

# Iraq

<b>Response to Information Request Number:</b>	IRQ00002.ZLA
<b>Date:</b>	28 June 2000
<b>Subject:</b>	Iraq: Information on Chaldean Christians, illegal exit and return
<b>From:</b>	INS Resource Information Center, Washington, DC
<b>Keywords:</b>	Iraq / Arrested persons / Asylum seekers / Deportation / Detained persons / Due process of law / Emigration / Extrajudicial executions / Family members / Freedom of movement / Imprisonment / Legislation / Limitations prescribed by law / National security / Non-refoulement / Political offences / Relocation / Right to leave and return to one's country / Subversive activities / Traffic in persons

## Query:

- 1) Brief information on travel restrictions and methods of departure from Iraq.
- 2) Are Iraqi agents able to report to Baghdad on the movement of citizens within and out of the country?
- 3) What is the punishment for return to Iraq, particularly of Chaldean Christians, after illegal departure from the country?
- 4) Is punishment and/or the death penalty imposed against Iraqi citizens for travel to and/or requesting asylum in certain "prohibited" countries?

## Response:

### 1. Brief Information on travel restrictions and methods of departure from Iraq

According to the UK Immigration & Nationality Directorate, foreign travel for Iraqi citizens is restricted to certain groups including government-approved students, individuals needing specialized medical treatment, and government officials (Sept. 1999).

Movement of citizens and foreigners within Iraq is controlled by the Iraqi government, and in order to leave the country all Iraqis must obtain government permission (USDOS 25 Feb. 2000).

There are two exits from Iraq. The first, and the one used by Iraqi officialdom, is to exit via Amman, Jordan. This requires passing through several Iraqi checkpoints along the way. The other way is through Khabur and other border crossings into Turkey in the north. There are also other routes used by smugglers of human cargo...which probably exit via Iran and Basra... All routes are expensive, requiring substantial payments to a) borderguards, b) smugglers, and c) all others on the way out (Journalist 17 May 2000).

### 2. Are Iraqi agents able to report to Baghdad on the movement of citizens within and out of the country?

Two country experts consulted by the RIC stated that Iraqi agents are indeed able to report on Iraqi citizens' movements within and out of the country<sup>3/4</sup> this includes citizens living in

and outside of the no-fly zone in northern Iraq (INSS Senior Fellow 20 April 2000; Journalist 19 May 2000).

One of these experts stated that "there are many [Iraqi agents] in Jordan and Turkey who could very well spot Iraqis going to [the] US or UK or any foreign embassy in hope of obtaining visas" (INSS Senior Fellow 20 April 2000). This expert reported having Iraqi agents conducting surveillance of the US Embassy in Amman, Jordan, from a hotel across the street until the embassy was moved to a location outside the city (INSS Senior Fellow 20 April 2000).

### **3. What is the punishment for return to Iraq, particularly of Chaldean Christians, after illegal departure from the country?**

Although the RIC sought information specifically on return of illegally departed Iraqi Chaldean Christians, the RIC was unable to find published information on this topic. The only information specific to Chaldean Christians was provided by telephone/email contacts. The RIC did, however, find information on illegal departure from Iraq pertaining to Iraqi citizens in general.

One expert stated that "the return of the Chaldeans to Iraq [if they have left illegally] would no doubt be a death sentence, or worse, if possible," though he also noted that not all returnees (Chaldean or otherwise) who left the country without permission have been executed (Journalist 17, 19 May 2000).

A Professor of History at the University of Haifa in Israel stated that "if the people...are genuinely escapees who illegally crossed over to Jordan or Turkey, then if they return without amnesty they will be in danger" (7 April 2000).

Another expert said that "to return to Iraq without a promise of asylum [or amnesty from Iraqi government] would be foolish, but a promise of asylum is no guarantee of protection from retribution" (INSS Senior Fellow 20 April 2000). For instance, despite the Iraqi government's promise of safe return, Saddam Hussein's two sons-in-law were executed in 1996 within 36 hours of their return to Iraq after having defected to Jordan in 1995 (INSS Senior Fellow 20 April 2000).

Hussein Kamel and Saddam Kamel...were executed by the Government in February 1996... Although the Government announced amnesties for both men, they and over 40 relatives, including women and children, were killed in what the official Iraqi press described as the spontaneous administration of tribal justice. The Special Rapporteur, Max van der Stoep, noted in his November report that "the killings occurred without any legal process and with total impunity." He also cited continued reports of the frequent use of the death penalty for such offences as "insulting" the President or the Baath Party and the pervasive fear of death for any act or expression of dissent (UK Immigration & Nationality Directorate Sept. 1999).

Two experts consulted stated that punishment by imprisonment would result from attempting to return to Iraq after having departed illegally, and that torture generally seems to accompany most imprisonment in the country (Professor of History 7 April 2000; INSS Senior Fellow 20 April 2000). According to the US Department of State, "the U.N. Special Rapporteur continued to receive reports that persons arrested are subjected routinely to mistreatment including prolonged interrogations accompanied by torture, beatings, and various deprivations" (9 Sept. 1999).

On May 12, 2000, the Mandaean Society of America appealed to the international community to impede the deportation to Iraq of 158 Mandaean refugees who had been smuggled into Indonesia. Two weeks before the appeal, the Iraqi newspaper *Babil*, which is run by Saddam Hussein's son Udayy, had labeled the Mandaeans "traitors" (*RFE/RL* 19 May 2000). The Society claimed that if the refugees were returned to Iraq, "they would

probably face execution [and that]...even if their names are given to the Iraqi authorities, their relatives might suffer severe punishments as well" (*RFE/RL* 19 May 2000).

In June 1999, the Revolutionary Command Council [Iraqi government] declared a general amnesty for citizens who had left the country illegally or who had been exiled and failed to return to the country after expiration of the period of exile (USDOS 25 Feb. 2000). As quoted from a report by the UK Immigration & Nationality Directorate, the law applied to:

1. All Iraqis who left illegally.
2. Those Iraqis who left Iraq on official mission but did not return after completion of the mission. This includes those who managed to do so through illegal departures, forgery (of official documents used for this purpose),
3. All the Iraqis who fall under the above-mentioned categories and who had been sentenced, are now exempted, they shall be free, released unless they had been sentenced with other crimes (in addition to the above) (Sept. 1999).

The US Department of State has recently reported, however, that there are no officially known instances in which Iraqis returned to the country based on the amnesty, and that "an estimated 1 to 2 million self-exiled citizens are fearful of returning to Iraq" (25 Feb. 2000). According to one expert, "Saddam's penchant for executing some of the returnees has had a dampening effect on others," discouraging them from returning (Journalist 17 May 2000).

In October 1999, Justice Minister Shabib Al-Maliki announced that the Iraqi government would expropriate the assets of those Iraqis living outside the country who did not return under the amnesty. The Iraqi government also established a committee to monitor Iraqis within the country who receive money from relatives living outside the country (USDOS 25 Feb. 2000).

Also in October 1999, the Iraqi government in Baghdad announced a new travel law that carries additional penalties, including confiscation of property and a maximum sentence of ten years in prison, for attempted illegal exit from the country and for encouragement or assistance of the same (USDOS 25 Feb. 2000). One expert stated that this law is "enforced at the whim of the authorities" (Journalist 17 May 2000).

#### **4. Is punishment and/or the death penalty imposed against Iraqi citizens for travel to and/or requesting asylum in certain "prohibited" countries?**

According to the UK Immigration & Nationality Directorate, should an Iraqi citizen travel to an unauthorized country, the individual will "have to pay a small fine" upon his return (women are not allowed to leave Iraq unescorted by a man) (Sept. 1999).

The RIC was unable to find information on whether or not Iraqis who travel to and/or request asylum in certain "prohibited" countries would face the death penalty.

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

#### **References**

Institute for National Strategic Studies (INSS) Senior Fellow, National Defense University, Washington, D.C. 20 April 2000. Electronic mail correspondence to the Resource Information Center.

Journalist, Prague. 17, 18, 19 May 2000. Electronic mail correspondence to the Resource Information Center. Professor of Middle East History, University of Haifa, Mt. Carmel, Israel. 6 April 2000. Electronic mail correspondence to the Resource Information Center.

*Radio Free Europe/Radio Liberty (RFE/RL) Iraq Report* [Prague]. 19 May 2000. David Nissman. "Mandaeans Detained in Indonesia." [Internet] <URL : <http://www.rferl.org/iraq-report/index.html>> [Accessed on 26 May 2000].

U. K. Immigration & Nationality Directorate, Country Information and Policy Unit. *Iraq Assessment*. Version 4. [Internet] <URL : [http://www.asylumlaw.org/docs/iraq/ind99b\\_iraq\\_ca.htm](http://www.asylumlaw.org/docs/iraq/ind99b_iraq_ca.htm)> [Accessed on 24 May 2000].

US Department of State (USDOS), Bureau of Democracy, Human Rights, and Labor. 9 September 1999. "Iraq." *Annual Report on International Religious Freedom for 1999*. Washington, D.C.: USDOS. [Internet] <URL : [http://www.state.gov/www/global/human\\_rights/irf/irf\\_rpt/1999/irf\\_iraq99.html](http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/irf_iraq99.html)> [Accessed on 17 May 2000].

US Department of State (USDOS), Bureau of Democracy, Human Rights, and Labor. 25 February 2000. "Iraq." *1999 Country Reports on Human Rights Practices*. Washington, D.C.: USDOS. [Internet] <URL : [http://www.state.gov/www/global/human\\_rights/1999\\_hrp\\_report/iraq.html](http://www.state.gov/www/global/human_rights/1999_hrp_report/iraq.html)> [Accessed on 25 April 2000].

#### **Other sources consulted**

Amnesty International. 2000. *Amnesty International Report 2000*. London: Amnesty International.

Freedom House. *Freedom in the World 1998-1999*.

Human Rights Watch. *World Report 2000*.

U.S. Committee for Refugees. *World Refugee Survey 1999*.

*Last Modified 06/14/2002*