. The Turkish army apparently also installed a new border crossing for tanks in the vicinity of Kani Masi in late 1998/early 1999.

There is no Turkish military presence in PUK territory.

In April 1998 the Turkish army abducted from Dihok the PKK's former No 2, Semdin Sakik, who according to unconfirmed reports had defected to the KDP. Sakik, who had fallen out with the PKK leader, Öcalan, had shortly before taken refuge in KDP territory. A Turkish army elite squad reportedly carried him off to Turkey ¹³³. Under interrogation by the Turkish military intelligence service, Sakik is said to have supplied important information about PKK positions in Northern Iraq ¹³⁴.

¹³⁰ Letter of 1 August 1999 from the Iraqi Permanent Representative at the UN to the UN Secretary-General.

¹³¹ Reuters, 9 December 1999; Iraqi News Agency, 9 December 1999.

¹³² Milliyet, 11 December 1999.

¹³³ Official general report of 17 September 1999 on Turkey, pp. 18-19.

¹³⁴ Rumours abound regarding Sakik's arrest. According to a few sources, Sakik defected to Turkey.

Military cooperation between the Turkish armed forces and the KDP authorities, going back to 1997, seems to have had relatively little impact on the local civilian population. In that way the military operations carried out by the Turkish army in Northern Iraq as from late 1997 differ significantly from earlier operations; there are likely to have been quite a large number of civilian casualties during the period before the Turkish army was working with the KDP. The number of casualties among the civilian population has since fallen considerably, with fighting concentrated in a geographically limited, sparsely populated mountainous area in the north of Northern Iraq.

Since late 1999, moreover, there is now (renewed) cooperation in military matters between the PUK and Turkey, with a Turkish military intelligence office opened in Sulaymaniyah. Cooperation expressly does not extend to military operations, which may not anyway form a priority for Turkey, given the limited presence of armed PKK members in PUK territory. Earlier cooperation had ceased in 1997, after a number of PUK members were killed in a Turkish air raid on the area between Galala and Koi Sanjaq.

Role of Iran

As a result of cooperation between Iran and the PUK, the Iranian security services are able to operate in PUK territory. Iran's Ettela'at intelligence service has an office in Sulaymaniyah, from which it no doubt keeps track of Iranian opposition activities; The PUK does place limits on Ettela'at's work and is reported to have taken action against Iranian agents on a few occasions in 1999.

The PUK cannot, however, afford the Iranian opposition full protection in Northern Iraq. In the interests of good relations with Iran, the extent of the PUK's willingness to protect the Iranian opposition within PUK territory is open to question. Both Komala and the KDPi have in the past formed frequent targets for the Iranian army, while the Iranian security service has often carried out killings and other operations against (suspected) members of the Iranian opposition.

There seems to be a risk of attacks by the Iranian security service for middle-ranking members in particular, the leaders being better protected. KDPi *peshmergas* have in the past only proved able to provide adequate protection for the party leadership. On 5 December 1997 five KDPi members were assassinated in the vicinity of Koi Sanjaq. According to some foreign sources in the region, from 1995 to 1998 at least 175 Iranians were killed by the Iranian secret service. Other observers put the figure much lower.

Especially in the capital, Sulaymaniyah, KDPi supporters in the past risked assassination, although the number of attacks has fallen dramatically in recent years. There are reported to have been a few attacks attributable to the Iranian secret service in 1998. To the best of our knowledge, there were no Ettela'at attacks in 1999. A security risk may nevertheless still be faced by (suspected) Komala or KDPi members in PUK territory.

The Iranian secret service does not appear able also to carry out operations in KDP territory. Nor does there seem as much reason to, since the KDP does not encourage members of the Iranian Kurdish opposition to move into its territory, where there is practically no scope for them to settle. The small number of KDPi members in the KDP zone are relatively safe, as the KDP will not tolerate any attacks by Iranian agents. However, the presence of the Iranian secret service (or its informers) in KDP territory cannot be ruled out.

No further large-scale military operations by Iran have been observed in recent years. Around 1993/1994 Iranian aircraft reportedly struck at Komala positions in Northern Iraq. In 1996 the KDPi camp in Koi Sanjaq was bombed.

2.5. Social and economic situation

Social and economic conditions took a relatively favourable turn during 1999. Northern Iraq visibly enjoys a higher standard of living than Central Iraq, prompting some people in Central Iraq to leave for the north. In addition, the humanitarian situation in Northern Iraq can also be considered far better than in Central Iraq.

Under the oil-for-food programme, 13% of the proceeds go to Northern Iraq, where 13% to 15% of

Iraq's total population live, while Central Iraq, where 85% to 87% of the population live, receives 57% ¹³⁵. The oil-for-food programme has recently released sizeable funding for infrastructure maintenance and improvement. There are many construction projects under way. Oil-for-food efforts in large part take the form of emergency relief.

The KDP and the PUK hold regular consultations on the use of oil-for-food funds and on project planning and implementation. On 1 February 2000 the PUK-KDP Joint Follow-Up Committee for SCR 986 met in Arbil to discuss education, electricity, health, agriculture and construction, in the light of the allocation of nearly USD 300 million in additional oil revenue under Security Council Resolution 986 ¹³⁶.

The international sanctions against Iraq seem to be felt less severely in KDP territory in particular, owing to the lucrative cross-border trade with Turkey, especially in oil from Central Iraq. Such oil comes in large part from oilfields near Kirkuk, being carried to Northern Iraq by tanker or lorry and from there transported to Turkey ¹³⁷. The KDP is reported to earn USD 0,8 to 1,2 million a day from oil smuggling ^{138 139}. Depending on the source, there are said to be from some 300 to 1 000 lorries a day involved. Such oil smuggling also forms an important source of income for the Baghdad regime¹⁴⁰.

¹³⁵ The remaining 30% being used for UN (operational) costs, aid for (Kuwaiti) war victims and other funds. See also later in this section.

¹³⁶ Brayati, 1 February 2000.

¹³⁷ Reuters, 26 December 1998.

¹³⁸ The figure fluctuates, of course, partly as a result of international oil market trends.

¹³⁹ The KDP's earnings apparently fell in the first quarter of 1999. Since the start of the US and UK bombing of Central Iraq in December 1998, which also hit some of the oil infrastructure, decreased oil production and exports seem also to have affected the KDP's takings. The popularity of the KDP, which depends more heavily than the PUK on its financial capacity, has suffered as a result.

¹⁴⁰ Amnesty International letter, Amsterdam, 9 June 1999.

Mainly as a result of the earnings from oil smuggling, large quantities of goods can be imported from Turkey and supplied cheaply in Northern Iraq. The KDP also earns a ready income from cigarette trading, reportedly engaged in together with Uday, a son of Saddam Hussein ¹⁴¹. In PUK territory, import and export earnings are more modest than in KDP territory, as are the proceeds of smuggling, which involves (illegal) transit of tobacco, tea and alcohol to Iran.

This gives rise to a marked difference in standard of living between KDP and PUK territory, in favour of the former ¹⁴². Houses, roads and cars in the KDP area look better kept than in the PUK area, with fairly large quantities of Turkish consumer goods and other products also being available there.

It should further be noted that the many people from Northern Iraq living abroad ensure sizeable remittances to the Kurdish enclave, chiefly from Western Europe.

In addition, a relatively large-scale development effort is currently being made in Northern Iraq by way of projects and aid schemes. Unlike in Central Iraq, many international NGOs operate there. Largely on account of the oil-for-food programme, there is also a considerable, visible presence of UN agencies ¹⁴³. No substantial shortage of medicine is felt. Nor does the food situation pose any problem; there is no acute malnutrition ¹⁴⁴.

¹⁴¹ Goods are smuggled on a large scale across the lake from Mosul (the border between KDP territory and government territory), at Kamasimarash, an Iranian border point between PUK territory (Qala Diza) and Iran (Sar Dasht), and at Ibrahim Khalil, the border crossing into Turkey.

¹⁴² A start was reportedly made in 1999 on revenue sharing, under the Washington agreement, without any kind of formal arrangements appearing to have been made. A seemingly extremely fragile *ad hoc* approach seems instead to have been followed, with the KDP around January 1999 supplying the PUK with a sum of USD 60 million. As a result of that transfer, the PUK was reportedly able to pay overdue salaries, but a few construction projects in KDP territory came to a standstill, thus reducing already hard-to-find employment. As stated earlier, the PUK-KDP talks on 22 October 1999 brought little progress on revenue sharing, although the KDP did pay the PUK a sum of IQD 50 million. See also subsection 2.3.1.

¹⁴³ Some sources doubt whether Northern Iraq has sufficient absorption capacity for the large influx of projects and funds.

¹⁴⁴ Evaluation of the humanitarian situation in northern Iraq (on the request of and financed by the European Commission), consultant Teuvi Määttä, 7 July 1999.

In spite of the recent improvements, the overall economic situation in Northern Iraq cannot be unqualifiedly classed as favourable for all sections of the population. Income and prosperity are unevenly distributed. The average standard of living remains not very high. Northern Iraq also has widespread unemployment and wages are low ¹⁴⁵, albeit far higher than in Central Iraq. As a guide, a doctor at a state-run hospital in KDP territory earns USD 80 (equivalent) a month and a teacher USD 20. A *peshmerga* earns about USD 25 a month. A university professor in Sulaymaniyah officially receives a monthly salary of around USD 100. In PUK territory, however, civil servants sometimes cannot be paid, as ministries and other public institutions do not have the funds. Not surprisingly, as in KDP territory, there is corruption, with no action taken against it. The area is also struggling with overstaffing in the civil service, which points to concealed unemployment. The KDP zone apparently has 200 000 civil servants, although only 60 000 are needed. Providing them all with an income is a problem.

Like pay, the cost of living is low; USD 1 000 would be adequate to meet the cost of living for a year. The following (converted) food prices¹⁴⁶ (per kilo) serve as a guide: tomatoes: NLG 0,35 [EUR 0,16]; rice: NLG 0,38 [EUR 0,17]; sugar and imported bananas: NLG 0,75 [EUR 0,34]. A local (flat) loaf of bread costs NLG 0,05 [EUR 0,02].

As regards housing, a two-bedroom single-family house in KDP territory would have cost around USD 1 000 to 1 200 to buy in mid-1999. There is also simple housing for sale for a little under USD 1 000. A token fee is charged for treatment at state-run hospitals in KDP territory. For most kinds of treatment, medicine is generally available and usually supplied free of charge ¹⁴⁷.

¹⁴⁵ Amnesty International letter, Amsterdam, 9 June 1999.

¹⁴⁶ As applicable in KDP territory during 1999.

¹⁴⁷ An official report on health care and medical facilities in Northern Iraq is to be issued shortly.

The international embargo on Iraq, which also affects Northern Iraq, has in time led to a shortage of parts and inadequate maintenance. Despite recent infrastructure improvements under the oil-for-food programme, there are still factories at a standstill on account of a lack of spare parts, which has also had an impact on electricity supply. This has in the past often proved inadequate because of power stations' inability to operate to capacity. As matters currently stand, Northern Iraq relies largely on the dams at Dukan and Darbandikhan, which are situated in PUK territory and also serve irrigation purposes (for parts of Central Iraq as well). As a result of inadequate rainfall and snowfall in 1998, both lakes virtually dried up. This put out of action some turbines at the Lake Dukan power station, which supplies power to both PUK and KDP territory, leaving the power station only partly operational. A city like Sulaymaniyah thus received only a few hours of power a day. Similar water shortages arose in 1999. Sulaymaniyah therefore had only about an hour of electricity a day. Arbil and Dihok fared better. The KDP is reported also to receive electricity supplies from Central Iraq. Persistent snowfall in the initial, winter months of 2000 brought an improvement in the situation. In early March 2000 about eight hours of electricity a day were available, both in Sulaymaniyah and in Arbil and Dihok.

Business seems to be booming in the communications industry. The PUK and the KDP each have satellite television. The KDP is pressing ahead with the establishment of a mobile 'phone network. The number of Internet cafes shows steady growth.

The lower-lying parts of Northern Iraq are fertile, thus normally ensuring supplies of domestically produced foodstuffs. However, the oil-for-food programme, which includes supplies of cheap or even free foodstuffs, has caused problems for local farming by bringing a substantial fall in food prices. This has left farmers unable (now) to produce profitably. It is not worth selling on the local market, as prices are too low, while the region cannot export its produce under the current UN sanctions. A complaint frequently heard in Northern Iraq is that the programme has reduced the Kurds there from agricultural producers to food consumers. Farming has traditionally formed the mainstay of the regional economy; as most of the working population in Northern Iraq earn their livelihood from farming, the local authorities are apprehensive about the long-term effects of the oil-for-food programme. Farming is also hampered by the presence of minefields, their precise location often unknown, especially near the border with Iran.

An increasing feature of the social and economic situation of late has been an apparent greater interest in the role of religion in society. Growing numbers of people seem to be seeking refuge in religion. Mosque attendance and traditional headscarves enjoy greater popularity than they used to. The Islamic parties are gaining influence. Some observers see in this a development of Islamic fundamentalism in Northern Iraq.

Halabja

Halabja, which was seriously affected by the Anfal campaign ¹⁴⁸, can be unqualifiedly described as being in a bad way, in humanitarian, social and economic terms. Many homes in the town still lie in ruins and public facilities there are inadequate. The effects of the chemical attack on 16 March 1988 remain plain to see in Halabja and neighbouring Khurmal. According to the IMK, Khurmal was at the time even worse affected by the poison gas attacks than Halabja.

Halabja and the surrounding area receive less foreign assistance than other parts of Northern Iraq. International organisations put this down to difficulties in cooperation with the IMK, including over the use of female staff. However, the town is not entirely overlooked and Islamic NGOs in particular, including the Saudi IIRO, do operate in Halabja. The Saudi government has contributed to the reconstruction of Halabja with the building of a grand mosque.

2.6. Conclusions

The KDP and the PUK exercise *de facto* authority in Northern Iraq. Little can be said with any certainty as to the permanence of that state of affairs; what is clear is that the Washington agreement concluded between the PUK and the KDP on 17 September 1998 has proved important in consolidating (political) stability in Northern Iraq. Time has shown, however, that by no means all of the points agreed on in Washington are being complied with. Regular mutual consultations have so far been held in order to give effect to further cooperation between the two parties. There remain significant outstanding differences over issues such as revenue and power sharing and prisoner exchanges.

¹⁴⁸ See also subsections 2.1.2, 3.3.3 and 3.4.8.

The general security situation in Northern Iraq can at present be classed in relative terms as fair to good. The number of incidents and attacks is lower than in the past. The PKK's position seems to have declined. There is no acute or, in comparison with previous years, increased threat from the Baghdad regime, although Central Iraqi secret service informers do operate in Northern Iraq. There has not in the recent past been any serious threat to stability in the region. The social and economic situation in Northern Iraq has improved of late.

3. Human Rights

3.1. Safeguards

3.1.1. Constitution

In principle the Iraqi constitution applies in Northern Iraq also.

The basis for legislation in Northern Iraq is still the Iraqi constitution, adjusted on those points which would be detrimental to Northern Iraq's own position.

3.1.2. Other national legislation

When the autonomous area in Northern Iraq was created, the Northern Iraqi authorities continued to apply the bulk of Central Iraqi law. Since 1991 sections of Central Iraqi law have been repealed. In recent years, the Northern Iraqi authorities have also added legislation of their own. Some provisions of Iraqi law that are incompatible with the autonomy of Northern Iraq have been repealed. One example is the scrapping of the rules on the Baath Party. An example of own legislation is the introduction of the death penalty for premeditated murder of a foreigner or an employee of the UN or a humanitarian organisation ¹⁴⁸.

The North also has its own family law, which is applied in keeping with individuals' religion. This ensures that Christians are not subject to Islamic law. Tribal law may also play a role in Northern Iraq. For example, an offence may escape prosecution if it arises from a tribal conflict and the parties wish to settle their dispute amongst themselves.

¹⁴⁸ See section 3.3.9.

3.1.3. Conventions

In principle the international human rights conventions to which Iraq is a party apply ¹⁴⁹. Northern Iraq cannot accede to human rights or other international conventions on its own account.

The KDP has stated that it abides by the 1997 Anti-personnel Mine Convention ¹⁵⁰ as far as possible ¹⁵¹. Iraq has not signed that Convention.

3.2. Monitoring

The presence of many international aid organisations in Northern Iraq is beneficial to the observance of human rights there. The Northern Iraqi authorities are very well-disposed to the activities of the international organisations in Northern Iraq and as a rule cooperate fully in the implementation of programmes.

The activities of the ICRC, the UNHCR, the UNGCI and other UN organisations give them a clear picture of the human rights situation. UN representatives deal inter alia with the issue of displaced persons and intercede with the KDP and the PUK in that connection.

The ICRC ¹⁵² has offices in Dihok, Arbil and Sulaymaniyah. The ICRC visits detention centres in Northern Iraq to monitor the material conditions in the prisons and the treatment of detainees. At present the ICRC regularly visits between 500 and 600 prisoners in 40 detention centres. The ICRC tries to promote awareness of and respect for international human rights. It impresses on the local authorities the need to safeguard human rights, in particular citizens' rights and the rights of the injured, the sick and detainees. In the past the local authorities have been receptive to ICRC recommendations and have implemented many of them.

¹⁴⁹ See the official general report on Central Iraq of 15 April 1999.

¹⁵⁰ Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, Ottawa, 1997.

¹⁵¹ Letter of 3 October 1999 from the KDP leader, Marzoud Barzani, to the UN Secretary-General, Kofi Annan.

¹⁵² See also subsection 3.3.6.

The UNHCR also has offices in Northern Iraq – in Dihok, Arbil and Sulaymaniyah. The UNHCR's work in Northern Iraq focuses chiefly on displaced persons forced out of the country. It provides protection and material assistance. The UNHCR is also involved with the resettlement of recognised refugees.

In 2000 the UNHCR plans to run a training programme in refugee law for local NGO workers.

The international and local staff of the United Nations Guard Contingent in Iraq (UNGCI) in Northern Iraq is scattered throughout the governorates of Dihok, Arbil and Sulaymaniyah. The most important task of the UNGCI is to monitor developments in the security situation in Northern Iraq. To that end it patrols the whole of Northern Iraq and maintains close contact with the local authorities, UN bodies and NGOs. The UNGCI presence in Northern Iraq since 1991 has been a very important factor in increasing security, in particular for aid workers in the area. The UNGCI advises humanitarian organisations on security matters and where necessary escorts convoys and staff of the aid organisations. The UNGCI works under the aegis of the United Nations Office of the Humanitarian Coordinator for Iraq (UNOHCI) in Arbil. The UNOHCI also has an office in Sulaymaniyah. The UNOHCI's most important task is coordinating the overall implementation of projects by the local authorities, UN bodies and NGOs.

The Northern Iraqi community itself has developed its own human rights initiatives. A number of local human rights organisations are active in Northern Iraq. In practice most of these organisations are linked with one of the many political groups there. In some cases (the PUK and the Islamic Union Party, for example) the party has an official separate human rights section. Both the PUK and the KDP have a separate organisation to deal with women's issues.

The office of the Centre for Human Rights is located in the Northern Iraqi town of Shaqlawa. The organisation is a subdivision of the ICP.

The Kurdish Human Rights Organisation (KHRO) was founded in 1991 and has offices in Dihok, Arbil and Sulaymaniyah.

The Society of Political Prisoners of Kurdistan (SPPK), also founded in 1991, deals mainly with the needs of political prisoners in Central Iraqi detention. The SPPK is currently active in Sulaymaniyah.

3.3. Respect and violations.

Many local and international observers in (Northern) Iraq agree that the human rights situation in Northern Iraq has improved markedly in recent years. A striking feature is the cooperative attitude of the PUK and the KDP and their collaboration with international organisations, as well as the number of measures recently taken by the local authorities to improve human rights in the area.

3.3.1. Freedom of opinion

There is considerable political freedom in Northern Iraq. Within the latitude permitted by the leading groups, freedom of expression does exist and individual views can be asserted. However, criticism of the KDP in the KDP area and of the PUK in the PUK area is tolerated only up to a point. The smaller parties seem to exercise a form of auto-censorship. There have been no reports in recent years of political activists belonging to one of the smaller parties being arrested for criticism of the PUK or the KDP. Substantial criticism of the dominant party in an area is, however, likely to cause problems, particularly for independent intellectuals. People are seldom incarcerated for years on end in Northern Iraq solely because of their political convictions.

Freedom of the press and freedom of expression are better respected in Northern Iraq than in most of the surrounding countries. Political parties and interest groups can broadcast via their own regional TV stations¹⁵³ and print their own newspapers and other publications. Like the Assyrians, the Turkmens have also set up various political parties.

¹⁵³ Examples of local TV stations include PUK tv, KTV (KDP) Azardi tv and Ashoor tv (ADM). MED tv, the PKK's satellite transmitter broadcasting from Western Europe, can also be received in Northern Iraq.

3.3.2. Freedom of association and assembly

Countless organisations and many political parties are active in Northern Iraq. Minorities, too, have the right to form political parties. Freedom of association and the possibility of political participation are nevertheless subject to restrictions in Northern Iraq. The limits set, chiefly by the KDP and the PUK, have to be respected; the basic premise is that the power base of the PUK and the KDP must not be interfered with. However, most parties are able to conduct their activities reasonably freely and to hold public meetings. The situation regarding the compulsory registration and the authorisation of political parties is unclear, since it is hard to tell what criteria are applied.

There is more room for political opposition in the PUK area. Tolerance of dissidents is greater than in the KDP area, a fact which may be attributed to the PUK leader Talabani, who is regarded as a supporter of more open dialogue. The PUK leadership constantly proclaims its support for open, modern, pluralist politics, with parties operating freely.

PUK and KDP supporters are not allowed to engage in actual political activity in the other party's area. PUK and KDP supporters who are politically active in the territory of the rival party may be imprisoned or, sometimes after a short period of detention, be expelled from the area.

The bulk of the population, however, has no political allegiance. As a rule, citizens who are not politically active are not forced to take sides in the rivalry between the KDP and the PUK.

3.3.3. Freedom of religion

The majority of the people of Northern Iraq are Sunni Muslims. Minorities include Christians and Shiites.

In Iraq there has always been tension between Sunnis and Shiites, based less on religious differences than on political affiliations and the tribal background. In Northern Iraq that tension is much less a factor because of the small number of Shiites. Apart from Muslims, Assyrians and various other Christian communities live in Northern Iraq, as well as followers of other religions, such as Yazidis.

There is freedom of religion in Northern Iraq. Conversion does not appear to entail legal consequences there.

Conversion from Islam to Christianity may, however, create difficulties. In a society largely governed by tradition, the reaction to apostasy¹⁵⁴ and conversion may indeed involve physical violence. In Iraq Islamic law¹⁵⁵ has had only scant impact on the national legal code, but in conservative Northern Iraqi circles the tenets of Islamic law are regarded as important guiding principles.

For various reasons marriages between Muslims and Christians are very rare. People usually marry within their own circle; families do not approve of relatives marrying into another faith. This applies both to Muslims and to Christians. Marriage between Christians and Muslims is not, however, forbidden by law. While such marriages are unthinkable in country areas, civil marriages between partners of different faiths can be celebrated in the larger towns.

¹⁵⁴ Van Dale's *Groot Woordenboek der Nederlandse Taal*, 11th edition, 1989, defines apostasy as loss of faith or belief.

¹⁵⁵ Arabic: sharia.

Nevertheless, marriage between a Christian man and a Muslim woman is culturally unacceptable and is resisted. Marriage between a Muslim man and a Christian woman is more readily accepted and results in fewer problems or none at all. The female partner in such a marriage is not obliged to convert, but most do (not always willingly). Children of such a marriage must be brought up as Muslims. The religious education of the children of a marriage between a Christian man and a Muslim woman may, on the other hand, create problems.

Since mixed marriages are so rare, there is little evidence of an increase in problems in this connection ¹⁵⁶.

The extent to which mixed-faith marriages are accepted also depends in any case on the region, the (political and economic) situation of those involved and their family and clan. The PUK and the KDP mostly try to prevent trouble arising from such problems between religions, and in any event to avert confrontations involving large clans. In the PUK area such problems are much less frequent because of the small number of Christians.

Marriages between Christians of different denominations are commonplace and in principle create no problems.

¹⁵⁶ A recent incident, reported to have taken place in Shaqlawa in 1988 or 1999, involved a Muslim man married to a Christian woman. The woman's family was so opposed to the marriage that they murdered the couple. The principals (the woman's father and brother) were arrested, but before they could be brought to trial a large group of the man's relatives stormed the detention centre, abducted the father and brother and killed them. A third person also died in the disturbance. The man's relatives were to be prosecuted and risked the death sentence or life imprisonment. The incident reportedly received much publicity, prompting the KDP leader, Barzani, to go in person to Shaqlawa to calm the situation. This incident may be regarded as very unusual; we know of no similar occurrences in recent years.

Islamic parties

The influence of the various Islamic parties and groups is perceptibly on the increase in Northern Iraq. This stems from the economic situation in the area in recent years, but in the KDP area seems also partly due to the decline in popularity of the KDP leadership following the personal enrichment of the party bosses from sales of oil.

Islamic organisations generally function within the limits set for them by the KDP and the PUK. The nature of these groups varies from the peaceful to the violent. From a political viewpoint, these groups are by no means unimportant because they are susceptible to foreign intervention. Although the KDP and PUK are economically and militarily dependent on the neighbouring countries, they are less easily influenced than these smaller parties.

The smaller parties in question are:

* *Jegertou/Islamic Union*

The largest Islamic party in Northern Iraq at present is the outwardly not very fundamentalist Kurdistan Islamic Union (Jegertou ¹⁵⁷), which is the third largest party in Northern Iraq after the PUK and the KDP ¹⁵⁸. It is also known as the "Islamic Unity Party" ¹⁵⁹. El-Rabita is increasingly active in the PUK area and especially in the KDP area, and is in the KDP-dominated government. The Minister of Justice is a member of the party, which includes many intellectuals. The party does not have its own *peshmergas*. It is socially active at local level and maintains good relations with both the KDP and the PUK.

Jegertou increasingly appears to be developing into the third party of Northern Iraq. In the student elections mentioned above it polled 30 percent of the vote in Dihok and 23 percent in Arbil. In the PUK area too the party was relatively successful, coming second to the PUK with 11 percent of the vote.

¹⁵⁷ The Arabic word "Rabita" means "alliance" (also: league, union or confederation). The Kurdish word "Jegertou" also means "alliance" and should not be confused with the non-religious "Jegerteen" which was absorbed by the KDP in 1993.

¹⁵⁸ See also subsection 2.3.1.

¹⁵⁹ Not to be confused with the non-religious "Jegerteen" which was absorbed by the KDP in 1993 and 1994. It was a confederation of the Socialist Party, the Social Democratic Party and the People's Party.

The party reportedly receives support from Saudi Arabia ¹⁶⁰.

* *Islamic Movement of (Iraqi) Kurdistan (IMK or IMIK* ¹⁶¹

A very different line is taken by the conservative/religious Islamic Movement of (Iraqi) Kurdistan (in Arabic: Al-Haraka al-Islamiyya fi Kurdistan al-'Iraqi), founded at the time of the Iran-Iraq war in 1986 and led by mullah Ali Abdulaziz Halepchei, who took over the leadership following a dispute with his brother, mullah Osman Abdulaziz Halepchei. Osman, now deceased, moved earlier to Arbil with a number of moderate IMK members.

The IMK (Kurdish: Bizutnewey Islami li Kurdistani Iraq ¹⁶²) effectively controls the area south of Sulaymaniyah, in and around the town of Halabja ¹⁶³. The area comprises the three districts of Halabja, Biyara and Khormal. In Halabja and district Islamic rules of behaviour are strictly followed. All women wear the Chador ¹⁶⁴. In contrast to other parts of Northern Iraq, alcohol is strictly forbidden in the towns, as are other "Western" items such as satellite dishes.

It would be going too far to talk of a "third region" in Northern Iraq. The PUK is present in Halabja and the IMK is in the PUK-dominated government there ¹⁶⁵. The IMK currently maintains good relations with both the KDP and the PUK. Co-operation between the Western-leaning PUK and the Islamic IMK seems principally to be an opportunistic coalition dictated by pragmatic considerations. On 18 January 2000 the PUK leader, Talibani, had talks in Halabja with the IMK leadership.

The IMK is often in conflict with communist parties, which accuse the IMK of torturing communists. They disagree in particular over the role of women in society.

¹⁶⁰ Kurdistan, Ulkomaalaisviraston julkaisu 1/Directorate of Immigration, Helsinki, 5 August 1999.

¹⁶¹ Following a merger became the Islamic Unity Movement; see below in this subsection. Since in reality it is a continuation of the IMK, this report continues to use that name.

¹⁶² Ibid.

¹⁶³ See also section 2.5.

¹⁶⁴ See also subsection 3.4.8.

¹⁶⁵ Fighting broke out between the PUK and the IMK at the beginning of 1994.

There are regularly reports of IMK intimidation of those who refuse to conform to Islamic rules of behaviour. Various sources in the region confirm that in and around Halabja the IMK is still capable of intimidation and violence against, for example, people leading a "Western lifestyle ". In the past the IMK has committed several murders and abductions.

Any categorical assertion that the IMK constitutes a real threat to dissidents outside the Halabja area must be contradicted, for it is not entirely clear to what extent it is active outside Halabja and district. It does certainly issue threats against, in particular, the leaders of other political parties which it regards as failing to take an insufficiently Islamic line. Sometimes these threats are anonymous. While anonymous threatening letters may be sent, it is often a case of verbal intimidation, exhorting others to follow Islamic rules of behaviour. Intimidation by Muslim fundamentalists appears to have increased in recent months. IMK-inspired incidents outside Halabja and district seem to be fairly rare. For example, two Assyrians were killed in attacks in Arbil in January 1999 which were ascribed to Muslim fundamentalists, and specifically to ex-IMK splinter groups. Occasional attacks by the IMK outside Halabja too cannot be ruled out entirely. In recent months assaults by Muslim fundamentalists seem to have become more frequent. However, in general the KDP and the PUK may be assumed to be capable of offering protection against such violent incidents.

Independent observers believe that the IMK is backed by Iran. Iranian influence is apparent in Halabja, which lies close to the Iranian border. Shiite Iran's support for the Sunni IMK seems at any rate to be more politically than religiously motivated, the main aim probably being to be able to exert continued influence in Northern Iraq.

* *Hamas*

The Northern Iraqi Hamas, not to be confused with the Palestinian movement of the same name, is reported to be active in the PUK area. Hamas is illegal and has no official representation in Northern Iraq but its "headquarters" are reported to be in Sulaymaniyah ¹⁶⁶. Several bomb attacks and assassinations have been attributed to Hamas. In April 1998 three bomb attacks, including one against the Ministry of Education, were carried out in Sulaymaniyah, some say by Hamas. There were no casualties in those attacks. According to one source 33 Hamas members were arrested and imprisoned in early February 1999.

* *(Haraka) El Nahda el Islamiya (Islamic Awakening Movement)*

Political propaganda is the main activity of this small movement. It is active in both the KDP and the PUK areas and has its headquarters in Sulaymaniyah. It has a few *peshmergas*.

* *Haraka El Wahda el Islamiya (Islamic Unity Movement)*

The Islamic Unity Movement was formed on 25 August 1999 by a merger between the IMK and Islamic Awakening. Its leader is Ali Abdulaziz Halepchei. In reality it is the IMK by another name.

* *Hezbollah*

"Kurdish Hezbollah" (Hizbullahi Kurdi) was founded by Sheikh Muhammed Khaled Barzani. The "(Leading) Revolutionary Kurdish Hezbollah" (Hizbullahi Kurdi Shorishger) split from it in 1988 ¹⁶⁷ and is led by Adham Barzani ¹⁶⁸. The latter party is alleged to have been partly set up by Iran and still to be supported by Iran. The party is believed to have around 150 *peshmergas*. Both Hezbollah parties reportedly recruited their members principally from Iraqi Kurds living, or previously living, in Iranian refugee camps. Kurdish Hezbollah is thought to have been active mainly in the eighties and no longer to exist at present.

¹⁶⁶ Kurdistan, Ulkomaalaisviraston julkaisuja 1/Directorate of Immigration, Helsinki, 5 August 1999.

¹⁶⁷ Ibid.

¹⁶⁸ Zaman, 12 August 1999.

Christians

Estimates of the number of Christians in Northern Iraq range from 600.000 to one and a half million. A few hundred thousand Christians live in Northern Iraq, mostly in the KDP area, including Ain Kawa (a suburb of Arbil), Shaqlawa, Diyana, Harir and Koi Sanjaq. Many Christians from Shaqlawa are said to have moved to Ain Kawa in recent years. The Christian community in Sulaymaniyah and the surrounding area is very small, comprising only a few hundred people. Few Christians live in the PUK area. The PUK leader, Talabani, has done much for the Christian community there, for example funding the renovation of one or more churches in Sulaymaniyah.

While their freedom of movement is greater in Ain Kawa and other areas where they are mainly present, Christians in Northern Iraq enjoy freedom of religion and worship. They are not persecuted on religious grounds and there is no question of systematic discrimination against Christians or systematic repression of Christian minorities in Northern Iraq. They are allowed to form political parties.

Proselytising by foreign evangelical churches is on a very small scale. To date there has been only one instance of the killing of a Muslim convert to Christianity.

The socio-economic position of Christians is traditionally fair to good. The Christian churches, organisations and foundations are distinguished by the fact that they have always been well-organised. They are also supported by (Iraqi) co-religionists abroad. Christians hold positions at almost all levels of society in Northern Iraq. Their economic superiority makes them in general more inclined and better able to leave the country because of the political and economic situation. In addition, some Christian minorities in Northern Iraq are under increasing social pressure in a predominantly Muslim society.

Besides the Assyrian parties listed below, a number of other Christian parties (including the "United Kurdistan Christians") are active.

The various Christian churches in Northern Iraq are as follows ¹⁶⁹:

Chaldean Church

The ancient Eastern Apostolic Church was founded by the Greek theologian Nestorius, who became Patriarch of Constantinople in 428. His followers are known as Nestorians. The Chaldean Church emerged from a process of unification of a section of the ancient Eastern Apostolic Church with the Church of Rome that began in 1552 and culminated in official union in 1830. The Chaldeans' spiritual leader is the Patriarch of Babylon, Mar Rafaiel, who resides in Baghdad and is at the head of 10 (arch)bishoprics in Iraq and 11 abroad. There is an archbishop in Arbil. Estimates of the number of Chaldeans living in Iraq range from 220 000 to 400 000. Until 1987 a large proportion of them lived in Northern Iraq. In 1987 the Iraqi army, in order to put down a Kurdish rebellion, established a security zone in a Chaldean area along the Iranian border, blowing up fifty villages in the process and sending many tens of thousands of Chaldeans fleeing south, to settle for the most part in Baghdad.

Like the Assyrians, Chaldeans speak Sureth, a neo-Aramaic language ¹⁷⁰ closely related to the Suryani spoken by Syrian Orthodox Christians. The Chaldean community is also seen as an ethnic group, although many Chaldeans in Iraq regard themselves as Arabs. Some consider Chaldeans as Assyrians. Because of their common origin in the Eastern Nestorian Church, both Chaldeans and Assyrians are also called Assyro-Chaldean Christians.

Assyrian Church

The Assyrian Church, which in contrast to the later Chaldean Church did not unite with the Church of Rome, uses an Aramaic dialect in its liturgy. Like members of the Chaldean Church, its followers are traditionally termed Nestorians. The Assyrian Church is subdivided into an Ancient Eastern Church led by Patriarch Mar Addai, who resides in Baghdad, and an Assyrian Church under Patriarch Mar Dinkha IV in Chicago.

¹⁶⁹ The following data come partly from "The Middle East and North Africa", 44th edition, 1998, Europa Publications Ltd., pp. 557 and 558.

¹⁷⁰ Aramaic and ancient Syrian are two names for the same language (group).

Christians of Assyrian origin emphasise their ethnic and cultural/historical unity as well as their religious unity. They trace their cultural identity back to the pre-Christian people of the same name in Mesopotamia. This insistence on their distinct identity is given practical expression in efforts to preserve their own language and culture. However, in the 1977 and 1987 censuses Assyrians were forced to register as Arabs. In the Assyrian nationalist view, Chaldean Christians in Iraq also belong to the Assyrian community.

During the persecution of Christians by Turks and Kurds in Anatolia at the end of the First World War, many Assyrians sought refuge in the northern part of the then British Mandate Territory of Iraq. Like other Christians living in Kurdish areas, they suffered under the offensives directed against the Kurds, such as the crushing of the Barzani rebellion in the '70s. Two hundred Assyrian villages were destroyed then, together with many church buildings, including the 1700-year-old Mar Odisho. They were also victims of the Anfal operations in 1988, when poison gas was used against the Kurds. They further suffered under the reprisals taken by the Baghdad regime following the Kurdish rebellion in 1991 ¹⁷¹.

The centuries-old Assyrian minority in Northern Iraq has always lived mainly in villages in the West and North of Northern Iraq. Most of the churches are in the KDP area. There is also an Assyrian Church in Sulaymaniyah. Ain Kawa is a prominent centre with a large Assyrian population. Because of their geographical location, Assyrian villages suffer from the presence of the PKK in the North of the KDP area and the resulting fighting between the PKK and the Turkish army.

There are still unresolved problems between the KDP and the Assyrians, dating from the Anfal campaign, when Assyrian villagers were forced to leave their homes. These villages are now inhabited by Kurds, who stop the original Assyrian inhabitants from returning to their homes and farms. The Kurdish clans who live there now are so powerful that they are able to keep the KDP out.

¹⁷¹ Many Assyrians have emigrated to the West, from where they send donations to support the Assyrian community in Northern Iraq.

The obligation imposed on Christian schools in Iraq in 1981 to teach the Koran and to use Arabic as the sole language of instruction was lifted in Northern Iraq in 1991, making teaching in Aramaic again possible outside the Assyrian Church. Since then Assyrian children have been able to receive primary education in their own language. There are currently around 25 Assyrian primary schools in the KDP region, dispensing education in their own language.

The Assyrian community in Northern Iraq is free to profess its faith without risk of persecution. Assyrians hold Muslim fundamentalist splinter groups that have broken away from the IMK responsible for a number of attacks on Assyrians in Arbil at the beginning of 1999.

Assyrians have founded a number of political parties and hold meetings. The two most prominent organisations are:

* *Assyrian Democratic Movement (ADM)*

The main Christian party is the Assyrian Democratic Movement (al-Harakah al-Ashuriyyah al-Dimuqratiyyah), which has its headquarters in the de facto autonomous Kurdish areas and is opposed to the Baghdad regime. Chaldeans in Northern Iraq also belong to this party. The ADM is sometimes accused of trying to force all Christians to "come under the Assyrian umbrella". The Assyrian Democratic Movement won four seats in parliament in 1992.

The ADM was awarded the Ministry of Industry and Energy in the KDP government, but also maintains normal contacts with the PUK. It is neutral in the KDP-PUK conflict. ADM members, including armed *peshmergas*, are able to travel to and from the KDP and PUK areas without problems.

* *Bet-Nahrain Democratic Movement*

Bet-Nahrain ¹⁷² means "house between two rivers" and refers to Mesopotamia. The movement is also known as the "Democratic House of Two Rivers" or "Bet (al-)Nahrain Democratic Party".

Bet-Nahrain is a small Assyro-Christian party which, particularly in the KDP area, is active in the cultural and political spheres. Its publications include an eponymous party journal.

Bet-Nahrain is a much smaller party than the ADM. There are no reports of activity by it in the PUK area or in Central Iraq. The party is not represented in the government or parliament in the KDP area, although it maintains close ties with the KDP. However, relations with the ADM are low-key. This can be explained inter alia by the fact that the ADM has taken a more independent line in relation to the KDP.

Chaldeans in Northern Iraq may also join the party.

Syrian Orthodox Church

Followers of the Syrian Orthodox Church are also called Jacobites, after the Syrian monk, Jacob Baradeus, who was one of the founders of the Church in the sixth century. The spoken and liturgical language derives from an Aramaic dialect. During the persecution of Christians at the end of World War I, Syrian Orthodox followers mainly sought refuge in the French Mandate Territories of Syria and Lebanon. In Northern Iraq they live mainly in the KDP area, including Arbil and Dihok. There is also a small community in Sulaymaniyah. The Syrian Orthodox communities are sometimes regarded as ethnic Arabs in Syria and Iraq and ethnic Turks in Turkey.

Syrian Catholic Church

There is a small Syrian Catholic community in the North of Central Iraq. They too are held to be Jacobites. Since the 18th century the Syrian Catholic Church has had its own Patriarch, who was recognised by Rome in 1783.

¹⁷² Arabic: Bait Nahrain.

Armenian Church

The Orthodox Armenian Apostolic Church is led by Bishop Avak Asadourian, Primate of the Armenian diocese of Iraq, in Baghdad. The spiritual leader of the Armenian Catholic church in Iraq is the Archbishop of Baghdad. There are an estimated two thousand Armenian Christians in Northern Iraq.

Yazidis

The syncretic religion of the Yazidis, inaccurately described as devil-worshippers ¹⁷³, has elements of various faiths of the region, such as Mazdaism ¹⁷⁴, Judaism, Christianity and Islam ¹⁷⁵.

Malak Taus, the peacock angel, plays an important role in their faith. The Yazidis, who live mainly in the vicinity of Mosul and Jabal Sinjar in Central Iraq, speak Kurmanji-Kurdish; they are closely related to the Kurds and may even be considered Kurds ¹⁷⁶. Estimates of their total population in Iraq range from 30.000 to 150.000. Their sanctuary is to the east of Mosul ¹⁷⁷. Yazidis in Northern Iraq live mainly in the western part of the Kurdish enclave. There is one Yazidi in the KDP government set up in Arbil in 1999.

¹⁷³ They are also called "fire worshippers", Parsees or Gabars ("Volken en Stammen, Arabische Wereld", C. Glaudemans, 1975).

¹⁷⁴ Also known as Zoroastrianism, after the founder Zoroaster (or Zarathustra). Mazdaism is an ancient Persian religion based on the classification of phenomena in opposing but complementary pairs ("Volken en Stammen, Arabische Wereld", C. Glaudemans, 1975).

¹⁷⁵ A History of the Arab Peoples, Albert Hourani, 1991, p. 185.

¹⁷⁶ Kurdistan, Ulkomaalaisviraston/Directorate of Immigration, Helsinki, 5 August 1999.

¹⁷⁷ Yearbook World Directory of Minorities, Minority Rights Group International, 1997.

Sabians (Mandeans)

The spiritual leader of the up to 60 000 Sabians ¹⁷⁸ in Iraq is Sheikh Dakhil uit Nasiriyya. Sabians (or Mandeans) form a group of faithful who regard themselves as direct descendants of the followers of John the Baptist. Sabians recognise not Christ but John the Baptist as the true Messiah. They believe in God, the angels and Adam and do not regard themselves as Christians. The theology of the Sabians, which has both Christian and non-Christian elements, is considered unclear or confused ¹⁷⁹. Baptism is central to the religious rituals ¹⁸⁰. In Central Iraq their faith is recognised as a separate religion. Their traditional language is Mandaean ¹⁸¹.

The Sabians, who are also ethnically distinct, live in the south of Iraq and Iran. Originally they lived in the south among the Shiite community. A large proportion currently live in Baghdad. Many of them are relatively prosperous.

As a rule Sabians from Central Iraq need not fear persecution in Northern Iraq. Since many Sabians (or Mandeans) have traditionally had communist sympathies and been politically active as communists, they can in certain cases count on the support of, for example, the ICP in Northern Iraq. However, the number of Sabians in Northern Iraq is very small.

They do not suffer persecution on account of their religion.

¹⁷⁸ Also known as Mandaean Baptists. Sabians should not be confused with Sabians, a group of ancient people from South West Arabia. In English Sabians are also known as "Mand(a)icans" and "Subbis".

¹⁷⁹ Iraq Country Assessment, Country Information Policy Unit, UK Ministry of Foreign Affairs, 1 March 1998; Winkler Prins Encyclopaedia 1990, Part 9, pp. 167/8; Yearbook World Directory of Minorities, Minority Rights Group International, 1997.

¹⁸⁰ A History of the Arab Peoples, Albert Hourani, 1991, p. 185.

¹⁸¹ Linguistically Mandaean is classified between Hebrew and Aramaic. It uses the Assyrian alphabet.

3.3.4. Freedom of movement

Inside Iraq

Inside Northern Iraq

The situation along the PUK/KDP demarcation line may be described as relatively peaceful. Persons travelling between the KDP and PUK regions usually pass through checkpoints on that demarcation line manned by *peshmergas*, but – like goods traffic – are not subjected to any other restrictions. At present, the stable security situation means that checks are not too stringent; several years ago, they were far stricter. According to observers, checks have become comparatively relaxed since the summer of 1999. Some checkpoints are either totally or virtually unmanned.

There are around a dozen checkpoints on the border between the KDP and PUK regions. UN officials and NGO fieldworkers cross that line on a daily basis without any problems. It is not always as easy for political activists to cross the demarcation line. However, supporters of political parties which have adopted a neutral stance in the dispute between the two Kurdish factions have no problems crossing the demarcation line. Checks at the remaining manned checkpoints consist of an inspection of identity papers, etc., and may also involve an interrogation. According to informants, not all cars are stopped. In general, when cars are stopped, only occupants' identity cards are checked. In addition, persons wishing to travel out of the country from PUK territory via KDP territory must be able to produce a statement from the Asayish¹⁸². The contents of cars are not usually inspected. The fact that the possession of weapons is so commonplace means that weapons checks are virtually unheard of. The possibility of bribery at checkpoints cannot be ruled out. In addition, a great deal of illegal passenger and goods traffic takes place between KDP and PUK areas.

¹⁸² The term "Asayish" refers to the PUK and KDP security forces. See also section 2.4.

For some time now, the number of checkpoints within the PUK and KDP areas has been considerably lower than in the past, and most such internal checkpoints have now been removed. As far as is known, most of the tit-for-tat deportations have ceased since the opening of negotiations between the PUK and the KDP in February 1998. ^{183 184}

Between Northern Iraq and Central Iraq

The line dividing Northern Iraq from Central Iraq is heavily guarded. The army of Central Iraq maintains a highly visible presence to the south of that line. Checks at the border between Northern Iraq and the Baghdad-controlled area are strict.

However, "ordinary" citizens are able to travel freely between Central Iraq and the Kurdish enclave; the same applies to goods traffic. Hence residents of Central Iraq (e.g. "day-trippers") can easily visit the KDP and PUK areas. There is a steady flow of people from Northern Iraq to Central Iraq for the purposes of family visits, work, study, sport, medical treatment, etc.

Goods in transit are currently subjected to fewer restrictions than in the past. Smuggling still takes place, and smugglers are occasionally shot.

Checks on individuals by Central Iraq aim to identify persons against whom objections exist on political grounds or from the point of view of security. While deserters and draft-dodgers are not specifically targeted, problems occasionally arise in connection with the admission of Iraqi conscripts wanting to flee to Northern Iraq. Identity cards and papers relating to exemption from (further) military service are checked. Persons refusing to perform military service and deserters are frequently detained.

¹⁸³ See also subsection 2.6.1.

¹⁸⁴ Bearing in mind what is stated in subsection 3.3.2.

However, travellers who have no connection with military affairs or politics need not expect any problems. Nevertheless, bribery is very common; officials generally expect a "baksheesh" for their services, e.g. on the roads between Kirkuk and Arbil and between Kirkuk and Sulaymaniyah. In some cases, persons whose documents are not in order may still cross the border between Central Iraq and the northern enclave by bribing the border guards. The amounts which have to be paid can be sizeable. Women and children are subjected to fewer checks and less harassment. As far as is known, virtually no incidents have taken place at the checkpoints.

Travel from Central Iraq to Northern Iraq by private car is permitted only in limited circumstances. However, lorries and tankers (including Turkish vehicles) are allowed to cross the border, as are the orange and white taxis. The identity cards of all occupants are checked in order to ascertain whether their names are on the "black list" of persons sought by Baghdad. Checks on the occupants of vehicles from Central Iraq are not always carried out quite as meticulously at the various checkpoints on the Central Iraqi side; in some cases, identity papers are not requested. Checks at the last Central Iraqi checkpoint before entering Northern Iraq are stricter.

Persons who have to travel from Central Iraq to Northern Iraq require special approval. However, persons of Northern Iraqi origin can travel from Central Iraq to Northern Iraq without special permission. In general, non-Kurds travelling from Central Iraq to the Kurdish enclave are subjected to stricter controls than Kurds.

Residents of Central Iraq, e.g. persons wishing to visit relatives or "day-trippers", can visit the KDP and PUK areas. A football competition is held between teams from Central and Northern Iraq. In principle, persons from Northern Iraq can travel to Baghdad for medical treatment.

Visits are also made to the PUK and KDP territory by mostly low-ranking representatives of the Central Iraqi regime in order to discuss security issues, water management and other practical matters.

In addition, the demarcation line between Northern Iraq and the territory controlled by the Baghdad regime is crossed illegally.

There are at least six checkpoints between Kirkuk and Arbil; in the past, there used to be even more. At least five checkpoints along that route are at present said to be within government territory: one at the exit from the town of Kirkuk, one at the entrance to Altunkopri, one at the exit from Altunkopri and two on the government side of the "border" with the KDP area. There are also various checkpoints on the KDP side.

There are usually three checkpoints between Mosul and the crossing to Arbil in Northern Iraq at Zaqel. Before the last Central Iraqi checkpoint on the river at Zaqel, which forms the true boundary between Central and Northern Iraq, there is a strip of "no man's land" about five kilometres long. The first KDP checkpoint is located on the opposite side of the river.

Outside Iraq

Turkey

The border between Northern Iraq and Turkey is formed partly by the Habur river, which flows downstream for around ten kilometres into the Tigris.

Authorised border crossings

The border crossing-point at Ibrahimkhalil/Habur, near Zakho, is open to passenger traffic between 08.00 and 16.00. The border at Ibrahimkhalil/Habur is crossed via two bridges, each around 100 m in length. One of the bridges is used to enter Turkey while the other is used to enter Northern Iraq. There is no "no man's land". The border crossing-point is heavily guarded. There is barbed wire on both the Turkish and Iraqi sides. On the Turkish side there are nine successive checkpoints. The border is guarded by the Turkish authorities in the form of the army, the police and the customs authorities. The distance between the first Iraqi checkpoint and the last Turkish checkpoint is 3 to 4 km.

Passports and identity cards are checked when entering Turkey. In addition, a security check takes place. On entering Turkey, a round, red-coloured entry stamp containing the words "Habur" and "giri_" (entry) is placed over the Turkish visa in the travel document. On entering Northern Iraq, the Turkish customs authorities stamp the travel document with a black exit stamp containing the words "Habur" and "çiki_" (exit). Travel documents are stamped each time a person enters or leaves the country. It is impossible to have a Turkish exit stamp in one's passport without having actually entered Iraq. In any case, it is impossible for an Iraqi to leave Turkish territory after being checked by the Turkish authorities at Habur, spend some time on the bridge without entering Iraq and then re-enter Turkey without having set foot on Iraqi soil. The KDP border authorities do not stamp passports on either entry or departure. A loose piece of paper (insert) is given to the person concerned to prove that he has paid the fees due on entry and departure.

In general, persons other than Iraqi or Turkish nationals cannot cross the border. An exception may be made for holders of travel documents which prove that they were born in Iraq.

The Turkish authorities maintain a comprehensive list of entries and departures. In the past, between twenty and forty Iraqis were reported to have returned from Western Europe to Northern Iraq via the border crossing-point at Habur/Ibrahimkhalil each day, many of them holding German, Dutch or Swedish travel documents. The annual figure is estimated at between seven and fifteen thousand persons. Naturally, there is also commercial and other traffic.¹⁸⁵

Persons travelling from Western Europe via Turkey to Northern Iraq and back again generally do so using a Turkish double transit visa. The holder of such a visa can thereby enter Turkey twice and has 72 hours to transit Turkey on both the outward and return journeys. If the 72-hour deadline is exceeded for a transit journey, the Turkish border authorities may impose a fine on departure. It is not possible to extend a Turkish 72-hour transit visa. However, a new (second) visa may be applied for if necessary.

¹⁸⁵ See section 2.5.

Consequently, transit visas can in principle be converted into residence visas. Such conversion does not require the person concerned actually to enter Iraq.

The figures indicated above confirm the perception that substantial numbers of Iraqis who have obtained permission to reside in Western Europe are returning to Northern Iraq, *inter alia* to fetch their families or to marry. It is a fact that a number of persons of Northern Iraqi origin have returned to their homeland after obtaining refugee status in Europe in order to fetch family members or other individuals. The persons concerned were able to travel freely with the new travel document and had no problems staying in Northern Iraq.

Visas

Every day in Northern Iraq, twenty Turkish visas are made available to the Turkmen community and twenty to the KDP government in Arbil.¹⁸⁶ A visa applies not just to one person but to a whole family.

A fee of IQD 1 500 (±USD 70) is charged for a KDP visa. Pursuant to an official *KDP directive*, a person may be eligible for a visa if he falls within one of the following five categories: member of an official delegation; business¹⁸⁷; study abroad; family reunion; and medical treatment abroad. Visas are issued in Arbil. A number of requirements have to be satisfied before they can be issued.¹⁸⁸ There is a waiting period of more than six months for this type of visa.

The number of visas allocated to Turkmen each day well exceeds demand within that population group. Consequently, the visas which Turkey issues to Turkmen are often resold on the black market. The waiting period for a Turkmen visa is considerably shorter than for a visa obtained via the KDP. On the other hand, a sum amounting to hundreds of dollars has to be paid in order to obtain one.

¹⁸⁶ Visas issued by the Turkish Embassy in Baghdad are not included in this daily quota of forty visas.

¹⁸⁷ In such cases the person concerned must be in possession of an identity card provided by a chamber of commerce.

¹⁸⁸ Persons from Northern Iraq have to submit a number of declarations in order to obtain approval to leave from the KDP authorities: a statement by the police (certifying no police record), a statement by the tax authorities (certifying no debts), a bank statement (certifying no debts), a statement by the agricultural authorities (certifying no debts or other obligations) and a statement of no objection from the Ministry of Internal Affairs/the security service. Because of the severe shortage of teachers and medical staff, no exit visas are issued to that group of persons.

The Turkish authorities and the UNHCR confirmed in the past that the 280 visas ¹⁸⁹ made available on a weekly basis were seldom all issued. In the past it was established that an average of seventy to one hundred individuals were entering Turkey on such visas. The main reason is the fact that the Turkmen are not fulfilling their quota and the surplus visas are subsequently being offered to other individuals at too high a price.

Unauthorised border crossings

Many Iraqis are unable to leave the country by legal means and opt for a different route, often making use of facilitators. Leaving the country illegally is dangerous because of the presence of landmines and the patrols and activities of the PKK and the Turkish army in the mountains. Nevertheless, there is reliable evidence that unauthorised border crossings do take place, although the numbers involved are difficult to estimate. In 1999 facilitators charged a fee of several hundred dollars for an unauthorised journey from e.g. Dihok to the Turkish town of Van.

Syria

The possibilities for entering and leaving Syria from Northern Iraq (KDP area) are limited. The Syrian authorities do not issue any entry or departure stamps at the unofficial border crossing-point in the extreme north-east of the country, close to the Iraqi border town of Fish Khabur on the Khabur river. A limited number of people make the crossing by small motorboat - a journey which is possible for only a few hours each day. There is no vehicular or freight traffic. In the past, persons with a Northern Iraqi background from countries such as Germany and the Netherlands have generally been able to travel along this route between Syria and Northern Iraq without many problems. Representatives of a number of international NGOs also travel from and to Northern Iraq via Fish Khabur.

In addition, visits lasting a few hours are arranged whereby relatives on either side of the border are given an opportunity to meet one another briefly on the Syrian side of the border. Their names are recorded by the Syrian secret service. They are not allowed to leave the river bank and have to return to Northern Iraq the same day.

¹⁸⁹ This figure relates to family visas. The number of persons involved can easily amount to more than 1 000 individuals each week.

The possibilities for entering and leaving Syria are very limited and are completely under the control of the Syrian government and under the auspices of the Iraqi opposition and/or Kurdish parties.¹⁹⁰ Nevertheless, unauthorised border crossings do appear to take place.

Although the border crossing-point at Fish Khabur is not closed, access for Iraqis via that crossing-point has been restricted by the Syrian authorities since September 1999. The reasons for Syria's decision are not clear.

Iran

The PUK leaders usually leave the country from the PUK area via the border with Iran. However, passenger traffic with Iran is also restricted. In addition to the main border crossing-point at Hadjomran, two new "unofficial" border crossing-points are said to have been opened in 1999 for trade in electronics, clothing and luxury goods, thereby providing extra income for the PUK.

Every month, hundreds of (mainly Kurdish) Iraqis – often with their possessions in tow – travel back to Northern Iraq after living for years in Iran.

Documents

Northern Iraq

Virtually every conceivable document – both authentic and forged – is in circulation in Northern Iraq. Even documents which look authentic cannot provide definitive proof of the holder's identity. On the other hand, the fact that a person is using a false document does not necessarily mean that his identity would not tally with the details given in that document.

Hence all passports and documents – whether "genuine" or "false" – are of limited value. It is virtually impossible to verify and/or authenticate passports and other documents which are produced.

¹⁹⁰ For entry, it is essential to apply to one of the Kurdish parties for permission to visit the area. The Kurdish parties will then arrange access to the area in cooperation with the Syrian government.

In Northern Iraq, the issuing of documents is problematic because of the lack of any official Central Iraqi authorities. The issuing of such documents is not controlled by the central government in Baghdad, and the Northern Iraqi authorities are not in a position to issue their own passports. In the past, an unknown number of blank Iraqi passports are said to have been available. It is still common for expired passports to be "washed" with the aid of chemicals, and passports and other documents are tampered with in other ways too. The PUK and KDP authorities are aware of such practices and often collude in them.

Central Iraq¹⁹¹

New passports may be obtained legally in Baghdad and presumably also in Kirkuk and Mosul – indeed, anywhere where other official documents may be acquired. It is common knowledge that persons from Northern Iraq apply for passports or have passports extended in Central Iraq. The scale of such activities is not known, but they do not involve the issuing of large numbers of passports. For persons from Northern Iraq, the procedures in Central Iraq for obtaining a passport are complicated and protracted, and involve a security check by the Central Iraqi secret services. Better or quicker results can sometimes be achieved through bribery. In principle, persons from Northern Iraq whose names do not appear in the records kept by the police, courts and security services, etc. can obtain other documents necessary for internal and foreign travel and other purposes from the official bodies in Central Iraq. Persons from Northern Iraq can thus obtain the identity cards required for food rations, etc. in Mosul. Naturally, documents cannot normally be issued legally in Central Iraq if the applicants (or their relatives) are known to be political activists or are listed for some other reason in the records kept by the police, courts and security services, etc. Incidentally, it is possible have one's name removed from such records in return for payment. However, this is unlikely to apply to major political opponents of the Baghdad regime or other persons against whom there are very strong suspicions. The relevant officials would place themselves at considerable risk by helping such persons.

¹⁹¹ See also the official general report on Central Iraq of 15 April 1999.

As well as the legal channels for obtaining documents in Central Iraq, it may be stated that it is possible to obtain virtually all common documents – whether or not they contain authentic details or photographs – by bribing civil servants there, even for persons who cannot obtain such documents by legal means.¹⁹² It is also possible to acquire original, blank documents by bribing officials. The economic crisis in Central Iraq has forced employees of official bodies to supplement their low wages in this way.

Documents obtained through bribery – whether or not they contain authentic details and photographs – cannot be distinguished from documents issued on an entirely legal basis and containing the correct details. Hence documents which display all the hallmarks of authenticity may still be false. Consequently, as far as most documents¹⁹³ from Central Iraq are concerned, a check for authenticity can distinguish only between documents which look authentic on the one hand and forgeries on the other. The true identity of a person from Central Iraq cannot be established for certain purely on the basis of documents.

In 1998 Baghdad introduced a new, cheaper passport which is much easier to forge than the old design. There is no kinogram, and a cheaper grade of paper is used.

Original and forged documents are available on the black market in *inter alia* Northern Iraq, Central Iraq, Jordan, Syria and Turkey. False foreign papers, visas and UN documents can also be obtained in Central Iraq.

¹⁹² In general, it is more difficult to obtain documents in this way from military authorities than from civil service departments.

¹⁹³ Such documents include military documents, arrest warrants, court documents (judgments, enforcement orders, etc.), birth certificates and certificates of nationality, marriage certificates, expropriation papers, exit permits, passports and identity cards.

3.3.5. Judicial process

Northern Iraq can be said to possess a functioning judicial system. The principle of separation of powers is applied and the judiciary is considered to be independent. The extent to which individual judges are genuinely politically independent or cannot be influenced is difficult to determine.

Amnesty International claims that "... because of the considerable influence of the parties and clans, it cannot hitherto be said that there is an independent judiciary in Northern Iraq".¹⁹⁴

In both PUK and KDP areas, judges are appointed by the government and the parliament. New judges are required, inter alia, to have considerable legal experience. Court sessions and sentencing in principle take place in public.

Justice can be sought at three levels: courts of first instance, courts of appeal and the supreme court. The lower courts may be divided into courts for various branches of law, such as criminal law, civil law, youth law, family law and labour law. Appeals may be brought against judgments at first instance to one of the Courts of Appeal. The highest court in the KDP area (Supreme Court) is located in Arbil. For a long time this court acted as the Supreme Court for cases from Northern Iraq as a whole. However, the PUK recently established its own Supreme Court in Sulaymaniyah.

Everyone in Northern Iraq is entitled to the assistance of legal counsel. In civil proceedings, the parties usually defend their interests themselves. The assistance of legal counsel is customary in criminal proceedings. If a party cannot afford legal counsel, a lawyer is assigned by the authorities. There are currently many legal practitioners in Northern Iraq with little or no work. It is thus not difficult at the moment in Northern Iraq to find a lawyer for a reasonable fee.

¹⁹⁴ Amnesty International Netherlands, letter to the Unity of Law Division of the Supreme Court, 9 June 1999.

3.3.6. Arrest and detention

Arrest

Apart from *flagrante delicto* arrests, an arrest warrant must in principle be completed before anyone can be arrested. The investigating magistrate is competent to issue such warrants. This is not always the case in practice; individuals are occasionally arrested without it being possible to produce an arrest warrant. Those involved do not normally receive a copy of the arrest warrant. However, legal counsel of the person concerned may obtain a copy on request.

The PUK and KDP have recently tried to achieve the introduction of a maximum remand period of thirty days and a greater role for the courts in arrests.

Release on bail is possible for a number of offences.

Detention

The total number of prisoners with a (partially) political background ¹⁹⁵ in Northern Iraq is said to range from a few hundred to an estimated maximum of fifteen hundred, spread in a reasonably balanced manner across PUK and KDP areas.

Conditions in prisons in Northern Iraq do not meet international requirements as laid down in 1955 in the United Nations minimum standards for the treatment of prisoners. Human rights violations do occur upon arrest and during detention ¹⁹⁶. Conditions of hygiene in the prisons leave much to be desired.

¹⁹⁵ These could also include not only PUK and KDP *peshmergas* and supporters, but also members of other parties, independent critics, members of the PKK, individuals from Central Iraq, etc.

¹⁹⁶ See also subsections 3.3.7 et seq.

Otherwise the situation in the prisons has improved over the last two years, owing also to the intervention of the ICRC. The International Red Cross (ICRC) is able to visit all prisons in both the PUK and the KDP areas.¹⁹⁷ At the beginning of 2000, the ICRC was able to visit about five hundred prisoners on a regular basis.¹⁹⁸ The Northern Iraqi authorities are cooperating constructively with the Red Cross which, for example, organises workshops to improve the quality of prison life or provides lectures on basic rules of conduct for *peshmergas* during military actions. At the request of detainees, the ICRC can issue statements as proof of their detention. Such statements contain, inter alia, dates of visits by ICRC staff and of release. The ICRC issues such cards only to *peshmergas* and other detainees for whom the ICRC considers that there are particular grounds for protection. "Ordinary" criminals are not included in this category.

Visiting arrangements differ from one prison to another in Northern Iraq. The usual frequency of visits is once a week. Visitors may bring in food, although the prison provides the necessary basic nutrition. Visits are not possible as long as criminal investigations into detainees are still in progress.

As far as is known, there is no question of forced or voluntary labour in the prisons. In some prisons, the possibility is said to exist of carrying out manual labour, etc. As far as we know, there are no arrangements for home leave. The Western concept of rehabilitation is unknown in Northern Iraq.

Various government agencies have responsibilities within the Northern Iraqi prison system. In addition to regular state prisons, there are detention centres run by the PUK and KDP and their Asayish. There are also military prisons.

The major prison in the PUK area is called "Salaam" and is in the neighbourhood of Sulaymaniyah. This is a large prison with five blocks. The principal prison in the KDP area is located in Aqra. There are also prisons in Dihok and Arbil. In addition, there are a number of smaller detention centres in both the PUK and KPD areas for persons who have not yet been sentenced. In all, there are said to be about forty to fifty detention centres in Northern Iraq.

¹⁹⁷ In the past the PUK and the KDP have stated that they would also permit prison visits by Amnesty International.

¹⁹⁸ Iraq – a decade of sanctions, ICRC-Geneva, December 1999, p. 20.

The PKK also holds prisoners, although not in regular prisons.

There is uncertainty over the numbers of detainees on both sides in PUK and KDP prisons. Estimates range from a few dozens on both sides to a maximum of about nine hundred in all. In January 1999, the KDP is said to have released 21 PUK prisoners. In the spring of 1999, a few KDP and PUK members were arrested by the other party. It is not clear how many people were involved or how many were released later. PUK circles claimed that in October 1999 there were 147 PUK supporters in KDP prisons. In February 2000 fifteen prisoners were exchanged.¹⁹⁹

The arrangements reached by the PUK and KDP at the end of 1999 on the exchange of prisoners have not yet been implemented in substance.²⁰⁰ According to these arrangements, "ordinary" PUK and KDP members and *peshmergas* currently imprisoned in connection with the conflict between the KDP and the PUK would possibly no longer be prosecuted and would be released without further action. However, this would not apply to PUK and KDP members detained in connection with violent attacks, possession of explosives, etc. Such detainees would be regarded as criminals and would not be covered by the exchange arrangements.

In the detention of PUK and KDP members, in addition to political and criminal factors, economic and tribal elements may also have played a part, which is an indication of the complexity of the subject of prisoner exchanges. This will have been even further compounded by the fact that some people on the KDP and PUK lists have been murdered or have disappeared, without their own party knowing their fate. According to well-informed observers, a number of prisoners have been killed in detention and suspension of the decision to release all prisoners is related to the fear that it might come to light that *peshmergas* and possibly even others have been killed during imprisonment.

The number of prisoners supposed to have been involved in the exchange between the two parties is estimated by well-informed observers at more than six hundred (more than three hundred on each side).

¹⁹⁹ See also section 2.3.

²⁰⁰ Ibid.

3.3.7. Maltreatment and torture

On the part of both the PUK and the KDP, maltreatment and torture of supporters of the rival party do occur in prison. Supporters of the PKK imprisoned in the KDP area may also be exposed to torture by KDP guards.

The PUK and the KDP claim that torture occurs mostly at local level, out of sight of the party leadership. The leaderships of the KDP and the PUK have stated in the past that they have issued decrees to prevent torture. The PUK and the KDP have also tried in other ways to prevent the maltreatment and torture of detainees.²⁰¹ The number of instances of maltreatment and torture in Northern Iraq have decreased considerably since the Washington agreement. Statements to the effect that torture was used in most cases to extract confessions from prisoners may be regarded as outdated in the current situation.

3.3.8. Extra-judicial executions and murders

There are reports to the effect that in the armed confrontations which occurred in the past between the KDP and the PUK, prisoners of war were summarily executed. As far as is known, there are no indications that the KDP and the PUK have been guilty of extra-judicial executions over recent years. Since the Washington agreement, as far as we know there have been no indications that summary executions have taken place within the prison system.

3.3.9. Death penalty

The death sentence is imposed in Northern Iraq for a fairly large number of offences, including murder. In principle, the Iraqi criminal code is in force. In 1992 the Northern Iraqi authorities announced two laws imposing the death penalty for terrorist activities and for the premeditated murder of a foreigner or of a staff member of the UN or a humanitarian organisation. The death sentence may also be imposed in cases of serious offences against morality.

²⁰¹ See also subsection 3.3.6.

The death sentence was also actually carried out a few years ago. This was the case, for example, of the murderers of a German journalist who was killed on 3 April 1994, who were sentenced to death and hanged. Twenty or thirty executions have taken place since 1991. Since the conclusion of the Washington agreement, it would seem that the death penalty is no longer carried out.

3.4. Position of specific groups

3.4.1. Turkmen

The Turkmen minority in Iraq uses its own language, Turkmen (also: Turkik), which is related to Turkish. Turkmen are predominantly Sunni muslims. The figure of a hundred thousand Turkmen at most in Northern Iraq live mainly in the KDP area. A large proportion of them are established in and around Arbil. An estimated maximum ten thousand Turkmen reside in the PUK area, mainly in and around Kifri.

There is no question of oppression of the Turkmen minority in Northern Iraq on grounds of their ethnic origin.

The display of Turkish flags and of portraits and busts of Ataturk, or other behaviour on the part of Turkmen organisations perceived as pan-Turkish, encounter resistance in Kurdish circles and occasionally lead to incidents.

The Turkmen can organise themselves politically. However, the Turkmen political parties do not take part in either the KDP or the PUK governments. The KDP has indeed offered the Turkmen ministerial positions, but they have not accepted these. Such a situation occurred on the last occasion in the forming of a new KDP cabinet at the end of 1999. It would appear that the Iraqi Turkoman Front demanded the vice-premiership and four ministerial posts. These demands were not accepted by the KDP, which subsequently itself appointed one Turkmen representative of the Turkoman Cultural Association. The fact that the ITF has never taken part in the KDP government may possibly also be attributed to pressure from the Turkish government, which views the independent Kurdish government institutions in Northern Iraq with some reserve.

Over the past years, attacks have been carried out against Turkmen bodies in which Baghdad was seen to be involved. In August 1998 it was claimed that "... institutions belonging to the Turkmen minority in Arbil..." were attacked by KDP fighters. The dispute was later settled, with the KDP paying compensation to the Turkmen organisations.²⁰² According to a report which has not yet been confirmed by any independent sources, a conflict is said to have arisen recently between the KDP and prominent representatives of the Turkmen organisations over the intentions of the KDP to deck out Turkmen schools with Kurdish flags.

The following Turkmen parties are known to exist in Northern Iraq:

* *Iraqi Turkoman Front (ITF)*

In the KDP area most of the Turkmen groupings have merged into the ITF, which was formally set up on 24 April 1995. The Front consists of about half-a-dozen groupings of Turkmen in (or originally from) Northern Iraq, which have united under pressure from the Turkish authorities. The parties involved support the idea of a unified Iraqi State, although in this connection the Turkmeneli Party has aspirations towards an autonomous region.

The ITF is said to have a total of about thirty offices in Northern Iraq, including for the purposes of cultural and social activities. Most of them, including the head office, are located in Arbil. The ITF also has representative offices in Turkey, Western Europe and Canada. It has about four hundred armed guards, called "akinji". In addition, the ITF has four hundred soldiers who have taken part in the Peace Monitoring Force.

The ITF has a medical clinic in Arbil, its own television and radio station (TERT) and a weekly publication.

²⁰² Human Rights Watch, World Report 1999.

The ITF consists of four organisations inside Northern Iraq and two outside it. The four groups inside Northern Iraq are:

1. Iraqi National Turkmen Party (INTP);
2. Turkmeneli Party. This party was previously called the Turkmen Union (Party).
3. Turkmen Brotherhood Association – Arbil ²⁰³;
4. Non-Alliance Movement, also referred to as the Independents' Movement.

The two groups outside Northern Iraq are:

5. Iraqi Turkish Culture and Assistance Association;
6. Turkmeneli Cooperation and Culture Foundation ²⁰⁴.

Relations between the ITF and the KDP are difficult. The ITF accuses the KDP of not permitting sufficient Turkmen education. A frequent complaint of the Turkmen is that they are obstructed as regards instruction in their own language. Turkmen are also said to have less of a chance of getting a government job. In addition, it is claimed that the KDP does not permit use of the Latin alphabet, since this is contrary to Iraqi legislation. However, there appears to be little or no foundation for these accusations.

The number of incidents between the ITF and the KDP is, moreover, limited. The ITF has better relations with the PUK than with the KDP.

In addition to the ITF, the following Turkmen groupings are also known to exist:

- * Turkmen Union Party (Hizb al-Ittihad al-Turkumani)

This is a small local party in Arbil, said to have close connections with the KDP.

²⁰³ There is a Brotherhood Association in Baghdad, but this is not the organisation mentioned above.

²⁰⁴ The TCCF concerns itself mainly with human rights information and assistance for Turkmen who have been deported and/or have fled abroad. The Foundation issues regular reports concerning the human rights situation of the Turkmen population in Northern Iraq. It has offices abroad, including the head office in Ankara, and in Northern Iraq (Arbil).

* Turkmen Islamic Union (Al Ittihad al-Islami al-Turkumani)

This Shiite islamic party is active in Iran and Syria. It does not carry out any activities in Iraq. The party's head office is located in Damascus. It also has offices in Iran and a representative office in London. The Islamic Union is estimated as having about a thousand members, most of them living in Iran. The purpose of the party is to set up a democratic Shiite republic in Iraq, and it has good contacts with the ITF.

* Turkmen Cultural Association

The TCA has a Minister as a member of the KDP government since the end of 1999.

3.4.2. Staff of international organisations

NGOs

Various local and international non-governmental organisations (NGOs) are active in Northern Iraq. Most international NGOs which cooperate with the KDP and/or the PUK are not officially registered or accredited in Baghdad, in contrast with the NGO CARE and the UN agencies.

The activities of the local and international NGOs are greatly appreciated by the population and the local authorities and are contributing to a considerable extent to the reconstruction of the region. The presence of international NGOs and the UN agencies is seen as a sign that people have not been forgotten by the international community. Furthermore, the presence of foreign aid-workers provides a feeling of protection, as an extra buffer which may prevent the regime in Baghdad from taking military action in Northern Iraq.

Foreign staff of the international NGOs frequently enter the country via the Syrian-Iraqi border crossing at Fish Khabur.²⁰⁵ Making such border crossings is regarded as illegal by Baghdad.

²⁰⁵ The Syrian authorities do not always give their permission automatically for making use of the border crossing. See also section 2.3 and subsection 3.3.4.

In 1996 Saddam Hussein issued amnesty decrees from which it could be inferred that employees of foreign NGOs not registered in Baghdad were barred from the country. The Iraqi government has since issued threats in the press against foreign NGOs active in Northern Iraq. According to those threats, anyone who associates himself with a foreign organisation considered by Baghdad to be illegal may be accused of spying.

Since the emergence of *de facto* self-rule in the region, employees of foreign NGOs have come under attack on a number of occasions. Between 1992 and 1995, attacks in which Baghdad was suspected to be involved took place on a regular basis. The threat posed by the Baghdad regime for foreign NGOs and their employees meant that they feared persecution when the Central Iraqi army was deployed to capture Arbil in August 1996. However, when Arbil was taken, there was no sign that the Iraqi troops had been ordered to take action against NGOs established there. Nevertheless, the deployment of Iraqi troops in Arbil and the KDP's subsequent success in recapturing the town from the PUK led to the USA evacuating the dozens of its citizens still working for NGOs in Northern Iraq, together with thousands of local employees of US NGOs, and shipping them to the USA. There are no indications that the Central Iraqi troops infringed human rights in respect of NGO employees during their brief stay in Arbil.²⁰⁶

The US evacuation stirred hopes among the population that they might be resettled abroad; however, those hopes were not fulfilled. The evacuation also led to great disappointment and defeatism. Many highly-educated people were among those evacuated, and their departure resulted in gaps in important areas such as the medical sector.

²⁰⁶ See subsection 2.1.2.

After the evacuation of US NGOs in 1996, it was assumed that the staff of British NGOs would be especially vulnerable because of the UK's relationship with the US and its stance in the international conflict with the government in Baghdad. At the end of April 1999, a hand grenade was thrown at the house of an employee of the Middle East Development Service (a British NGO), but there were no casualties. As far as is known, however, the presence of British NGOs in Northern Iraq has not given rise to any similar large-scale problems in recent years.

In general, there have not been many attacks on employees of foreign NGOs since 1995. Nevertheless, foreign employees of international NGOs must still be regarded as a risk group. Relief organisations are extremely cautious and often employ armed guards. Almost all foreign NGO employees are escorted by *peshmergas* both during and outside working hours, and the buildings occupied by the international organisations are heavily guarded throughout Northern Iraq. In Northern Iraq a bodyguard is also a status symbol, and it does not surprise the local population that foreigners should have bodyguards.

Foreign employees of international NGOs can travel from KDP territory to PUK territory and vice versa without being subjected to many checks. However, local employees may be stopped at the PUK-KDP demarcation line and interrogated. For economic and political reasons, the PUK and the KDP otherwise attach great importance to ensuring that foreign relief organisations can provide unhindered assistance.

When assessing a possible risk to employees of foreign NGOs in Northern Iraq, consideration should be given not only to the nature of the NGO's activities, but also to the employee's position within the NGO, the length of his employment and perhaps his nationality. At present, Iraqis who have worked in a support capacity for a foreign NGO for a brief period in the past do not appear to be at particular risk purely on that basis. Moreover, it has emerged in practice that even local employees who have held relatively senior positions in a foreign NGO for many years are not specifically singled out for attacks, etc. With regard to attacks on international NGOs initiated by the regime in Baghdad, it is likely that such attacks would be targeted more at foreign employees. Of course, it is still possible that both Iraqis and foreigners could be among the victims of an attack against an international organisation.

The risk seems greater for certain NGOs, particularly those that have sensitive information on involvement in mine clearance and on organisations assisting victims of mine explosions. As neutralising mines implies that local teams need to be trained in mines and mine clearance, persons working for such organisations are at greater risk. Although the circumstances of the murder of a New Zealand national employed by UNOPS – the UN mine-clearance agency – were never cleared up, well-placed observers do not rule out the possibility of a personal dispute. Yet Baghdad-instigated attacks on collaborators of organisations engaged in mine clearance, etc. cannot be entirely ruled out.

Many land mines were laid in Northern Iraq at the time of the Iran-Iraq war. Accidents continue to occur in the PUK region, where most of the mines lie. Baghdad is reputed to regard knowledge of the location of mines as strategic information. In December 1998 the Iraqi Representation to the UN protested in writing to the UN Secretary-General against the activities of foreign NGOs in general – which Baghdad considers illegal – and of the Mines Advisory Group (MAG) and Norwegian People's Aid (NPA) in particular. These organisations are accused of espionage and sabotage activities.²⁰⁷ MAG, a British organisation, has several hundred active collaborators in Northern Iraq. On 12 May 1999 a bomb found in MAG's Qalidza office was defused. A car bomb was placed in an NPA-owned vehicle in the summer of 1999. There is no record of any casualties. Early in July 1999 a bomb exploded some tens of metres from a MAG office in Sulaymaniyah without any indication of it actually being aimed at the British organisation; close to the MAG office there was also the family home of a PUK leader. Other attacks and threats against MAG were made mainly in the period 1993 to 1995. As far as is known, apart from the above two incidents, no further attacks were made on MAG in the period 1997 to 2000.

Further NGOs involved in mine clearance are the Italian Emergency and the Belgian Handicap International, both of which are engaged in treatment of mine victims.

²⁰⁷ UNOPS, operating lawfully in Northern Iraq, is not mentioned in this connection.

According to some, it is not inconceivable that anyone letting accommodation to foreign NGOs might be intimidated by the Baghdad regime. When visiting Baghdad in 1999, an NPA collaborator's landlord was reportedly accused of letting property to an illegal organisation, with videotaped footage to prove it. As far as is known, no-one has actually been caused serious problems by the Central Iraqi authorities for letting accommodation or office space.

All of the above suggests that allegations by those claiming to have cause for fear owing to their work for NGOs seem increasingly implausible as time goes on; also, tangible evidence of attacks or threats continues to be lacking. An exception needs to be made here in particular for foreign staff of NGOs ²⁰⁸ engaged in mine clearance and similar activities.

UN agencies

Some attacks on UN agencies ²⁰⁹ in the period March-July 1999 were considered at the time by observers to suggest that UN bodies were increasingly being targeted. No, or few, attacks on UN agencies have occurred since, however. As far as is known, there were no attacks on international aid workers up to March 1999, and no, or hardly any, anti-UN attacks took place in 1998 either. ²¹⁰

Following the KDP's claim in February 1999 to have evidence that collaborators of international organisations (UN as well as NGOs) might become the target of attacks by Baghdad, it was decided to tighten up the security measures for UN bodies. Thus, collaborators were strongly advised not to go out in the evening without an escort.

²⁰⁸ But also of UNOPS (see below).

²⁰⁹ See section 2.4.

²¹⁰ Ibid.

A completely different problem is the fact that UN local staff receive salaries which are considerably higher than the average salary in Northern Iraq. Their salaries are sometimes comparable to those of PUK and KDP ministers, causing feelings of envy. This has on occasion given rise to incidents where UN staff were threatened by someone in their immediate surroundings. Likewise, business disputes too may be a source of problems: according to observers, anti-UN incidents are sometimes caused by the comparatively large sums of UN money involved in development and aid activities (subcontracting of project implementation, etc.).

Consequently, various factors may have played a role in the anti-UN attacks. Involvement of the Baghdad regime was suspected in a number of cases, with the UN's prominence in Northern Iraq generally being the possible cause for attacks. The above facts concerning organisations involved in mine-clearance activities suggest that UNOPS' foreign staff²¹¹ in particular may well be running a higher risk.

3.4.3. Conscripts, deserters and servicemen

Men from Northern Iraq are not called up for military service in the Central Iraqi army. Military service has been suspended for this category of persons since 1992. However, occasionally (as far as is known) male Arabs from Northern Iraq travelling to Central Iraq, e.g. to apply for a passport, are conscripted into the Central Iraqi army.

²¹¹ See also section 2.4.

The Kurdish authorities in Northern Iraq do not impose military service. In general no pressure is exerted on people to become *peshmergas*. Nor is any pressure necessary as being a *peshmerga* is regarded by many as an honourable career providing an income; when unemployment runs high many will volunteer to become *peshmergas*. For this reason, the drop-out rate is low. Anyone no longer wishing to be a *peshmerga* can resign without problems. There will always be enough volunteers to take his place. However, *peshmergas* with sensitive information about the party or its top officials may have problems resigning.

Peshmergas are not allowed to leave, desert or refuse orders during armed operations. A *peshmerga* doing so in KDP territory will be tried under Iraqi military law (the "Disciplinary Code"). In PUK territory a "Peshmerga Court" was set up under Kemal Mufti's leadership in 1999 to deal specifically with such matters. Punishment of KDP and PUK *peshmergas* who desert or refuse to carry out orders from their superiors may be influenced by family ties, clan connections and specific circumstances. Depending on the charge brought, punishment may theoretically range from a reprimand or disciplinary action to a prison sentence or even the death penalty. Severe punishment hardly ever occurs in practice. Deserting *peshmergas* who abscond with their weapons or steal weapons run a higher risk of being punished. Besides being reprimanded or punished, they may also have their weapons taken from them. This results in loss of face, and is also regarded as punishment. Cases of desertion and insubordination are reported to be rare.

Both the KDP and the PUK are in the process of professionalising their *peshmerga* forces and organising them more tightly. This will involve more commitments on the part of both the *peshmergas* themselves and the parties. *Peshmergas* may be given employment contracts in future, making dismissal more difficult. In KDP territory (Zakho) there is a military academy where both officers and *peshmergas* are trained, partly by former officers of the Central Iraqi army.

Deserters and draft dodgers from Central Iraq are deemed to be allowed to remain in Northern Iraq unhindered, with the exception of deserters from the Central Iraqi army above the rank of captain. Some risk for this category of persons cannot be ruled out: they may be the target of occasional action by the Central Iraqi secret service, with the Kurdish authorities being unable to afford them adequate protection. However, those deserting officers who do travel to Northern Iraq hardly ever stay there for any length of time. Nevertheless, high-ranking officers from the Central Iraqi army whose military knowledge and skills are useful to the KDP and the PUK may be supported, protected and possibly employed by either of the parties.

Low-ranking deserters do not seem to attract negative attention from the Baghdad government, although an exception may be made occasionally in the case of a very limited number of low-ranking army personnel with highly specific (military) information, skills or background. That the PUK and the KDP try to take advantage of deserters' specific military knowledge where possible is borne out by the fact that in late 1998 the PUK put a deserting colonel from Baghdad in charge of its forces.

Near Zawita, north-east of Dihok, there is a heavily guarded camp with, inter alia, deserters from Central Iraq. Camp dwellers apparently have no problems to speak of.

3.4.4. Independent intellectuals and journalists

Intellectuals and journalists who take up an independent attitude with regard to the two leading Kurdish factions and voice criticism of the de facto authorities may be victims of human rights violations. Although there is a multitude of political parties, each of which has the opportunity to express itself in its own media, there is a limit to what can be expressed in public. Any discussion of the leading role of the KDP in KDP territory and of the PUK in PUK territory oversteps that limit.²¹²

²¹² See subsection 3.3.1.

3.4.5. Prominent political activists

In Northern Iraq prominent members of the Iraqi opposition to Saddam Hussein's regime are not entirely safe from attacks instigated by that regime. Occasional targeted strikes by the Central Iraqi secret services against prominent political activists in Northern Iraq cannot be ruled out, with the Kurdish authorities being unable to protect those persons adequately.

When the Central Iraqi forces took Arbil in August 1996, the INC and other opposition groups operating that year out of Northern Iraq were dealt a severe blow. Although the Iraqi troops withdrew relatively quickly, they wrought havoc among this opposition group in particular, imprisoning and executing opponents. Although at the moment no comparable activities by the Central Iraqi secret services can be detected in KDP or PUK territory, they may well be conducting some targeted activities. Informers are being paid by Baghdad. It cannot therefore be assumed as a matter of course that prominent members of the Iraqi opposition can settle in Northern Iraq without danger.

3.4.6. Fayli Kurds

Fayli Kurds ²¹³ are Shiite Kurds who have their roots in the border area between Iran and Iraq. At the end of the '60s some 150 000 Fayli Kurds were living in Baghdad and along the border with Iran. Following deportations in the '30s, many were expelled by the government to Iran in the '70s. ²¹⁴ During the Iraq-Iran war too, in the '80s, many Fayli Kurds as well as ethnic Persians were expelled to Iran. There are also reports of deportations of Fayli Kurds to Iran in 1993.

²¹³ See the official general report on Central Iraq, p. 46.

²¹⁴ Yearbook World Directory of Minorities, Minority Rights Group International 1997.

There is a small community of Fayli Kurds in Northern Iraq. Some of them have Arabic as their mother tongue. Others are brought up speaking Kurdish. Part of the Fayli Kurds in Northern Iraq originally come from that area. Fayli Kurds from outside the northern enclave, like many others from outside that area, constitute a vulnerable group in socio-economic terms that has difficulty integrating. Fayli Kurds who are not from Northern Iraq often have language problems there because of their inadequate command of the local Kurdish.

In the last few years a large number of Fayli Kurds have returned to Northern Iraq from Iran. Fayli Kurds originating in Central Iraq have also emigrated from Iran to Northern Iraq. Many of these had family or clan ties with persons in the northern region.

Besides the "Organisation of the Fayli Kurds in Iraqi Kurdistan"²¹⁵, there is the "Kurdish Fayli Association (KFA)" in Arbil and an organisation called "Garmossira" set up by Fayli Kurds in Sulaymaniyah. They are on good terms with the KDP and the PUK respectively. According to the KFA Chairman in Arbil "there are no expulsions or forcible returns of Fayli Kurds from Northern Iraq to the areas controlled by the Government of Iraq. Those who have returned to Northern Iraq over years have been received and assisted by the local authorities in the same manner as the other returnees".²¹⁶

The former "Movement of Islamic Fayli Kurds" was absorbed by the KDP in 1993.²¹⁷ A prominent Fayli Kurd is currently a Minister in the KDP Government.

²¹⁵ Letter from that Organisation's Chairman, Abdul Jalil Fayli, Malmö 5 April 1999.

²¹⁶ UNHCR letter, The Hague 12 January 1999.

²¹⁷ Evaluation of the humanitarian situation in Northern Iraq (on the request of and financed by the European Commission), consultant Teuvi Määttä, 7 July 1999.

3.4.7. Women

Relations between men and women and views of their respective role patterns have been deeply-rooted features of Northern Iraq's traditional Kurdish society since time immemorial. Outside the cities in particular, they are still dictated by cultural and social tradition. Women in rural areas enjoy less freedom than do women in large cities. The social position of women in the countryside frequently lags behind that of women living in towns such as Sulaymaniyah, where highly trained women wearing western clothes occupy responsible public service posts.

Marriage traditions in particular stand out: most marriages are arranged by male family members, with women having little or no say in the matter. It may sometimes be difficult to come up with the traditional dowry; in many cases the potential spouse will then have to be sought within the same family. Girls are sometimes married off at an early age (12 to 14 years). A woman who objects openly to the marriage partner chosen for her may run the risk of expulsion by her family or even death.

Domestic violence occurs, but the authorities' willingness to act against this is partly determined by the spouse's status in his clan.

Women are reportedly also still being used as "barter" in clan disputes; this practice is illegal, but local feminist movements claim it still occurs regularly. Often nothing is done about this in either KDP or PUK territory.

Like polygamy, female circumcision, which used to be a rarity in Northern Iraq, is becoming more frequent, especially in and around Halabja.

Similarly to women and girls who openly object to the marriage partner chosen for them by their family, a woman who commits adultery or otherwise disgraces her family runs the risk of being killed.

This reportedly still happens; although legal action is taken against the perpetrators, they are usually not convicted. An organisation promoting women's status has drawn up lists of women who have been the victims of "... violence and backward religious traditions in Iraqi Kurdistan". ²¹⁸

In many cases women who have problems owing to a dispute in the traditional (clan) context in either PUK or KDP territory cannot obtain adequate protection from the Kurdish authorities.

Despite the traditional features of Kurdish society in Northern Iraq, there are cases of women standing for election to Parliament and practising a profession requiring a high level of education. Some hold relatively high-ranking posts: there are two female KDP ministers, for example. The State employs women, e.g. as civil servants or teachers. There are female doctors, professors and lawyers. However, the number of women in paid employment forms a minority. Traditionally, women look after the household and raise the children.

Many women were widowed during the Anfal campaign and the numerous armed conflicts and – contrary to many widowers – never remarried, thereby weakening their social status. PUK and KDP feminist movements are endeavouring to improve the status of these and other women within their traditional tribal society. They organise activities relating to socio-cultural and legal matters and to literacy, education and health care. Iraqi law contains provisions biased against women. The feminist movements have already made proposals on various occasions to amend the discriminatory legislation but without any tangible result so far. The PUK claims that it seeks to further women's emancipation, backing this up by appointing women to responsible posts. Yet the party must also take account of its partly traditional rank and file, and with conservative parties such as the IMIK. Feminist organisations do not only exist within the PUK and the KDP: for instance, the feminist movement Rekhgerawi Serbechoi Afratan has links with the IWCP.

²¹⁸ Independent Women's Organisation Iraqi Kurdistan; Internet website: members.xoom.com – 31 March 2000.

With the exception of Halabja, there is no compulsory dress code for women in Northern Iraq. Women in rural areas tend to dress traditionally. "Western" clothing may be worn in cities, without any obligation to keep the head covered. The Islamic dress code is enforced strictly in IMIC-controlled Halabja. There have been occasional incidents where female UN and NGO employees who had not covered their heads were molested, threatened and even detained for a few hours .²¹⁹

Relations between the feminist movements and the IMIC leave something to be desired. In some cases the IMIC purportedly tried to disrupt emancipatory activities of the feminist movements, e.g. by molesting female participants. In addition, during Friday prayer at the mosque, criticism is said to be regularly voiced at the feminist movements' activities such as the PUK feminist organisation's TV programme which is broadcast on Thursday evenings.

A women in IMIC territory who wears modern clothes and who is active politically or in a feminist movement or acts independently otherwise may be threatened, intimidated and maltreated by fundamentalists. The PUK, which actually wants to adopt a western image, is in no position to afford protection in this respect. There have been examples of women who have been intimidated and physically attacked by fundamentalists because of their (alleged) western lifestyle. There are no indications that this happens on a large scale. In certain cases the person concerned can call on the protection of the authorities elsewhere in the PUK region. Women in such a situation could avoid these problems by moving to elsewhere in PUK territory, e.g. to the town of Sulaymaniyah.

In this connection, it is remarkable that in the local elections on 3 February 2000 in Tawila near Halabja a female PUK mayor was elected after polling over 55% of the votes.²²⁰ Tawila is under IMIC control.

²¹⁹ See also section 2.5.

²²⁰ See also Kurdistan Newslines (<http://www.puk.org/knewsl>), PUK Bureau for International Relations, Washington, 19 February 2000.

3.4.8. Orphaned minors

As is customary within Kurdish culture, children without direct relatives are mostly cared for by other relatives within the "extended family". In the case of young girls in particular, an effort is made to keep them from "drifting" in order to avoid the family honour being tarnished.

It is apparently very rare for children to have no family at all or for relatives to be unable to look after them. There are orphanages for such children in Dihok and Sulaymaniyah. Arbil has an orphanage-cum-re-education centre. Support is provided by the Kurdish authorities (i.e. the Kurdistan Ministries of Health and Social Affairs) and a number of local and international NGOs. Hero Talabani, wife of the PUK leader and founder of the local NGO Kurdistan Save the Children, is devoting herself to these children's fate. A number of child-reception projects are running in Northern Iraq, with facilities that are basic but regarded as acceptable by local standards.

Special facilities (study grants, etc.) are also available for children of "martyrs" and young victims of the Anfal campaign.

3.5. Summary

Compared to the serious human rights violations in Central Iraq, the human rights situation in Northern Iraq would seem notably better. A number of local organisations concern themselves with human rights. UN organisations and NGOs too are in a position to monitor human rights developments in Northern Iraq. Political liberties and the right to freedom of speech are nevertheless restricted. However, there is religious freedom and no system of repression of Christians and other (religious) minorities. Prison conditions have improved over the past two years. Maltreatment and torture do occur, however. The death sentence exists but, as far as is known, has not been carried out for some time.

Recently, less stringent PUK and KDP checks have contributed to greater freedom of movement in the northern enclave. People can travel to and from Central Iraq and abroad. Frequent use is made of unauthentic documents, which are generally easy to obtain.

4. Refugees and displaced persons

4.1. Motives

Departure from Northern Iraq

Various considerations play a part in the decision to leave Northern Iraq for asylum applicants in Europe originating from there.

The general security situation, the economic situation and the uncertainty of the future seem the most important reasons to be put forward for the flow of migration to the west.

One of the major reasons for departure is to be sought in the fact that the population appears to have less than complete faith in the future in their own country. The situation is felt by some to be hopeless, and there is fear of the return of the troops and rule of Saddam Hussein. The chemical war waged against the Kurds in the 1980s has left deep psychological wounds. An important turning-point seems to have been the cooperation between the KDP and Saddam Hussein in taking Arbil from the PUK in 1996. Although Iraqi troops remained there only a short time, this greatly reawakened the fear of the return of the Iraqi regime.

However, as time passes and Northern Iraq appears to function successfully as an independent unit, the fear of the regime in Baghdad seems to be lessening among Northern Iraq's population.

Nevertheless, it has not yet been completely forgotten how after the Iraqi attack on Arbil in August 1996 the US authorities decided to evacuate thousands of NGO workers from Northern Iraq. This gave many Kurds the notion that the Americans were clearly unable or unwilling to protect the Kurds against a possible future threat from Baghdad.

A contributing factor strengthening the feeling of hopelessness among the citizenry is the fact that the Kurdish elite, the political leaders and rulers, are in possession of foreign (especially Western) passports. In the event of a return of the Iraqi troops and renewed control of the region by the Baghdad regime, the Kurdish leadership is in a position to flee, while the great majority would have to remain behind. The population is fully aware of that.

In the past, the rivalry between the KDP and the PUK was also an element for many in the decision to leave. Although this rivalry and the fear of a new confrontation still play a role, it is thought that the improved relationship between the KDP and the PUK has reduced emigration from the Kurdish enclave in recent times. There are, however, no hard figures on the number of people who have left Northern Iraq.

Other factors which have contributed to the exodus are the regularly recurring activities of the Turkish army in Northern Iraq against the PKK, and the attacks of the PKK on the KDP, Turkey's ally. This factor has of course become much less important more recently.

Without doubt the possibility of economic advancement abroad is very important. This factor also contributes to the fact that many hope to find their salvation elsewhere. The better-educated in particular see no future in the region and leave. Representatives of political parties in Northern Iraq have stated that among asylum applicants from Northern Iraq by far the majority left principally for economic reasons.

Lastly, a part is played by the high expectations which some in Northern Iraq cherish of living in Europe, which according to observers is "seen as a paradise" by many. Such ideas are fuelled by the omnipresent satellite dishes receiving Western television programmes, and by Iraqis now living in Europe, especially (temporary) returnees. The same observers report that countries such as Germany and the Netherlands offer unusually generous conditions, of which there is wide awareness.

The exodus of Iraqi Kurds is deplored and closely watched by both leading Kurdish parties as its consequence has been a sorely-felt lack of an educated class. The Kurdish authorities are trying, by means of newspaper articles and television documentaries on difficulties encountered by asylum seekers, to come up with counter-arguments to reasons for leaving.

On the other hand, the parties in Northern Iraq also realise that the financial transfers from abroad to families in the Kurdish enclave are a stimulus to the local economy.

Sums of between USD 4 000 and USD 8 000 per head were quoted as the price of an illegal trip to Western Europe during 1999 in Northern Iraq. These are the amounts of money asylum applicants have to pay to facilitators. To find sums of this order possessions such as houses and cars may be sold or loans taken out.

Return to Northern Iraq

It regularly happens that asylum applicants return voluntarily to Northern Iraq. Since the Kurdish parties have voiced concern at the implications of the present exodus, cooperation for voluntary return is to be expected. In political circles in Northern Iraq it is constantly said that much tougher action should be taken in Europe against asylum seekers who have travelled there for purely economic reasons.²²¹

Representatives of the PUK and the KDP have stated that economic refugees ought to be returned. The KDP itself promotes return by offering settlement and employment. In the past, those with refugee status and Iraqi Kurds holding a Netherlands passport returned without difficulty for short stays to Northern Iraq. Iraqi Kurds also travel back and forth from Germany.

On return to the KDP and PUK-controlled areas, long residence or an asylum application abroad are not grounds to fear persecution from the de facto authorities.

²²¹ See also subsection 3.3.4.

The thousands of Iraqis who return from Iran generally do so bringing with them all their goods and possessions; there are said to be few "social cases" among such returnees. Recently, many have settled – with encouragement from the KDP – in Dihok and elsewhere in the KDP area. According to the UNHCR, around thirteen thousand Iraqi refugees "deregistered and spontaneously returned to Northern Iraq" ²²² during the months July 1999 to January 2000 inclusive.

In the refugee camp near Orumieh in Northwestern Iran, which has a capacity of 20 000 people, there are now only 1 200 Iraqi Kurds.

Migration from Central Iraq to Northern Iraq

For the sake of completeness, it should be mentioned that, apart from compulsory deportations in connection with Baghdad's Arabisation policy ²²³, Kurds and Turkmens at times move voluntarily from Central to Northern Iraq, because economic conditions in the region are better. The undoubtedly better human rights situation there presumably also plays a part in this.

4.2. Internal flight alternative

Apart from a number of risk categories it may be said that on the basis of the present (security) situation in Northern Iraq there is in principle an internal flight alternative. ²²⁴ This internal flight alternative applies in general for Kurds, Turkmens and Assyrians ²²⁵, but it also applies for persons belonging to other ethnic or religious minorities, such as (Sunni and Shiite) Arabs (including Marsh Arabs), Chaldeans, Yazidis, Sabeans, Fayli Kurds, Syrian Orthodox and Catholic Christians and Armenians.

²²² UNHCR Update, Repatriation of Iraqi Refugees from the Islamic Republic of Iran, Tehran, 12 January 2000.

²²³ See the official general report on Central Iraq (DPC/AM-635432), Ministry of Foreign Affairs, The Hague, 15 April 1999; see also subsection 4.2.2.

²²⁴ It is of course true that in practice the possibility of an internal flight alternative is to be determined on a case-by-case basis. Each case must be analysed individually.

²²⁵ See UNHCR Note on Iraqi Asylum seekers, Geneva, 14 June 1999.

As with the relocation within Northern Iraq of people who come from elsewhere in the northern enclave, there is in general no risk of persecution purely on grounds of ethnicity or religion in the case of persons from Central Iraq resettling there. This applies equally to non-Iraqis.

4.2.1. At-risk groups

Certain groups in Northern Iraq run the risk of persecution without being able to call on adequate protection by the Kurdish authorities. Possible persecution can only partially be evaded by resettlement within Northern Iraq. It cannot be assumed that persons to be included in the following categories can easily avoid persecution by settling elsewhere in Northern Iraq. In their cases, it is in general true that they have no flight alternative within Northern Iraq. Settlement in Central Iraq is also in most cases excluded for these categories:

- * (Suspected) members of the Iranian Kurdish opposition such as Komallah and KDPI. ²²⁶
- * Certain employees of specific NGOs and UNOPS. ²²⁷
- * Some officers and other military personnel who have deserted from the (Central) Iraqi army. ²²⁸
- * Intellectuals and journalists taking a critical position to the two leading factions. ²²⁹
- * Leading members of the opposition/prominent political activists opposing the regime of Saddam Hussein. ²³⁰
- * Women who fear problems as a result of a conflict in the traditional (clan) ethos. ²³¹

A person belonging to one of these risk groups may be in danger of being faced with serious human rights abuses by one of the many parties, with the KDP or the PUK being unable or unwilling to offer adequate protection.

²²⁶ See section 2.4.

²²⁷ See subsection 3.4.2.

²²⁸ See subsection 3.4.3.

²²⁹ See subsection 3.4.4.

²³⁰ See subsection 3.4.5.

²³¹ See subsection 3.4.7.

Where a person fears problems with the KDP only or the PUK only, it may be assumed that he or she can avoid these by moving to the area dominated by the other party. The person concerned may call for protection from the authorities there. On this basis, a flight alternative within Northern Iraq is available to the following categories:

- * Certain PUK supporters and their family members may be at risk in KDP territory. A flight alternative exists for them in the PUK region.
- * Certain KDP supporters and their family members may be at risk in PUK territory. A flight alternative exists for them in the KDP region.

It then follows that:

- * villagers from the area where the PKK is active may find a flight alternative elsewhere in the Kurdish enclave.²³²
- * certain Western-orientated women living in or near Halabja have a flight alternative elsewhere in Northern Iraq, i.e. in the larger towns.²³³

4.2.2. Humanitarian, social and economic aspects

People from Central Iraq have settled in Northern Iraq in the past. There is also a group of displaced persons who have relocated within Northern Iraq. Only a small proportion of either group of "internally displaced persons" (IDPs) can easily (re-)integrate on their own into Northern Iraqi society. For many displaced persons, social and economic integration is difficult; they have to fall back on support from the local authorities, NGOs and UN agencies.

²³² See section 2.4.

²³³ See subsections 3.3.3 and 3.4.7.

A proportion of the displaced persons can, however, also call upon family members and tribal relatives in the northern enclave. The traditionally strong family relationships and tribal bonds in Northern Iraq mean that anyone from Central Iraq with such links can in many cases count on support and hospitality from the family or tribe. Given the composition of the population in Northern Iraq in general, it may be said that e.g. Kurds, Turkmen, Yazidis and Assyrian and Chaldean Christians from Central Iraq quite often have links in Northern Iraq. For Sunni and Shiite Arabs (including Marsh Arabs) and Sabians this is in general much less true, or not the case.

In addition to the aspects already mentioned, a part is also played by factors such as personal relationships, political connections and religious ties. Thus, persons with a particular political background may contact political allies or political parties. In some instances, religious institutions may be called upon or support of some other kind sought from a religious community in Northern Iraq.

Other relevant factors for integration into Northern Iraq can include health, family composition, age, sex, professional knowledge and skills, financial resources, past settlement in Northern Iraq or other familiarity with the region, knowledge of its culture and language and so on. As regards the language, it is a fact incidentally that Arabic is used extensively in Northern Iraq too.

It is of course impossible to determine social, economic or humanitarian circumstances in individual cases for (re-) settlement in Northern Iraq on a generalised basis (such as belonging to a particular ethnic or religious group or not).

Displaced persons increasingly have access to health care in the same way as the local population. Most medicinal products are available and free. IDPs mainly make use of the public hospitals. Most people cannot afford private clinics and the like, or can afford them only with difficulty.

Food supplies may be described as sufficient also for IDPs, as a result of the programmes and projects of UN agencies and NGOs.

Education is a problem for the children of some displaced families. Schools are in principle open to them, but in practice it appears that education provision is not always adequate. Schoolchildren and students without a command of Kurdish may to some extent attend schools in which Arabic is used as the language of instruction. Many school and course books are of course available in Arabic. Aramaic-speaking schoolchildren are to some extent catered for in their own schools where Aramaic is the language of instruction. In addition, English is also used as the language of instruction for some subjects. In practice, elementary education is generally available, but further education in secondary schools is certainly not always accessible enough for children from displaced families. There are many drop-outs among secondary schoolchildren from such families, one reason being that people find themselves forced to look for work and an income.

Although many local authorities in Northern Iraq have voluntarily made land available for the settlement of displaced persons, there is a lack of sufficient funds to construct the necessary housing. A minority of displaced persons is settled in proper housing. In many cases, alternative "temporary" housing has out of necessity proved permanent in practice. Some of the displaced can be put up by relatives. Few have the means to provide housing for themselves. Many of the displaced are reliant on support from UN agencies, local authority bodies and organisations and international NGOs. Churches and other religious foundations can also sometimes offer help with housing. In principle provision is made to house all displaced persons. Many are accommodated in old buildings, huts, empty schools and factories, abandoned barracks and forts and other similar places. Others are housed in temporary camps, emergency accommodation and hotels. Thus in Chamchamal there are a number of camps occupied by Kurds deported from Central Iraq. International organisations have built new, simple shelters in various places in Northern Iraq. In this way for example the umbrella organisation for Dutch NGOs in Northern Iraq, Dutch Consortium, has set up housing projects. The Swedish organisation Qandil, which is prominent in Northern Iraq, is also active in this area. UNCHS/Habitat is responsible for similar activities within the framework of the "Settlements Rehabilitation Component" of the oil-for-food programme.

In some cases the living areas of displaced persons are not near towns and supplies, creating a need for transport which often cannot be appropriately met. To a certain extent there is also a flow of IDPs to the cities, where children from displaced families are at times forced to live as street children.

With the high level of unemployment in the area, it is extremely difficult for IDPs to find work on the job market. People are often thrown back on the informal sector. Their frequently rural background means that displaced persons are economically drawn to the agrarian sector, precisely the sector which has gone into recession in the last few years. Engineers, doctors, university lecturers and other persons with specific professional knowledge and skills can find employment in some cases. Some young men have been able to become *peshmergas*.

Access to the judicial system, with which they are unfamiliar, is restricted for many displaced persons.

Although the Kurdish enclave cannot by any means be said to enjoy equal distribution of wealth, even the IDPs have benefited from the improved socio-economic circumstances in Northern Iraq. Aid work targeting displaced persons is undertaken by UN agencies (WHO, UNDP, UNHCR, UNICEF, FAO, etc.) and NGOs. The Dutch organisation Dutch Consortium, for example, is active in the provinces of Sulaymaniyah and New Kirkuk. In Amadiya, near the Turkish border, and the surrounding area, there are manifestly fewer activities carried out in aid of the displaced persons settled there. This is a consequence of the more fluid security situation there because of the conflict between the PKK on the one hand, and the Turkish army on the other, with the KDP.

The PUK and the KDP also try where possible to help the large groups of displaced people as best they can. Their financial means are, however, restricted and hard-to-integrate displaced persons are as a result principally reliant on international assistance.

In general it is difficult to obtain a clear picture of the numbers of displaced persons in Northern Iraq. Estimates on the basis of figures from different sources vary from 100 000 to at least half a million. There are said to be 300 000 people in the "collective villages". Apparently there has been no further increase recently in involuntary IDPs ²³⁴, with the exception of deportees from Kirkuk and elsewhere in the north of Central Iraq. On (re-)settling in Northern Iraq, IDPs may be the target of security or background investigation by the secret services of the KDP or the PUK.

Iraqi displaced persons

A number of different categories of internally displaced persons can be distinguished in Northern Iraq:

(a) Victims of the Anfal campaign

Most victims of the Anfal campaign cannot or will not return to their villages because they are in the area controlled by the Central Iraqi regime. Other villages are under PKK control. In addition, a number of villages are inaccessible as a result of the surrounding minefields.

Most of the survivors of the Anfal campaign found shelter fairly soon after the end of the campaign in collective villages.

(b) Displaced persons returning from Iran

As early as the 1970s an Iraqi Kurdish refugee flow to Iran was under way. Again in the 1980s (as a consequence of the war between Iran and Iraq and the Anfal campaign) and the 1990s (following the insurrection in Northern Iraq in March 1991 and the internal conflict in 1996), many Iraqi Kurds sought refuge in Iran. In the intervening years, however, many have returned to Northern Iraq, with or without UNHCR accompaniment. These returnees have found shelter across the whole region of Northern Iraq.

²³⁴ The word "involuntary" is added here to indicate that there are also people from Central Iraq or elsewhere in Northern Iraq who (re-)settle voluntarily in Northern Iraq.

(c) *PUK or KDP members or sympathisers*

In the past, following the internal struggle between the KDP and the PUK, supporters of the opposite party or their family members were expelled on each side. In the case of suspected collaboration with the rival faction, PUK and KDP members and sympathisers were formerly forced to move to the area of the other faction. Some fled from fear, others received an order to leave the area at short notice. They were not allowed to take household effects or other possessions with them, with the possible exception of money and jewellery. Camps were set up on both sides for such displaced persons. Accommodation was also found with family members, in schools, in hotels and elsewhere. In November 1999 an exchange of between fifty and sixty families of IDPs took place between the PUK and the KDP.

(d) *Villagers from the northern part of Northern Iraq*

Clashes take place regularly in the north of Northern Iraq between the PKK and the Turkish army and/or the KDP. As a result of the conflict in past years large numbers of inhabitants were made homeless. KDP spokesmen lay responsibility on the PKK for the depopulation of several hundred villages. Most of the inhabitants moved to the more southerly area around Amadiya and Diyana. The number of displaced persons in this category is at least several thousand. In general these displaced persons have found accommodation with families and friends or in camps in the KDP area.

(e) *Victims of the Arabisation policy*

A large category of displaced persons is made up not only of Kurds, but also of Turkmens and possibly also Assyrians, who were deported under the Baghdad regime's Arabisation policy by the central authorities from Central Iraq to the northern enclave.²³⁵ In Northern Iraq the deportees are as far as possible accommodated in camps, where the KDP, the PUK, UN agencies and NGOs provide food, blankets, tents and other forms of shelter. Sometimes this is in separate camps, but accommodation can also be in camps with other displaced persons. Accommodation is also possible with families or in the local community.²³⁶ Victims of the Arabisation policy are placed in an environment which is well-disposed towards them but often they cannot find work and are as a rule economically disadvantaged.

²³⁵ See the official general report on Central Iraq (DPC/AM-635432), Ministry of Foreign Affairs, The Hague, 15 April 1999.

²³⁶ Iraq – Victims of Systematic Repression, Amnesty International, London, 24 November 1999.

(f) *Persons displaced as a result of the 1991 uprising*

During and after the uprising in 1991 a large number of families in Northern Iraq became displaced. A number of them, for many reasons, have to date been unable to return to their original places of residence.

(g) *Others*

Besides the six abovementioned categories there is a group of displaced persons who do not belong to any specific group. They are largely persons originating in Central Iraq who, for differing personal, political, economic or other reasons, have ended up willy-nilly in Northern Iraq. This group cannot be clearly categorised or quantified.

Displaced persons from the region

Besides displaced Iraqi nationals, there are displaced persons from the neighbouring countries Iran and Turkey in Northern Iraq.²³⁷

The over 3 000 Iranian refugees are for the most part in two camps: members and supporters of the KDPi and their family members are in Koj Sanjaq, and there is a Komallah camp in the vicinity of Sulaymaniyah.^{238 239} The UNHCR is trying to resettle recognised refugees from these camps as a matter of priority, which in practice should be managed fairly successfully.

The displaced Turks, most of whom fled in 1993 and 1994 because of Turkish army actions in South Eastern Turkey, were in Atrush camp until spring 1997. In that year UNHCR support for the camp ended and the KDP cleared the camp because there were said to be PKK militants among the refugees. Opinions on this were, however, divided, and no weapons were ever reported to have been found in the camp. In any case entry to the camp was deemed to be too dangerous for UNHCR staff.

Most of the Turkish refugees finally moved to a camp in Makhmour in Central Iraq after leaving Atrush via a camp in Ain Sifni (situated in a strip of "no-man's land" between the KDP region and

²³⁷ See also Global Appeal – Strategies and Programmes 2000, UNHCR, Geneva, pp. 126-128.

²³⁸ See section 2.4.

²³⁹ There is no UNHCR camp for the relatively small number of Iranian displaced persons in the KDP region. Most of them have found shelter in private houses.

Central Iraq), ²⁴⁰ where in November 1999 there were a maximum of 9 000 persons. 2 800 people are estimated to have settled elsewhere in Northern Iraq (principally in and near Dihok) and around a thousand people returned to Turkey. Few problems were caused in Turkey by this last repatriation.

There also some refugee Palestinians from Bagdad in Northern Iraq.

4.3. Other western countries' policies

On 16 October 1999 the European Council in Tampere, Finland, approved the implementation of the Action Plan for Iraq. ²⁴¹ The Action Plan describes Northern Iraq as a de facto autonomous region where the authority of the central government in Baghdad does not hold. Another tenet of the Action Plan is that "the Northern Iraq region can be seen as an internal flight/relocation alternative for those who fear persecution at the hands of the regime in Baghdad, except in the case of specified at-risk groups and after case-by-case assessment". This view is subscribed to by all the Member States of the European Union. ²⁴²

In Germany, Denmark, Austria, Switzerland, the United Kingdom and Italy, among other countries, the majority of asylum applicants from Northern Iraq are refused refugee status. Subsequent deportation to Iraq is a problem for all countries. For this reason the UK allows rejected Iraqi asylum seekers an "exceptional leave to remain". Some rejected asylum seekers are said to have returned voluntarily to Northern Iraq in 1999 from Austria, Switzerland and Canada.

Finland, the UK and Switzerland, like the Netherlands, work together with the International Organisation for Migration (IOM) in developing return schemes. In recent months voluntary return to Northern Iraq under a Swiss scheme has been discussed. Australia is considering the development of a return programme for rejected asylum seekers from Northern Iraq.

The internal flight alternative for Iraqis originating in Central Iraq is currently applied in practice by

²⁴⁰ See also the UNHCR report to ECOSOC dated 27 April 1998, para. 512 (p. 36), E/1998/7.

²⁴¹ EU Action Plan for Iraq, 11425/99, 16 October 1999.

²⁴² See also UNHCR report to ECOSOC dated 27 April 1998, para. 512 (p. 36), E/1998/7.

few Member States (these include Germany, the UK, Austria and Spain). It is known that Germany considers a flight alternative to be available in Northern Iraq to Kurds from Central Iraq, if they have connections there.

4.4. UNHCR policy

The UNHCR ²⁴³ has no objection to the return of Northern Iraqi asylum applicants to Northern Iraq where they are refused after a careful asylum procedure. Nor does the UNHCR have any objection to the deportation of Central Iraqi asylum applicants to Northern Iraq regarding whom, again after a careful asylum procedure, it has been established that they do not qualify for international protection and that they have sufficient connections with Northern Iraq: "(...) UNHCR would not object to the return to their places of origin in Northern Iraq of asylum seekers originating therefrom, who have been found through fair and efficient procedures not to be in need of international protection.

The UNHCR would also not object to the return to Northern Iraq of asylum seekers originating from Iraqi government-controlled areas, who have been found through acceptable and reliable procedures not to be in need of international protection, and who have sufficient family, community or political links to the North that would normally provide the possibility for a smooth integration." ²⁴⁴

²⁴³ Note on Iraqi Asylum-seekers regarding the Applicability of Internal Relocation Alternative and the Question of Return of Rejected Cases, UNHCR, Geneva, 14 June 1999.

²⁴⁴ For the sake of accuracy and to ensure a complete and fair assessment of the UNHCR position, the reader is referred to the full text of the UNHCR source document mentioned in the previous footnote.

4.5. Conclusions

The general security situation and the uncertain future are important reasons for the flight of people from Northern Iraq who apply for asylum in the West. Economic motives also play a major part. Despite this, it may be said that, with the exception of some at-risk groups, an internal relocation alternative in general exists not only for persons from Northern Iraq, but also for persons from Central Iraq who claim to have reason to fear the regime in Baghdad. Account should be taken of the fact that of the remaining displaced Iraqis in Northern Iraq only a small proportion independently (re-)integrate without difficulty into Northern Iraqi society.

The internal relocation alternative is also endorsed in the EU Action Plan for Iraq approved by the European Council. Some European countries are working on the development of return schemes targeting Northern Iraq.

The UNHCR sees the situation in Northern Iraq as in general sufficiently stable for the return of rejected asylum seekers originally from Northern Iraq. For certain rejected asylum seekers from Central Iraq the UNHCR also sees an internal relocation alternative in the northern enclave.

5. Conclusion

The KDP and the PUK exercise de facto power in Northern Iraq. As to the permanence of this situation, little can be said with certainty. Although in the last few years there has been increasing talk of cooperation, a number of important points of difference remain unresolved.

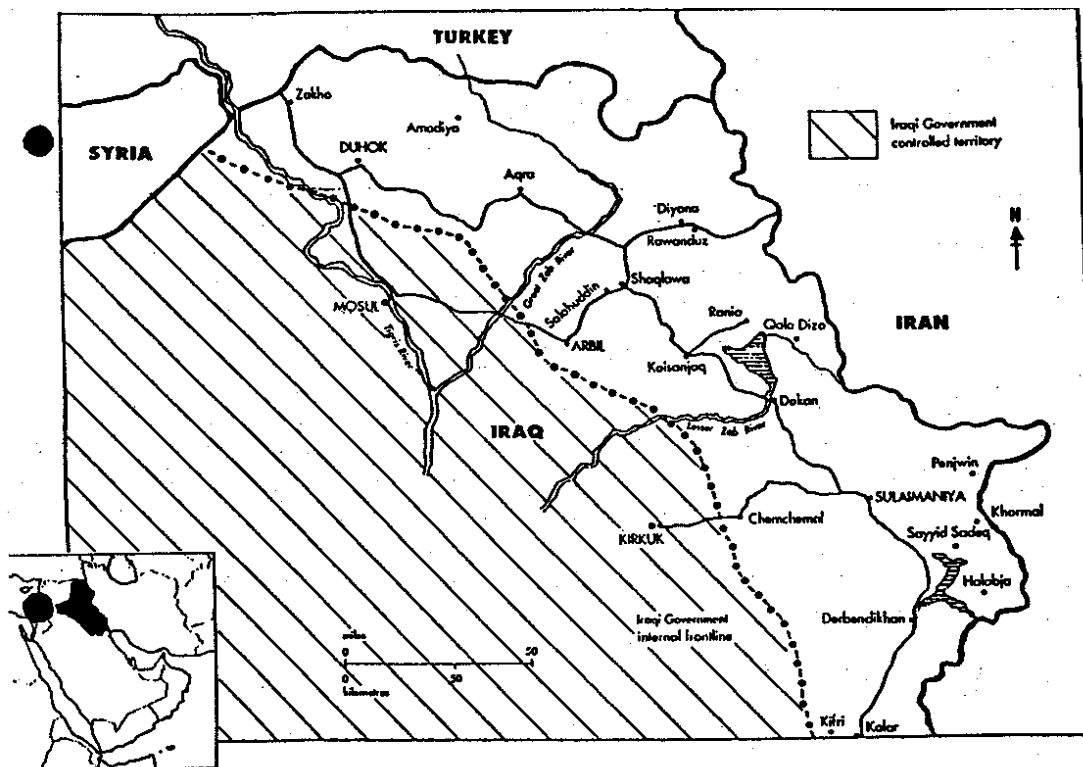
The general security situation in Northern Iraq can at present be defined in relative terms as reasonable to good. The number of attacks and incidents is smaller than before. In the recent past there has been no suggestion of a serious threat to stability in the region. The social and economic situation has improved lately.

Although offences do of course occur, the human rights situation in Northern Iraq in comparison with the serious degree of human rights abuses in Central Iraq may be described as considerably better.

The general security situation and the uncertain future are important reasons for the flight of people from Northern Iraq who apply for asylum in the West. Economic motives also play a major part. Notwithstanding that, it may be said that, with the exception of some at-risk groups, an internal relocation alternative in general exists not only for persons from Northern Iraq, but also for persons from Central Iraq who claim to have reason to fear the regime in Baghdad. This internal relocation alternative is also subscribed to elsewhere in Europe. Some European countries are working on return schemes focusing on Northern Iraq.

The UNHCR sees the situation in Northern Iraq as in general sufficiently stable for the return of rejected asylum seekers originally from Northern Iraq. For certain rejected asylum seekers from Central Iraq the UNHCR also sees an internal relocation alternative in the Northern Enclave.

It should be borne in mind that of the remaining displaced Iraqis in Northern Iraq only a small proportion independently (re-)integrate without difficulty into Northern Iraqi society.



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