

URGENT ACTION

STOP FORCED RETURNS TO IRAQ

Amnesty International has received credible reports indicating that the Dutch authorities are planning to forcibly return an unspecified number of individuals whose asylum claims have been rejected to Baghdad, Iraq, on 3 November 2010. Their lives could be at serious risk in Iraq.

The Dutch authorities have maintained that the security situation in Iraq is “sufficiently safe” to continue enforcing returns of Iraqis whose asylum claims have been dismissed, despite clear guidelines from the UN Refugee Agency (UNHCR) to the contrary. On 22 September, the Dutch authorities forcibly returned a number of Iraqis to Baghdad on a charter flight organized jointly with Swedish, Norwegian and UK authorities. As recently as 20 October, during a visit to the Netherlands, Daniel Endres, UNHCR’s representative in Iraq reiterated UNHCR’s objection to the continuing forced returns of Iraqis from European countries. He stated that at this stage he could not vouch for the safety of anybody returned to Iraq, pointing to the continuing high rate of attacks and political violence in Iraq.

Amnesty International believes that it is not safe to forcibly return anyone to Iraq in the current situation of ongoing insecurity and instability. Iraqis from the five provinces considered to be particularly dangerous—Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din and Baghdad— as well as Al Anbar, should be granted refugee status or alternative forms of protection. In those regions of Iraq the ongoing indiscriminate threats to life, physical integrity or freedom arising from violence or events seriously disturbing public order are all valid grounds for international protection. In the case of asylum-seekers from other provinces of Iraq, an individual assessment should be made to assess whether they qualify for refugee status or alternative forms of protection. Any such assessment for protection should also consider the viability and safety of people’s onward route from Baghdad to the destination envisaged as the place of residence in Iraq and protection should be granted when people would face a real risk of persecution or serious harm en route.

PLEASE WRITE IMMEDIATELY in English, Dutch or your own language:

- Urging the Minister for Immigration and Asylum Policy not to proceed with forcible returns of individuals to Iraq, particularly to the provinces of Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din and Baghdad, and other particularly dangerous areas such as parts of Al Anbar province, due to their facing a real risk of persecution or serious harm;
- Calling on the Minister to grant Iraqi asylum-seekers from these named provinces refugee status or alternative protection, and where Iraqis do not qualify for such protection, nonetheless not to forcibly remove them if doing so would place them at real risk of persecution or serious harm;
- Urging the Minister to consider the viability and safety of the individuals’ route from Baghdad to the destination envisaged as the place of residence in any decision on eligibility for international protection, and not to proceed with any forcible returns where individuals would be exposed to serious risk when travelling between Baghdad and their home provinces;
- Reminding the Minister that the Netherlands is obliged, under the 1951 Refugee Convention, the European Convention on Human Rights and the Convention against Torture, not to return or otherwise remove anyone to any country or territory where they would face a real risk of persecution or serious harm, including torture and other grave human rights abuses such as indiscriminate threats to life, physical integrity or freedom arising from generalized violence.

PLEASE SEND APPEALS BEFORE 03 NOVEMBER 2010 TO:

Mr Gerd Leers	Netherlands
Minister for Asylum and Immigration	Fax: 0031 (0)70 3639153
Policy, Ministry of the Interior and	Email: postbus.minia@minbzk.nl
Kingdom Relations	Salutation: Dear Minister
Schedeldoekshaven 200	
2511 EZ Den Haag,	

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The Netherlands are obliged under domestic and international law, including the 1951 Refugee Convention, the Convention against Torture and the European Convention on Human Rights, not to return anyone to a country where they would be at risk of torture and other grave human rights abuses, including indiscriminate threats to life, physical integrity or freedom arising from generalized violence.

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

At least five European countries—Norway, Sweden, Denmark, the United Kingdom and the Netherlands—have forcibly returned hundreds of Iraqis whose asylum claims had been dismissed since 2009. In the month of September 2010 alone, more than 150 individuals were returned from these five countries to Iraq. Many of these removals have been conducted in breach of UNHCR guidelines issued in April 2009 (and repeatedly reiterated, including as recently as September 2010) that identify particularly dangerous regions in Iraq to where no one should be forcibly returned – namely the provinces of Ninewa (Mosul), Kirkuk, Salah al-Din, Diyala and Baghdad. UNHCR also advised that no forcible returns should be conducted to other areas of Iraq unless an individual assessment has been carried out which indicates that it would be safe to return the individual in question.

Amnesty International is also currently investigating whether authorities in other European states are also planning to forcibly return Iraqis whose asylum claims have been dismissed as part of the same operation.

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

In practice, the number of Iraqi refugees seeking asylum in European states is relatively small compared to the numbers of those currently residing in states neighbouring Iraq. Syria hosts by far the greatest number of refugees from Iraq, followed by Jordan and other Middle Eastern states. Amnesty International is concerned that the increasing pattern of forcible returns from the Netherlands and other European states sets a very poor example to these Middle Eastern states, whose resources have been stretched by the influx of people fleeing from Iraq, and may contribute to an overall weakening of the international system of refugee protection.

UA: 227/10 Index: EUR 35/003/2010 Issue Date: 29 October 2010

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