

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Netherlands: Stop forcible returns to Iraq

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Amnesty International is urging the Dutch government to immediately desist from forcible returns to Iraq due to the continuing political insecurity and the risks facing returned asylum-seekers in Iraq. The organization is concerned that the decision of the Dutch government may have set a precedent for other European states to follow, in contradiction with the guidelines issued by the United Nations High Commissioner for Refugees (UNHCR).

Furthermore, Amnesty International is concerned about reports that Dutch authorities used excessive force during the deportation and calls for immediate and independent investigations into these allegations without delay.

On 30 March 2010, Dutch authorities forcibly returned a group of 35 Iraqi citizens from the Netherlands to Baghdad, Iraq, in breach of UN guidelines, so placing those returned at serious risk.

The forcible removals, carried out on 30 March, conflict with guidelines issued to states by UNHCR in April 2009, which identify Baghdad as one of five areas – along with the provinces of Ninewa (Mosul), Kirkuk, Diyala and Salah al-Din – as particularly dangerous and to which UNHCR advises that no Iraqis should be forcibly returned. UNHCR also advises 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 has followed several of the individual cases in this group, including individuals from Baghdad, Mosul and possibly other areas described as “unsafe” by UNHCR, via direct phone conversations with returnees and through contacts in the Netherlands, including the returnee’s lawyers. In all cases, they said they felt themselves to be vulnerable and at risk, and some said they were unable to return to the areas in which they had previously lived for fear for their safety.

One man, a 22-year-old Shi’a Muslim belonging to the Turkoman minority, said he feared to return home to Tal Afar, north of Mosul, an area in which hundreds of civilians have been killed in sectarian and other politically-motivated violence in recent years. In the latest reported incident, just days ago, 25 people were killed when suicide bombers targeted a football stadium in Tal Afar on 14 May.

Another of those forcibly returned on 30 March, a 36-year-old Sunni Muslim from Baghdad, told Amnesty International that he fears he could be targeted by members of his own community as well as by Shi’a armed militias because he formerly worked as a security employee for foreign companies. He reported that in 2008, when he worked for a communications company, two of his colleagues were abducted by armed men, and have not been seen since. He told Amnesty International that since being forcibly returned to Iraq he has not dared to return to his family and has been moving from place to place in Baghdad because he fears for his life.

Amnesty International opposes any forcible returns to Iraq in the current situation of ongoing insecurity and instability. Amnesty International believes that Iraqis from the five provinces of Iraq considered to be particularly dangerous, namely Ninewa (Mosul), Kirkuk, Diyala, Salah al-Din and Baghdad, should be granted refugee status or a form of subsidiary protection, and that in the case of asylum-seekers from other provinces of Iraq an individual assessment should be made to assess whether they also qualify for refugee or subsidiary protection.

In all cases where asylum-seekers from Iraq are considered not to qualify for refugee or subsidiary protection, Amnesty International calls on host countries to grant them temporary humanitarian protection until the security situation in the country has further improved and it is safe for them to return.

Amnesty International is also concerned by allegations that Dutch security officials at Rotterdam airport used excessive force when carrying out the forced removals on 30 March and is urging the Dutch authorities to ensure that these are fully and independently investigated without delay.

One returnee has alleged to Amnesty International that he was struck in the face by one of the security officers, causing bleeding. He has also reported that he was forced to the ground by other security officers and struck on his stomach and back. Two other returnees told Amnesty International that they had witnessed others being struck by Dutch security officers.

Amnesty International recognizes that law enforcement officials may use force legitimately in certain circumstances when carrying out their duties but the allegations in this instance suggest that the force used may have been excessive and in breach of the requirement that involuntary removals should take place in safety and dignity, and with adequate safeguards being taken to ensure that the rights of the individuals concerned are respected.

(See the report: *Iraq: Civilians under fire*, AI Index: MDE 14/002/2010, April 2010.)

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