



# **Inspection report on Home Office country of origin information, Iraq and Myanmar (Burma)**

**January 2023**

**David Neal**

Independent Chief Inspector of  
Borders and Immigration



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**January 2023**

Presented to Parliament pursuant to Section 50(2) of the  
UK Borders Act 2007

June 2023



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ISBN 978-1-5286-4061-9  
E02898501 06/23

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office.

## **Our purpose**

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# Foreword

Section 48(2)(j) of the UK Borders Act 2007 states that the Independent Chief Inspector of Borders and Immigration “shall consider and make recommendations about ... the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials”.

The Independent Advisory Group on Country Information (IAGCI) is a panel of experts and practitioners created to assist the Chief Inspector in this task. The IAGCI commissions and quality assures reviews of country of origin information (COI) produced by the Home Office’s Country Policy and Information Team (CPIT). A list of IAGCI members can be found on the inspectorate’s website.

This report covers the reviews of COI on Iraq and Myanmar that were considered by the IAGCI at its meeting on 25 January 2023.

I am pleased that many of the recommendations made in the reviews prepared for IAGCI have been accepted by the Home Office, but I note that reviewers and CPIT have again adopted different views on the value of providing more extensive cultural and historical information in COI products. I understand both positions: While deeper background on a country may well provide useful context



to support a better understanding of asylum claims, I appreciate the challenge faced by CPIT in producing materials that are sufficiently succinct and focused to serve as a ready reference for asylum decision-makers. There is a clear tension here, and since this point is a recurring theme in COI reviews for IAGCI, I urge the Home Office to keep under review the balance it strikes between brevity and the inclusion of relevant cultural or contextual information which might aid the asylum decision-making process.

I am grateful to the expert reviewers for their work on these reviews, to the members of the IAGCI for their advice, and to CPIT staff for their engagement with the process. I have no further recommendations to make in addition to the ones contained in the individual reviews.

This report was submitted to the Home Secretary on 6 April 2023.

A handwritten signature in black ink, appearing to read 'D Neal', with a horizontal line underneath.

**David Neal**  
**Independent Chief Inspector of Borders and**  
**Immigration**

# 1. Scope

1.1 In October 2022, the Independent Advisory Group on Country Information (IAGCI) sought tenders for reviews of the following country policy and information notes (CPINs) and country of origin information requests (COIRs):

- Iraq
  - Country policy and information note, Iraq: humanitarian situation (August 2022)
  - Country policy and information note, Iraq: opposition to the government in the Kurdistan Region of Iraq (KRI) (June 2021)
  - Country policy and information note, Iraq: internal relocation, civil documentation and returns (July 2022)
  - Ten COIRs on conditions in Iraq
- Myanmar
  - Country policy and information note, Myanmar (Burma): critics of the military regime (July 2022)
  - Country policy and information note, Burma: Rohingya (including Rohingya in Bangladesh) (March 2019)

- Four COIRs on conditions in Myanmar (Burma)

- 1.2** These country information products were selected for review on the basis that Iraq is an increasingly important source country for asylum claims in the UK and in light of recent developments in Myanmar. During the 12 months preceding the commissioning of this review, Iraq accounted for 6,333 asylum claims, a large increase on recent years and the highest figure for the country since 2003. In Myanmar, the execution in July 2022 of four activists highlighted concerns about the human rights situation in that country. An additional consideration was that the IAGCI has not reviewed these countries and topics for some time; country information products on Iraq and Myanmar were last examined in January 2019.
- 1.3** The tenders were assessed by the IAGCI Chair, with input from the Independent Chief Inspector, and the reviewer with the most relevant knowledge and expertise was selected in each case.
- 1.4** The completed reviews were quality assured by the IAGCI Chair and sent to the Home Office's Country Policy and Information Team (CPIT), which added its responses, forming a single document for each country review.
- 1.5** The IAGCI met virtually on 25 January 2023 to consider the reviews and CPIT's responses.

## **2. Consideration by the Independent Advisory Group on Country Information**

- 2.1** The Independent Advisory Group on Country Information (IAGCI) met virtually on 25 January 2023 to consider reviews of selected Home Office country of origin information (COI) on Iraq and Myanmar.
- 2.2** The meeting was led by the IAGCI Chair, Michael Collyer (University of Sussex), and was attended by IAGCI members Ceri Oeppen (University of Sussex), Katinka Ridderbos (UNHCR Geneva), Larry Bottinick (UNHCR London), Julie Vullnetari (University of Southampton), and Zoe Bantleman (Immigration Law Practitioners' Association). Apologies were received from Judge Sue Pitt (Immigration and Asylum Chamber, Upper Tribunal), Nando Sigona (University of Birmingham), and Giorgia Dona (University of East London).
- 2.3** Other participants in the meeting included the Independent Chief Inspector of Borders and Immigration, David Neal, and members of his staff; staff of the Home Office's Country Policy and Information Team (CPIT); and the country expert

commissioned to carry out the review of COI on Iraq, Dr Rebwar Fatah. The reviewer of COI on Myanmar, Kauthar Menhal, was unable to take part in the meeting due to technical difficulties.

## **Review of COI on Iraq**

- 2.4** Dr Rebwar Fatah presented an overview of his comments on the Iraq country information that he had reviewed. Dr Fatah recommended that the country policy and information notes (CPINs) provide a summary and an introduction for each section. He cautioned against an uncritical reliance on media reports from Iraq, as outlets are associated with particular political groups. He also advocated greater attention to specific regional conditions within Iraq, as there is considerable variation in conditions across regions. The reviewer suggested a more nuanced approach in discussing opposition to the government in Iraqi Kurdistan, as not all parts of the region are under the control of the Kurdistan Regional Government (KRG).
- 2.5** With respect to internal relocation and civil documentation, he challenged the Home Office position that the Iraqi government still issues civil status identity card (CSID) documentation, noting that he has been told by officials these documents are no longer issued.

- 2.6** In response, CPIT staff noted that some sources cited in the reviews were dated after the CPIN's publication date; this creates an issue as it reads as a criticism of the Home Office when it would have been impossible for references to these sources to have been included.
- 2.7** On the suggestion that summaries be provided and recommendations for the inclusion of greater detail, CPIT staff emphasised that their team must remain focused on the purpose of the document, which is to provide only that information on current circumstances that is necessary for decision makers to reach decisions; indeed, they are constantly being asked to make CPINs shorter. CPIT staff reiterated that the team did not have the resources to translate (or to commission translations of) source material, though in exceptional cases they might be able to use translators for small-scale work. Moreover, they sought to rely on resources such as BBC Monitoring to access material from abroad.
- 2.8** An IAGCI member queried whether the Iraqi Embassy – which had provided the information on the availability of documentation on which the CPIN relied – should be regarded as a credible source on that question. CPIT staff said that they would consider it a credible source, as the Iraqi government is the authority responsible for the issuance of documentation.

**2.9** Another IAGCI member added that Iraqi nationals need to return in person to their home area to obtain documentation before being able to live somewhere else in the country and asked the Home Office to give consideration to this. CPIT staff noted that, in any case, the position was that an Iraqi national who did not have a document and would face difficulties in obtaining one would not be removed.

## **Review of COI on Myanmar**

**2.10** ICIBI staff noted that the forthcoming IAGCI-commissioned review of the treatment of statelessness in Home Office country information would also touch on conditions in Myanmar, as statelessness was an issue facing the Rohingya minority in that country.

**2.11** The IAGCI Chair noted that the CPINs under review included references to undated reports and asked whether these could be traced and dated.

**2.12** CPIT staff noted that references within the undated reports cited in the CPIN provided an indication of when they had been produced and expressed appreciation that the tone of the review was generally positive, with relatively minor feedback.



# **Annex A: Biographies of the reviewers**

## **Rebwar Fatah**

Dr Rebwar Fatah is the director of Middle East Consultancy Services (MECS). He has been working as an expert witness since 2000, focusing on issues across the Middle East and North Africa (MENA), as well as Afghanistan, Iran, and Turkey. Dr Fatah has produced over 3,000 expert reports which have been commissioned for and cited in a number of immigration appeals, as well as family and criminal cases. He has also examined a large number of people from the Middle East whose nationality and/or ethnicity has been disputed. Dr Fatah has also examined and authenticated thousands of documents from the MENA region. From 2016 to 2019, Dr Fatah produced 126 reports on Iran, including Country Expert Reports, document authentications, and nationality assessments.

## **Kauthar Menhal**

Kauthar Menhal is a human rights researcher with extensive knowledge on the ongoing turbulent situation in Myanmar. Kauthar has written a number of essays on the relations between the military and the people in Myanmar and on the human rights situation in Rakhine State. She has also worked on several country of origin reports with Asylos, researching and defining the significant physical,



sexual, and verbal abuse suffered by many asylum claimants from Myanmar.

# **Annex B: Review of selected Home Office country of origin information on Iraq**

## **Review of the August 2022 Home Office country of origin information on Iraq: humanitarian situation**

*Prepared for the Independent Advisory Group on Country Information (IAGCI)*

Dr Rebwar Fatah, Middle East Consultancy Services<sup>1</sup>

December 2022

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1 Dr Fatah is a MENA specialist and has been working as an expert witness since 2000. Dr Fatah provides Country Expert Reports (including Country Guidance Report Cases); Nationality Assessments; and Document Authentication Reports. This work involves analysing, translating and accessing source material in Arabic, Dari, Farsi, Kurdish (Kurmanji and Sorani), and Pashto. Dr Fatah has represented MECS in conferences and meetings at various institutions (universities, human rights bodies, research organisations, parliamentary groups in the UK House of Commons and the Finnish parliament) across the world on matters related to the MENA region.

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# 1. Introduction

## 1.1 Instructions

I have been instructed to review the Home Office country policy and information note: Humanitarian Situation, Iraq, August 2022. This review is focused on country of origin information. I have not been instructed to comment on Home Office policy.

The review will provide:

- An assessment of the extent to which information from source documents has been appropriately and accurately reflected in the CPIN report
- An identification of additional sources detailing the current human rights situation in Iraq
- A correction of any specific errors or omissions of fact
- A recommendation for general improvements regarding, for example, the structure of the report, its coverage, or its overall approach.

## **1.2 Methodology**

The review has been conducted in line with the Common EU Guidelines for Processing Country of Origin Information (COI) in relation to the 'Quality criteria for evaluating and validating information', i.e. relevance, reliability, balance, accuracy, currency, transparency, and traceability.

## **1.3 Summary of Review**

Overall, the report provides a detailed collation of objective evidence on the humanitarian situation in Iraq. However, the same sources are repeated throughout the report. More diverse sources are needed to give a more detailed view of the situation. It is strongly recommended that the report writers read more sources and diversify the report.

There are some issues with a small number of the sources, which have been highlighted in the review below.

Main Suggestions relating to the COI Requests:

1. An introductory paragraph contextualising the report
2. A summary paragraph at the end of each section
3. Contextualising the objective evidence provided

**Not Accepted:** We must balance contextual, background information with a clear ask from our primary users (HO decision makers) for a shorter, more precise and concise report.

Moreover, the responses to COI Requests only present information as-is; they do **not** attempt to summarise or analyse the information contained within. This would potentially bring them within the scope of “policy” or “guidance”, rather than presentation of objective material, and thus require a level of quality assurance and sign-off, and likely require them to be published, which we are not resourced to provide – nor believe is necessary given the scope and purpose of the request service.

## 1.4 Understanding of the themes addressed in the CPIN Reports

In general, the report reflects prevalent legal usage and academic understanding of the themes considered. However, a greater contextualisation is needed. It is unclear whether the main focus of the report is on IDPs, returnees, or all Iraqis. The majority

of the sources relate to IDPs. However, it is not explicitly stated whether or not this is intended to be the focus of the report.

## **1.5 Quality and balance of sources**

In general, the sources used tend to be of high quality and relevant to the time period in which the report was conducted. However, there is an over reliance on some sources and in some instances, whole sections of the report rely on just one source. There are some issues with a few of the sources used. Moreover, it is considered that some of the paragraphs need contextualisation.

## 2. Review

### 2.1 Consideration of issues

2.6.1 (Comment) This paragraph states that particular care should be given to non-Kurds relocating to the IKR. It is also considered that care should be given to lone women (whether Kurdish or not), and Kurds relocating from the “disputed territories”. This is because some of the policies which the KRG pursues are arbitrary in the treatment of Kurds from disputed areas. It is not entirely clear what the requirements are to move between the governorates. According to a field worker in the IKR, the border with Iraq remains open, but people are not really moving between the IKR and the rest of Iraq. I have contacted a professional Kurdish woman who was refused entry into Erbil with family comprising children and an elderly woman, simply due to her car license plates identifying Kirkuk as her origin.

Noted (as there is no clear recommendation here). Entry requirements and cross border movement is covered in another forthcoming CPIT product.



## 2.2 Geography and demography

(Suggestion) This section does not explain the different areas of Iraq. While a view of the population density is helpful, it would be of more use to the reader to understand the geography in Iraq in terms of political control.

Iraq is split into three regions: Iraq-proper, which is under the control of the Government of Iraq; the Iraqi Kurdistan Region (IKR) which is comprised of Erbil, Sulaymaniyah, and Duhok and is under the control of the Kurdish Regional Government; and the “disputed territories” which include parts of the following governorates: Ninewa, Kirkuk, Salahadin, and Diyala.

According to article 140 of the 2005 Iraqi Constitution, a referendum should be held in Kirkuk and the rest of the Disputed Territories to determine whether the land should belong to the KRG or Gol. While the Constitution stated that the referendum should have taken place by the end of 2007, Article 140 is yet to be implemented. Source – Constitute Project, ‘Iraq’s Constitution of 2005’, [https://www.constituteproject.org/constitution/Iraq\\_2005.pdf?lang=en](https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en)

The term ‘contested territory’ may also be used when referring to this region of Iraq. This refers to a piece of land that is being contested by an occupying force, in this case ISIS. As such, the area marked out on the map above is considered to be presently disputed between the Gol and KRG and parts of the region were formerly contested by ISIS.

Additionally, The Protective Units of Shengal (*Yekinekani Parastini Shangal*) control Shangal (or Sinjar), the Yezidi area located within Ninewa governorate. The group is on the payroll of *Hashd al Shaabi*; however, some groups accused them of being militant and pro-PKK. Turkey and the KDP are among those that accuses them of being PKK sympathisers. In January 2020, Turkish droned killed five members of the group, including their chief. Source – Zaman, ‘Head of the Ya Pa Sha killed’, 15 January 2020, (Kurdish) <https://www.zamenpress.com/Details.aspx?jimare=15747>

Herkr, ‘Ya Pa Sha is created by the PKK’, 02 April 2016, (Kurdish) <https://hekar.net/ku-surani/babet/44496/?cat=3>

It should be noted that Turkey also occupies bast areas of Iraqi Kurdistan and has established a military presence there. The Turkish state has built roads to link these areas with one another and Turkey. Source – EEAS, ‘EP Plenary: Turkish airstrikes on northern Syria and the Kurdish Region of Iraq’, 13 December 2022, [https://www.eeas.europa.eu/eeas/ep-plenary-turkish-airstrikes-northern-syria-and-kurdistan-region-iraq\\_en](https://www.eeas.europa.eu/eeas/ep-plenary-turkish-airstrikes-northern-syria-and-kurdistan-region-iraq_en)

**Accepted:** The referendum, disputed territories and actors within those territories will be covered by a forthcoming CPIT product.

## 2.3 Economy

4.2 (Suggestion) Only one source has been used for this entire sub-section. A variety of sources would be useful to provide a clearer understanding of the situation. Moreover, it would be helpful to have a distinction between the IKR and Iraq-proper.

Some suggested sources are given below:

High unemployment rates in Iraq have resulted in mass protests that often turn violent. Source – Amwaj Media, ‘Iraq’s unemployment crisis puts spotlight on foreign workers’, 27 October 2022, <https://amwaj.media/article/foreign-labor-adds-to-iraq-s-unemployment-struggles>

There are six million unemployed people in Iraq. For those who are employed, the minimum salary is just 350,000 Iraqi dinars (USD 237.60). Source – Middle East Monitor, 07 October 2022, <https://www.middleeastmonitor.com/20221007-more-than-6m-unemployed-in-iraq/>

Around a third of Iraq’s youth are neither employed nor in training. Source – Carnegie Endowment for International Peace, ‘Economic costs of Iraq’s intra-Shia power struggle’, 08 September 2022, <https://carnegieendowment.org/sada/87875>

Since the Islamic State took control of areas adjacent to the IKR region in 2014, the economic situation in Iraqi Kurdistan has been affected, both in terms of the absence of investors or in terms of declining revenues coming from the centre in Baghdad. The current declining economy of the IKR has resulted in the young Kurdish generation to leave the country to Europe. Many of workers and employees haven’t been paid their salaries for months as a result of the weak financial situation of the region. Source – BBC Arabic, “Migration Caravans”, 30 November 2021, (Arabic) <https://www.bbc.com/arabic/middleeast-59483752>

Duhok has the highest unemployment rate within the IKR at 24.1 percent. In comparison, the unemployment rate for Iraq as a whole is 16.5 percent. However, the governorate with the highest unemployment rate in the country is Ninewa at 32.8 percent.

Source – [https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms\\_858009.pdf](https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/genericdocument/wcms_858009.pdf)

**Accepted:** more details on the economy and unemployment rate is included in the Country Background Note. However, greater emphasis on the state of unemployment, youth unemployment and issues around patronage networks needs addressing in the Humanitarian overview.

(Suggestion) It would be helpful for this section to address the major sources of economic failure in Iraq-proper and the IKR. These can be largely categorised as the following:

- 1) Corruption: There are numerous groups that control Iraq's resources. Both Shia groups in the south and Kurds (KDP and PUK) in the north sell oil and other resources underhand without contributing to the national budget. The individual groups benefit from these sales, rather than the nation as a whole. Moreover, these different groups send huge sums of money outside of Iraq for their own investments.
- 2) Supporting Iran: Iran is under international sanctions, which have damaged the Iranian economy and devalued its currency. The Iraqi authorities contribute to the Iranian economy in order to ease the impact of sanctions on the country.
- 3) Fragmentation of power: Iraq is highly fragmented. There is no central authority that can assert its power over all parts of the country. This means that there is no centralised power that controls Iraq's finance and economy, ensuring that income contributes to the national wealth. Individuals and groups establish businesses to maximise their own profit, not strategic businesses for the wealth of the nation. Here, consumer goods such as vegetables, tomato puree, and yoghurt are imported from Turkey and Iran, instead of assisting local farmers and producers to establish a sound industry to contribute to the wealth of the nation. Additionally, extremely poor-quality medicine is imported in order to maximise the profit for the groups that are importing them. Iraq previously had a huge medical plant in Samarra which was destroyed due to conflict and never rebuilt by the current authorities.

Additionally, cigarettes and alcohol make up a huge market in Iraq. Under the previous regime, Iraq manufactured extremely good quality alcohol such as Arak. This benefited the nation in two ways, it contributed to the Iraqi manufacturers and allowed Iraqis to consume local alcohol at cheaper prices. Now, most of the alcohol that is available in Iraq either has fake labels and is manufactured locally with no quality control or is imported by political groups or influential individuals. None of these alcohols are subjected to any type of tax, maximising profits for the importers while not contributing to the wealth of the nation.

- 4) Lack of recognised international law: The Iraqi judiciary is not recognised internationally. This means that if there is a dispute, the international companies investing in Iraq would have no law to rely on. This happened with Dana Gas, who invested in Iraq and many other oil companies. The group had to deal with expensive and prolonged international arbitration. Moreover, the profit from oil does not contribute to the wealth of the nation. For example, the KDP sells oil internationally via pipelines to the Mediterranean via Turkey. This has two implications. Firstly, this contributes to the Turkish economy in exchange for protection and gives them political standing among an unsatisfied population. Secondly, the KDP has created many local companies as middlemen to profit from the business. Indeed, all profitable businesses in Iraq are owned by political groups and influential individuals. The main KDP businesses are Korak Telecom and Kar Group and the PUK owns Qaywan Group and Asia Cell Telecommunications. These are just the major corporations. Almost every single profitable business in Iraq is owned in similar ways.

#### **Requires**

**clarification:** Please provide a reliable source to use.

Issues around corruption is covered in the actors of protection CPIN.

Iran's influence is covered in the security situation CPIN

Judiciary processes are covered in the actors of protection CPIN

## 2.4 Humanitarian Situation

(Suggestion) It would be useful for the reader to have an introductory paragraph/section which explains the political/security context. This would help the reader to understand the reasons for the current humanitarian situation in Iraq and give an indication as to whether the current situation could likely change or not.

For example, it should be stated that the humanitarian situation in Iraq has been impacted by decades of conflict and instability. The situation in Iraq is extremely fluid. This is due to several factors. Firstly, the weaknesses of Iraqi state sovereignty. Countries such as Iran, Turkey, United States, and Saudi Arabia all have a vested interest in Iraq and are very influential to different political players and groups. For example, Iran influences certain prominent Shia militia groups in Iraq and Turkey has a great deal of influence over the KDP, the main Kurdish political group. Moreover, there are also insurgent groups at play here such as ISIS. This further weakens Iraqi sovereignty.

Iraq can also be divided among ethno-sectarian lines, and even the ethnic or sectarian groups themselves can be further subdivided. Tensions between different sectarian and ethnic groups can often flare up. Additionally, Iraq has several militarised factions. These include the Iraqi and Kurdish armies, numerous Shia militia groups, personal armies to the political leaders, armed clans, insurgent forces, and so forth. The situation in such a militarised country will always be highly fluid and unstable.

With regard to the Iraqi Kurdistan Region, the KDP and PUK come from tribal, guerrilla backgrounds where violence, weapon, and dictatorship are vital. Because of this, the Kurdish community is run in such a fashion and the IKR is run as two factions, controlled by Iran, Turkey, and the US. Both Kurdish political groups are respectively controlled by external powers. Iraq-proper is a failed state and is unable to exert its power over its own country's policies. For example, the Iraqi government has been unable to prevent the Barzani clan from selling its oil to Turkey. This regional interference hinders the country's stability and the humanitarian situation there. The fracturing of the state has allowed each party to blame one another in their failure to rule and provide services while hiding their grave human rights abuses.

### **Not Accepted:**

We must also balance contextual, background information with a clear ask from our primary users (HO decision makers) for a shorter, more precise and concise report.

Moreover, summarising paragraphs are for the assessment section, not the COI (bearing in mind the scope and purpose of the CPIN).

**Accepted:** The ethno-sectarian lines are commented on in a forthcoming CPIT product. Militia groups are included in the CPIN on actors of protection.

(Suggestion) This section relies heavily on the report by UNOCHA. While this source is useful and reliable, a wider variety of sources would give a more detailed and balanced view of the humanitarian situation in Iraq.

Some suggested sources are given below:

Hazem Al-Rudaini, the head of the Human Rights Centre, has stated that 25 percent of the population in Iraq (amounting to 9 million people) are suffering extreme poverty. Source – Kurdistan 24, 'Iraq witnesses a sharp increase in poverty', 01 November 2022, <https://www.kurdistan24.net/en/story/29847-Iraq-witnesses-a-sharp-increase-in-poverty>

However, different areas of Iraq have vastly different levels of poverty. In Ninewa, local authorities estimate that 40 percent of residents live in poverty. Source – France 24, 'Iraq's Mosul healing slowly, five years after IS defeat', 07 December 2022, <https://www.france24.com/en/live-news/20221207-iraq-s-mosul-healing-slowly-five-years-after-is-defeat>

**Not Accepted:**

Although the CPIN relies heavily on UNOCHAs report on Iraq's humanitarian needs overview, we do also use material from sources such as the IOM, Reach international, MCNA, UNICEF, ICCG etc. The sources suggested are news sources; and although a different type of source to those used for UNOCHAs paper; give snap shots of the situation rather than an overview of the humanitarian situation on a whole. Although beneficial in providing context and a different type of source, are not useful for the audience of the CPIN

Thank you for those sources but please note the CPIN cut of date of August 2022.

5.2.1 (comment) This paragraph states that over six percent of the population face humanitarian needs. This number includes 728,000 IDPs and 1.7 million returnees. The subsection also declares that the People in Iraq (PIN) has decreased from 4.1 million people in 2021 to 2.5 million people in 2022. These numbers translate into a decrease of 41 percent in one year. However, these statistics may vary depending on the source. Another report states that of the Iraqi population, which amounted to 41 million people in October 2022, 25 percent of whom are classified as PIN. This percentage equals about 11 million Iraqis. In addition, the objective evidence demonstrates a rise in poverty in west northern Iraq, which amounted to 41 percent in Ninewa, a former conflict area. Source – Aljazeera, ‘Quarter of the Iraqis are poor’, 17 October 2022, (Arabic) <https://www.aljazeera.net/politics/2022/10/17/%D8%B1%D9%8F%D8%A8%D8%B9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82%D9%8A%D9%8A%D9%86-%D9%81%D9%82%D8%B1%D8%A7%D8%A1-%D9%87%D9%83%D-8%B0%D8%A7-%D8%A3%D9%84%D9%82%D8%AA-%D8%A7%D9%84%D8%AD%D8%B1%D9%88%D8%A8>

Moreover, this subsection also refers to a “stabilizing socioeconomic impact of COVID-19”, and hints that the focus on people with multiple humanitarian needs rather than long-term development were the causes of the decrease of poverty. However, it should be noted that there has also been a rise in poverty because of the absence of long-term development policies and the lack of social justice, which led to a high unemployment rate. In addition, to corruption, looting public money and disrupting hundreds of projects and governmental decisions. Source – Aljazeera, “Corruption exhausts Iraq”, 08 October 2022, (Arabic), <https://www.aljazeera.net/politics/2022/10/8/%D8%A7%D9%84%D9%81%D8%B3%D8%A7%D8%AF-%D8%B3%D9%85%D8%A9-%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A%D8%A9-%D9%81%D9%8A-%D8%A7%D9%84%D8%B9%D8%B1%D8%A7%D9%82-%D9%85%D8%A7-%D8%AD%D8%AC%D9%85%D9%87-%D9%88%D9%85%D8%A7>

In this regard, Al Sudani, the Iraqi prime minister has stated that: “the epidemic of corruption that has affected all aspects of life is more deadly than the corona pandemic and has been the cause of many economic problems, weakening the state’s authority, increasing poverty, unemployment, and poor public services”. Source – DW, ‘Iraq gets a new government after a year of deadlock’, 28 October 2022, <https://www.dw.com/en/iraq-gets-a-new-government-after-a-year-of-deadlock/a-63581601>

5.2.3 (Suggestion) In this paragraph, the report addresses the criteria refinements that was accomplished by the humanitarian community in Iraq. The source of this information repeats the facts mentioned in the report, but it does not explain which criteria were improved or how these numbers were found. This should be clarified.

**Partially Accepted:**

The graphic depicts the differing geographic poverty rates (noting the large amount in Ninewa). Due to a lack of census, exact figures are difficult to assess. We believe it should be noted, rather than offering multiple alternate figures.

Thank you for those sources but please note the CPIN cut off date of August 2022.

**Accepted:**

Corruption in Iraq is commented on in CPIN Actors of Protection though we will look to add more emphasis on this within the Humanitarian situation CPIN.

|  |  |
|--|--|
| <p>5.3 (Suggestion) This section wholly relies on the UNOCHA report. More diverse sources are recommended.</p> <p>Some suggested sources are given below:</p> <p>An IRC survey of over 400 homes in Mosul found “an alarming spike” in child labour rates where the majority of families were sending minors to work. Moreover, around three-quarters of these children were found to be working in “informal and dangerous roles”. Source – France 24, ‘Iraq’s Mosul healing slowly, give years after IS defeat’, <a href="https://www.france24.com/en/live-news/20221207-iraq-s-mosul-healing-slowly-five-years-after-is-defeat">https://www.france24.com/en/live-news/20221207-iraq-s-mosul-healing-slowly-five-years-after-is-defeat</a></p> <p>Child labour rates are highest returnee households at 50 percent, the rate for IDP households is 25 percent, whereas host communities were found to have over 20 percent of households engaging in child labour. Source – IRC, ‘High child labour rates in Iraq continue to disrupt children’s education, childhood, and basic rights’, 20 November 2022, <a href="https://reliefweb.int/report/iraq/high-child-labor-rates-iraq-continue-disrupt-childrens-education-childhood-and-basic-rights-irc-warns">https://reliefweb.int/report/iraq/high-child-labor-rates-iraq-continue-disrupt-childrens-education-childhood-and-basic-rights-irc-warns</a></p> <p>A 2021 report by the US Department of Labour found that children in Iraq are subjected to “the worst forms of child labour” including forced begging and commercial sex exploitation. The report went on to say that the Iraqi government “continues to lack social programs that focus on assisting children involved in the worst forms of child labour”. Source – US Department of Labour, ‘2021 findings on the worst forms of child labor’, <a href="https://www.dol.gov/agencies/ilab/resources/reports/child-labor/iraq">https://www.dol.gov/agencies/ilab/resources/reports/child-labor/iraq</a></p> <p>World Vision have reported that since the COVID-19 pandemic, the number of children living in poverty has increased from 20 to 40 percent. This has led to an increase in school drop-out, child marriage, and child labour. Source – World Vision, ‘Child protection and COVID-19: Iraq case study’, 18 February 2022, <a href="https://reliefweb.int/report/iraq/child-protection-and-covid-19-iraq-case-study">https://reliefweb.int/report/iraq/child-protection-and-covid-19-iraq-case-study</a></p> | <p><b>Accepted:</b> Some brief information on child labour will be included for context, but the focus of the CPIN is on the humanitarian situation and whether that directly causes a breach of our obligations under Article 3 ECHR were we to return someone.</p> <p>Thank you for those sources but please note the CPIN cut of date of August 2022.</p> |
| <p>5.3.1 (Comment) This paragraph suggests a decrease in the number of returnee children who are in dire need of education support. However, there are sources with contradict this information presented in the report. The World Bank report on Iraq has indicated a sharp increase of the numbers of Iraqi children who are deprived of education. The WB numbers state that when reaching the age of 18, the Iraqi child does not get more than 4 years of education compared to his peers in other countries. The report also hints that IDPs children have less chances to get education than the Iraqi children who did not suffer displacement. Source – Bas News, “Education system in Iraq fails to educate new generations to build the country”, 17 August 2022, <a href="https://www.basnews.com/ar/babat/769643">https://www.basnews.com/ar/babat/769643</a></p>   | <p>Please see previous comment.</p>  |



5.5 (Suggestion) This sub-section relies almost entirely on one source. More diverse sources are required to give a clear picture of the healthcare situation.

Some suggested sources are given below:

In 2020, the Borgen Project reported that: “Around half of the primary care facilities in the country are currently not staffed by doctors. The majority of these buildings have no access to running water, worn-out machines and shortages of medicine along with other basic medical supplies. The doctors present are often overspecialized and in need of more thorough training”.

Source – The Borgen Project, ‘6 facts about healthcare in Iraq’, 28 July 2020, <https://borgenproject.org/6-facts-about-healthcare-in-iraq/>

Reuters reported that a third of Iraq’s 52,000 registered doctors, around 20,000 doctors, have fled since the 1990s. One doctor that Reuters interviewed stated that 300 doctors in his 2005 graduation class have left the country. Source – Reuters, ‘The medical crisis that’s aggravating Iraq’s unrest’, 02 March 2020, <https://www.reuters.com/investigates/special-report/iraq-health/>

According to the National, Iraqis struggle to access basic medicine and treatment. Here, medicines available in the public health system are often expired or counterfeit. Source – The National, ‘Iraq’s fragmented healthcare system “at the heart of the struggle to overcome war”’, 02 December 2022, <https://www.thenationalnews.com/mena/iraq/2022/12/02/iraqs-fragmented-healthcare-system-at-the-heart-of-the-struggle-to-overcome-war/>

An Iraqi Ministry of Health (MOH) report revealed that around 60-70 percent of medicines in the country’s private sector do not enter Iraq through official processes (they are neither quality tested nor registered). This became an issue when the importation of medicines to Iraq’s private sector became decentralised after 2003. Source – Uppsala Reports, ‘SUBSTANDARD AND FALSIFIED MEDICATIONS IN IRAQ’S PRIVATE SECTOR’, 17 August 2021, <https://www.uppsalareports.org/articles/substandard-and-falsified-medications-in-iraq-s-private-sector/>

Fikra Forum reported that there is evidence presented in US courts against companies that bribed Iraq’s Health Ministry to win contracts. Indeed, the Health Ministry and Iraq’s government are accused of selling medicine intended for the ministry on the black market. This meant that Iraqi society and the government were caught unprepared when COVID-19 spread in the region. Source – Fikra Forum, ‘Iraq’s Health System: Another Sign of a Dilapidated State’, 15 July 2021, <https://www.washingtoninstitute.org/policy-analysis/iraqs-health-system-another-sign-dilapidated-state>

**Accepted:** We will include this in the updated CPIN resulting from this review.



5.5.2 (Suggestion) in this paragraph, the report states that individuals in shelters are more likely to have access to healthcare services within one hour of travel. This statement needs contextualisation. Statistics on travelling infrastructure and travelling in general in Iraq are extremely limited. The statement in the report seems to be largely drawn from media sources which do not usually present trustworthy images. This is due to the lack of transparency in Iraq and the politicisation of Iraqi media to an extent.

**Not Accepted:** The report says that individuals in shelters are more likely to have **low** access. The UNOCHA report uses sources from charities and NGOs on the ground not media sources.

# Additional sources (provided following IAGCI meeting)

Further clarification on the major sources of economic failure in Iraq-proper and the IKR:

*This source shows that the economy is corrupt and public funds are used for political gains:* <https://www.cato.org/sites/cato.org/files/2021-09/efw-2021-chapter-4.pdf>

*This source shows that the fragmentation of power and presence of militia and insurgent groups disrupt economic stability:* <https://www.state.gov/reports/2022-investment-climate-statements/iraq/>

*This source shows that the finances of the IKR are controlled by the clans and corruption is present:* <http://iraqieconomists.net/en/wp-content/uploads/sites/3/2022/03/Mohammed-Hussein-paper-IEN-final-editig.pdf>



# Review of the June 2021 Home Office country of origin information on Iraq: opposition to the government in the Kurdistan Region of Iraq (KRI)

*Prepared for the Independent Advisory Group on Country Information (IAGCI)*

Dr Rebwar Fatah, Middle East Consultancy Services<sup>2</sup>

December 2022

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# 1. Introduction

## 1.1 Instructions

I have been instructed to review the Home Office country policy and information note: Opposition to the government in the Kurdistan Region of Iraq (KRI), June 2021. This review is focused on country-of-origin information. I have not been instructed to comment on Home Office policy.

The review will provide:

- An assessment of the extent to which information from source documents has been appropriately and accurately reflected in the CPIN report
- An identification of additional sources detailing the current human rights situation in Iraq
- A correction of any specific errors or omissions of fact
- A recommendation for general improvements regarding, for example, the structure of the report, its coverage, or its overall approach.

## 1.2 Methodology

The review has been conducted in line with the Common EU Guidelines for Processing Country of Origin Information (COI) in relation to the 'Quality criteria for evaluating and validating information', i.e. relevance, reliability, balance, accuracy, currency, transparency, and traceability.

## 1.3 Summary of Review

Overall, this document provides a detailed appraisal of the challenges and threats faced by civil society actors, activists and journalists as well as civilians more generally in the Kurdistan region of Iraq. There are some issues with this document, which at times provides information without reaffirming its relevance to the overall remit of the CPIN and is thus at times hard to follow. As such I have recommended the placement of concluding paragraphs at the end of each thematic section.

In addition to this, the document at times omits key information about individuals, groups or entities that is important for the reader to understand. For instance, the document consistently references articles by the Kurdish news outlet Rudaw media, without clearly stating the political links the network has to the KDP leadership. It would be beneficial for a more accurate and clear outlining of the political

allegiances of major Kurdish journalist networks, perhaps in the form of a short table of networks referenced with notable or important political links.

Another example of this is the discussion present in this document on the Kurdish security forces, *Asayish*. The document fails to note the politicisation of the group and its use as a political tool by the major parties. This document could also examine how aspects of the security forces have been co-opted by parties such as the PUK. Such examples are cases where the information provided in the document omits key contextual evidence to information, and such contextual strengthening would strengthen the overall document greatly. In this case, understanding that *Asayish* is a tool of political parties, rather than restricted and overseen by the federal Kurdish government, would improve the readers understanding of threats faced by civil society actors in the KRI.



Main Suggestions relating to the COI Requests:

1. A summary paragraph at the end of each section to bring together information presented in that section. Summary paragraphs should also be used to explain the relevance of information provided in that section to the overall topic of the CPIN, which is at times unclear especially in sections providing background contextual information (Prior to section 10)
3. This document could provide more contextual background to evidence provided. For instance, the politicisation of Kurdish security groups when discussing the targeting of journalists and activists

**Not Accepted:** We must balance contextual, background information with a clear ask from our primary users (HO decision makers) for a shorter, more precise and concise report.

Moreover, the responses to COI Requests only present information as-is; they do **not** attempt to summarise or analyse the information contained within. This would potentially bring them within the scope of “policy” or “guidance”, rather than presentation of objective material, and thus require a level of quality assurance and sign-off, and likely require them to be published, which we are not resourced to provide – nor believe is necessary given the scope and purpose of the request service.

## 1.4 Understanding of the themes addressed in the CPIN Reports

This report reflects prevalent legal usage and academic understanding of the themes considered. Nonetheless, further contextualisation of particular groups involved in the repression of Kurdish activism and civil society is needed in order to strengthen this report, particularly any political allegiances and links. The review also

notes that a more accurate appraisal of the KRI media landscape and its political allegiances is needed to strengthen this report.

## **1.5 Quality and balance of sources**

In general, the sources used are of a high quality and are relevant to the time period in which the report was conducted. There are some issues with some of the data visualisations and data sets provided within the report, for example:

10.1.8: (Suggestion) This section provides visualised data on the number of protests and riots that occurred across Erbil, Sulaymaniyah, Dahuk and Kirkuk governates in 2020 and across the first three months of 2021. These graphs were used produced by CPIT using data from the Armed Conflict Location and Event Data Project (ACLED). There are a number of limitations of the use of ACLED data, which may result in a potential mis-representation and under reporting of protest events in the Data.

Furthermore, the report frequently references Kurdish media outlets with no mention of their political affiliations. Doing such would greatly improve the methodological rigour of the report.

# 2. Review

## 2.1 Kurdistan region of Iraq

6.2.2 (Suggestion) This section provides information on the 2017 Kurdish independence referendum in the KRI, and provides details on the context in which the election is occurring, as well as the number of voters and voting stations. More information on the reliability of Kurdistan's electoral process and voting systems could be included here, and on preceding and succeeding sections on the referendum. This would provide the reader with more clarity on the status of Kurdistan's parliamentary democracy as well as further context behind protests, and political tensions.

Moreover, it is considered that the information given on the Referendum is sparse and could be fleshed out further so that the reader can understand the context in which it happened and the ramifications for the region. The Referendum should be seen in the context of a power struggle to control the KRG. At the time, Masoud Barzani had already illegally extended his term as president and there was pressure for him to retire. The Referendum was a last chance for Barzani to remain in power. Prior to this moment, neither Barzani or the KDP had an independent Kurdistan as their agenda. In 2005, there was an informal referendum on independence and none of the political parties (including the KDP) supported it. It should be noted that this was not the first time that the Barzani clan created a crisis for political gains. Barzani previously created a crisis with the Gorran movement to pass the presidency law (which gave him total control of public funds) and the parasite law (which allowed his son to have total control over Kurdistan security using public funds). During this crisis, the KDP security services stopped the president of parliament, Dr Yusif Mohammed (Gorran) from entering Erbil, closed down parliament, and fired all of the Gorran ministers in order to pass the laws.

The Referendum was vital for the Barzani clan as it ensured the following:

1. They achieved a strong clan control over the KRG government; presidency for Barzani's nephew, PM for his son, and he started building power for himself as a "modern king". Barzani started calling himself marja' i.e., source of power.
2. It weakened all the political groups as they all followed Barzani's referendum decision. In the eyes of the people, the other parties could not stand against the idea of an independent Kurdistan
3. It drastically weakened the PUK who lost control over Kirkuk, Khanaqin, Jalawla, and many other areas. In comparison, the KDP did not lose as much land. When the Referendum failed, Barzani blamed the PUK and said that they were traitors.

Moreover, shortly after the Referendum, Barzani started fighting for ministerial posts and the president of Iraq in Baghdad. Barzani was able to get away with this because Jalal Talabani (the head of the PUK and former president of Iraq) and Nawshirwan Mustafa (the leader of Gorran) were no longer around.

**Accepted:** This information will be included in a forthcoming CPIT product. We will consider which piece(s) of information (i.e. relating to the wider context of the referendum, the power struggle between the KDP and PUK, the knock on effects of the referendum and the state of democracy in the KRI) best belong in which product and ensure suitable cross-referencing.

6.2.5 (Suggestion) This subsection describes the retaking of Kirkuk and parts of Nineveh and Diyala provinces by Iraqi security forces, the retreat of Kurdish forces to 2014 lines just three weeks after the Kurdish independence referendum. Referenced is a quote by Iraqi prime minister who stated that the referendum was “a thing of the past”. It would be useful here to explain the period after the Kurdish referendum in more detail. A general theme of this section is the lack of detail afforded to the post referendum period, and the reasons why Kurdistan’s referendum result is still yet to be enacted. Such additional detail would provide the reader with a greater deal of contextual understanding regarding the political situation in Kurdistan, and the situation of Kurdistan independence.

It should be noted that the KRG is less stable since the referendum. The two ruling parties, the KDP and PUK, have been bitterly divided, with accusations of treason levelled by the KDP at the PUK for making a deal with the GoI for withdrawal from Kirkuk. This has affected the formation of the government in the KRG. Moreover, the referendum has exacerbated tensions between the KRG and the Government of Iraq.

It would also be helpful to the reader to explain the role of *Hashd* in the 2017 takeover of the Disputed Territories and subsequent ethno-sectarian tensions in the area. For example:

In October 2017, Amnesty International reported that at least 11 civilians were killed as Kurdish homes were looted and burnt down in Kurdish neighbourhood of Tuz Khurmatu. Residents of Tuz Khurmatu claims that those who engaged in such crimes included Iraqi government forces, *Hashd* militia groups, and Turkmen fighters and civilians. Source – Amnesty International, ‘Iraq: Kurdish homes targeted in wave of attacks by government-backed militias’, 24 October 2017, <https://www.amnesty.org.uk/press-releases/iraq-kurdish-homes-targeted-wave-attacks-government-backed-militias>

Minorities in the Disputed Territories faced discrimination, displacement, and violence from *Hashd* units following the government’s retaking of the area in October 2017. Local and international media sources reported on *Hashd* groups looting and burning homes of Kurds, Turkmen, Sunni Arabs, and other ethnic minorities in Kirkuk and Diyala. Source – Kirkuk Now, ‘From the point of view of America, the human rights situation in Kirkuk and the rest of the disputed areas’, 12 April 2019, (Arabic) <https://bit.ly/3ouug6r>

Moreover, Since the Iraqi Security Forces and *Hashd* retook the Disputed Territories in October 2017, there have been reports of a systemized attempt to “Arabise” the population in these regions. Here, there have been reports that *Hashd* forces in the Disputed Territories have been turning a blind eye to ISIS crimes against Kurdish residents in an attempt to bring about a demographic change in displacing the Kurds. Source – Acrseg, ‘ISIS and the militias in Iraq, double harnessing or mutual benefit?’, 16 June 2020, <http://www.acrseg.org/41636> (Arabic)

On 27 February 2022, it was reported that KRG PM Masrour Barzani met with Iraqi Interior Minister Othman al-Ghanimi and called for an end to attacks on Kurds in Kirkuk. Barzani highlighted the demographic change, seizing of lands, and attacks on Kurdish citizens. Source – Kurdistan 24, ‘PM Barzani to Ghanimi: assaults on Kirkuk Kurds do not serve Iraqis’, 27 February 2021, <https://www.kurdistan24.net/en/story/24013-PM-Barzani-to-Ghanimi:-assaults-on-Kirkuk-Kurds-do-not-serve-Iraqis>

Accepted. as above.

## 2.2 Kurdistan Regional Government (KRG)

7.1.1 (Suggestion) This paragraph briefly explains to the reader the structure and key actors in the executive branch of the KRG. A more detailed explanation of the powers held, or not held, by either the presidency or the premiership would provide the reader with a more accurate understanding of the key players referenced in this paragraph, as well as their importance and role in the formation of government policy and actions in Kurdistan.

This paragraph could also provide a comparison of the recent structure and trajectory of the executive branch with the pre 2010 period, in order to provide an understanding of how adherence to the Kurdish constitution has strengthened or weakened over time. This would allow a greater understanding of if and how the Barzani family have strengthened their hold of the executive over time and if a centralisation of executive power has occurred.

It should also be noted that the KDP is under the total control of the Barzani clan. The president of the region is elected by the parliament for a maximum of two terms (total 8 years). Masoud Barzani, who was initially elected as president in 2005, was re-elected in 2009. In August 2013, Barzani's second and final term came to end. However, due to perceived regional difficulties, the parliament exceptionally extended his presidency for another two years. This extension was based on a solid self-declared undertaking that he would not seek re-election. Barzani's presidency legally ended on 19 August 2015 and the parliament did not extend his presidency again. However, he stayed in power for a further two terms. Masoud Barzani eventually stepped down in the aftermath of the referendum, and Nechirvan Barzani, Masoud's nephew and Prime Minister of the KRG, gained charge of the KRG. However, Masoud Barzani has remained in his position as head of the KDP and has continued to act as the regional head. According to the Presidency Law, the president of the KRG should step down after two terms, after which the head of the parliament should become a caretaker president until a new president is chosen. Masoud Barzani not only refused to step down, having served for 12 years, he also ordered that the head of parliament be barred from entering parliament (and even the city of Erbil) as from 23 June 2015. This created a deep political and social crisis.

Masoud Barzani also appointed his son Masrour as the head of two important agencies, the Intelligence Agency and the National Security Agency. Masrour Barzani is thus the head of all police, law enforcement and security forces. Masoud Barzani's second son, Mansour, is in command of the "special forces". Other members of the close family hold most of the other important military and economic posts. Power is concentrated in the hands of the ruling parties and clans, who perpetuate an autocratic and a non-democratic system of government. Many of the appointments of family members to military, political, and economic posts have not gone through parliamentary approval. The Iraqi constitution, which is a lawful document in Kurdistan too, enshrines the division of power. However, in the IKR all of the power is in the hands of the same clan. Thus, undermining the constitution in practice.

**Partially Accepted:** Corruption and Nepotism in the government is discussed elsewhere. As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK. They are not intended to be an exhaustive survey of a particular subject or theme. Whilst it would be interesting to include greater context on the history, trajectory, key players, and consolidation of power of the KDP in the KRG; the question we are trying to address is whether a person faces a well-founded fear of persecution and whether there is adequate protection for a person who has spoken out against the government, not specifically why they have spoken out.

7.3.1 (Comment) This paragraph points the reader to an article published by the Rudaw media network reporting on the reaching of separate agreements by the KDP with Gorran, and the PUK. It should be noted that there have frequently been claims of alignment between the Rudaw media network and the KRG, and KDP. For instance, a Daily Sabah report in 2015 claimed that the Rudaw media network is “Known for its close stance on KRG and its president Masoud Barzani”. The report went on to cite Rudaw’s rejection of this. Although there is no evidence of partisan reporting in this specific instance, readers should be aware of the potential alignments of referenced sources. This CPIN should endeavour more to point out claims of partisanship and political alignment in referenced Kurdish news sites. Source – Daily Sabah, ‘PKK-affiliated PYD bans Rudaw TV in Rojava’, 05 August 2015, <https://www.dailysabah.com/mideast/2015/08/05/pkk-affiliated-pyd-bans-rudaw-tv-in-rojava>

**Not Accepted:**  
The reliability of sources are taken into account when we select them. In this case the source provides facts not opinions. Should we comment on opinions expressed within a source then we endeavour to notify the reader of issues of bias with the source.



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| <p>7.4.1 (Suggestion) This paragraph explains the involvement of Kurdish parties in national politics, as well as the processes behind national elections and the selection of Iraqi prime ministers. It also touches upon instances of voter fraud in the Iraqi electoral process. The objective evidence suggests that cases of voter fraud were potentially more widespread than suggested in this paragraph, which also fails to mention that the PUK have been accused of vote rigging in national elections. This should be addressed in the paragraph in order to provide the reader a greater comprehension of the current democratic situation in Iraq, as well as the attitudes of major Kurdish parties such as the PUK to democratic electoral processes.:</p> <p>In June 2018, Al-Monitor reported that the Independent high electoral commission of Iraq annulled votes at more than 1,000 of the country’s polling stations after the May 2018 elections. Furthermore, it reports that votes were annulled at 186 stations in Kirkuk. The al-Monitor report goes on to reference concerns by Arab political figures that the PUK rigged the vote in the Kirkuk governorate in order to bring about the return of Peshmerga forces there. Source – Al Monitor, ‘Disputes over election results threaten conflict in Iraq’s Kirkuk’, 01 June 2018, <a href="https://www.al-monitor.com/originals/2018/06/kirkuk-election-fraud-iraq.html">https://www.al-monitor.com/originals/2018/06/kirkuk-election-fraud-iraq.html</a></p> <p>In June 2018, the BBC reported that Iraq’s parliament voted to carry out a manual recount of votes cast in May’s legislative elections amid “allegations of widespread fraud”. It quotes Prime Minister Haider al-Abadi who claimed that security agencies had evidence of “unprecedented violations”. BBC News, ‘Iraqi parliament orders manual election recount’, 06 June 2018, <a href="https://www.bbc.co.uk/news/world-middle-east-44390092">https://www.bbc.co.uk/news/world-middle-east-44390092</a></p> <p>In August 2018, Reuters reported the Iraq’s election commission ignored an anti-corruption body’s warnings about the credibility of electronic vote-counting machines used in May’s election. The article goes on to explain that concerns regarding the elections centred on discrepancies in the tallying of votes by the machines, predominantly in the Kurdish provinces of Sulaimaniyah and Kirkuk, and claims the devices could have been hacked or tampered with to skew the result. Reuters, ‘Iraq election commission ignored warnings over voting machines’, 05 August 2018, <a href="https://www.reuters.com/article/us-iraq-election-exclusive-idUSKBN1KQ0CG">https://www.reuters.com/article/us-iraq-election-exclusive-idUSKBN1KQ0CG</a></p> | <p><b>Partially Accepted:</b> Information on the annulling of votes and vote rigging should be briefly included. However, precise details on the mechanisms in which this was done is beyond the scope of this CPIN as its main focus is on opposition to the government and not a detailed review of the government and its political processes.</p> |
| <p>(Comment) In general, it would be helpful to have more information on who controls (legislative or executive) regional security apparatus such as the <i>Peshmearga</i>, police etc. This is particularly important as it is the regional security apparatus that is most directly implicated in the suppression of civil society in the IKR</p>  | <p>This information is included in the Actors of Protection CPIN.</p>   |

## 2.3 Relationships between Kurdish parties

9.1.2: (Suggestion) This paragraph outlines historical and then contemporary factors explaining tensions between the PUK and the KDP. One such contemporary point of tension was the withdrawal of the Peshmerga from Kirkuk, which led to accusations of collusion between the PUK and Iranian general Qasem Suleimani. This paragraph could provide a greater range of analytical positions, regarding PUK and Iranian alignment. This is in order to give the reader a broader understanding of the active role of Iran in exacerbating the obstacles facing Kurds in the IKR. This could be done by providing an overview of historical Iranian influence over the PUK and its role in exacerbating tensions between the parties.

The split between the PUK and KDP degraded drastically due to the PUK Peshmerga striking a deal with Shia Militias and/or the Federal Iraqi government to withdraw from Kirkuk without fighting. It is important to note that this deal was not struck by the leadership of the PUK, but rather a faction of the group. This faction consisted of the elder son and nephew of the former President of Iraq Jalal Talabani – who has no official position, and Lahur Talabani – who is in charge of the PUK anti-terror squad.

In April 2016 an al-Jazeera centre for studies report describes the historical use of Kurdistan by Iran to pressure Iraq. It describes how the dealing of the Kurdish issue by Iran through a branch of Iranian intelligence has historically led to accusations of betrayal by both parties. Furthermore, “particularly during general elections those political parties aligned with the Islamic republic have been accused of election rigging, with Iranian complicity”. The report also states that Iran has “attempted to expand its political influence on the Kurdistan region directly, especially at a time at which the Iraqi central government is not well positioned to impose its will”. Source – Al Jazeera Centre for Studies, ‘Iran’s role in the Kurdistan region’, 20 April 2016, <https://studies.aljazeera.net/en/reports/2016/04/160420105055207.html>

On 21 October 2017, Radio liberty reported on the meeting between PUK officials and Qasem Soleimani, and reaffirmed the role of Iran as an active and willing exploiter of internal Kurdish tensions. The report quotes a PUK official who stated that ““Soleimani’s visit...was to give a last-minute chance for the decision makers not to commit a fatal mistake” regarding the potential for direct clashes between Iraqi forces and the Peshmerga. The report goes on to claim that Suleimani has “exploited a division between the two main Kurdish parties over both the referendum and the crisis in Kirkuk”. RFE/RL, ‘Iranian general reportedly played key role in swift takeover of Iraq’s Kirkuk’, 21 October 2017, <https://www.rferl.org/a/iranian-general-irgc-commander-soleimani-reportedly-played-key-role-swift-takeover-iraqs-kirkuk-kurdish-parties-puk-kdp/28807424.html>

**Accepted:** The role of Iran in the disputed territories and of the political situation in Kirkuk, will be discussed in a forthcoming CPIT product. Thank you for those sources.



(Suggestion) Overall, this section would benefit from the presence of a concluding paragraph that briefly brings together all of the information presented. It could in particular benefit from the linking of tensions between Kurdish parties to the overall objective of the CPIN, in order to better provide readers with an understanding of the role of tensions between different Kurdish parties in the obstacles and challenges faced by people in the KRI.

**Not Accepted:**  
We must balance contextual, background information with a clear ask from our primary users (HO decision makers) for a shorter, more precise, and concise report. Summaries, analysis and conclusions belong in the assessment section to distinguish them from presentation of third-party reporting (as-is).

## 2.4 2020 Protests

(Suggestion) This section starts with detailing the government responses to the 2020 protests. However, it may be more helpful for the reader to first look into the government response to protesters and critics of the government before looking at 2020 as a case study.

The KRG has taken a harsh approach to protestors in the past. This also extends to journalists covering protests and also lawyers who have defended protesters in court. Opposition to the PUK and the KDP has increased since 2009 due to the mismanagement of the economy, the brutality of the security forces under their command and lack of transparency and accountability on the part of the PUK and the KDP. Many publicly opposed the PUK and the KDP without serious repercussions. While in the past the PUK fired many peshmerga fighters who pledged loyalty to Gorran publicly this time, the situation was more subtle. In the KDP controlled areas where the KDP has a stronger grip on power and government resources, dissent is less tolerated. The KDP uses financial incentives to attract those important individuals who have abandoned the party. There were several public ceremonies in which the returnees pledged allegiance against to the KDP often accompanied by the KDP chief Masoud Barzani's brother Sidad Barzani.

In the KDP controlled areas, opposition is stifled and there is hardly any resistance to the rule by the KDP which is less tolerant of dissent. In the PUK controlled areas while the group is still in charge of the security forces, there is much more uproar about the way the two ruling parties have administered this enclave in northern Iraq.

This was evidence in late 2017 and the 2018 spring protests in which thousands of people took to the street to raise their voice. Dozens of people were arrested and many were beaten and assaulted. Many were kept in detention for days without having access to a fair trial. *Asayish* security forces act as the main brunt of the Kurdish security forces to quell protests and stifle dissent through various means. Source – HRW, , Protester beaten, journalists detained, 15 April 2018, <https://www.hrw.org/news/2018/04/15/kurdistan-region-iraq-protesters-beaten-journalists-detained>

The independent individuals who oppose the ruling parties are in the most vulnerable position. Those affiliated with the opposition parties such as Gorran and the Islamic parties are in a better position even though they are subjected to violent acts as it transpired during the last May election for the Iraqi parliament when members of the opposition parties were threatened or beaten on the street by individuals believed to be affiliated with the Kurdish parties. Source – Rudaw, Gorran MP struck on Zakho streets, escorted out of city, 26 March 2018, <http://www.rudaw.net/english/lifestyle/260320181>

**Accepted:** We will reorganise the CPIN to layout the government response to protests and critics, before the 2020 case study.

**Not Accepted:** It is not within the remit of the CPIN to document multiple historic cases.

**Requires clarification:** More details on areas where resistance is stifled in KDP areas should be included. Can you provide any sources on this?

10.1.6: (Suggestion) This paragraph quotes a 2020 IRIS report entitled “Why did Protests Erupt in Iraqi Kurdistan?”. Amongst its key takeaways is the geographical scope of the protests, that even “Far flung mid-sized towns...witnessed some of the largest gatherings as well as the destruction of political party offices”. Little detail here is provided to the geographical hallmarks of the, protests beyond their geographical breadth, and the objective provides that whilst widespread, there are important and particular geographical characteristics to Kurdish protest movements.

On November 10 2021, an MEI report outlined these geographical hallmarks. It states that “they most often occur in peripheral areas, such as provincial towns, smaller villages and outlying low-income neighbourhoods in the larger cities. Source – MEI, ‘Simmering frustration and a demand for change: Public service protests in the Kurdistan Region’, 10 November 2021, <https://www.mei.edu/publications/simmering-frustration-and-demand-change-public-service-protests-kurdistan-region>

**Accepted (with some clarification needed):** We will include a small section on the differing nature of these ‘rural’ protests along with commentary on the difficulty of journalists reporting these protests. Please note the suggested source is after the June 2021 cut off for the CPIN.

Are you able to provide any sources on any arrests proceeding these rural public service protests as this CPIN is for the purpose of the DM ascertaining whether there is a well-founded fear of persecution following participation in a protest?

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| <p>10.1.8: (Comment) This section provides visualised data on the number of protests and riots that occurred across Erbil, Sulaymaniyah, Dahuk and Kirkuk governates in 2020 and across the first three months of 2021. These graphs were used produced by CPIT using data from the Armed Conflict Location and Event Data Project (ACLED). There are a number of limitations of the use of ACLED data, which may result in a potential mis-representation and under reporting of protest events in the Data.</p> <p>On November 10 2021, MEI produced a report on the Kurdish protest movement entitled “Simmering frustration and a demand for change: Public service protests in the Kurdistan Region”. It identifies ACLED’s use of media reports as a primary source for identifying events for inclusion in Data as a major limitation. This owes to the fact that “protests described here (in Iraqi Kurdistan) are never covered by international media and are mostly ignored by journalists from local outlets affiliated with the KDP and PUK because covering them would diminish the political reputations of their patrons”. The report goes on to point out that the short duration and hard-to-reach locations of protests also limit journalists’ capacity to cover them. As a result, “the dataset serves as a baseline or minimum approximation”. Source – MEI, ‘Simmering frustration and a demand for change: Public service protests in the Kurdistan Region’, 10 November 2021, <a href="https://www.mei.edu/publications/simmering-frustration-and-demand-change-public-service-protests-kurdistan-region">https://www.mei.edu/publications/simmering-frustration-and-demand-change-public-service-protests-kurdistan-region</a></p> | <p><b>Partially Accepted:</b><br/>Some limitations of ACLED are noted – though the same could be levelled at many sources. ACLED base their data on a range of underlying source material and are therefore considered to present a fairly reliable indication of overall trends, even if they do not represent 100% of situations.</p> |
| <p>10.1.8: (Suggestion) The data visualisation in this section provides an overview of the number of protests and riots occurring by month in Erbil, Sulaymaniyah, Dohuk, and Kirkuk, from January 2020 to March 2021. However, these graphs could provide the reader with a better understanding of the nature and frequency of protest in the IKR by providing separate and discernible data for riots and protests.</p> <p>As the ACLED definition states, a public demonstration includes events whereby a “peaceful demonstration against a political entity, government institution, policy...” Occurs. On the other hand, a riot is defined as ‘violent events where demonstrators or mobs engage in disruptive acts, including but not limited to rock throwing, property destruction, etc.’. Given the differences between the physical characteristics, outcomes and implications of riot and protest events, it is recommendable that statistics regarding these events are divided. This would provide the reader here with important additional contextual information regarding the overall topic of the CPIN.</p>   | <p><b>Accepted:</b> Clearer data visualisation will be provided.</p>  |

## 2.5 Treatment of opponents to the KRI authorities

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| <p>11.1: (Suggestion) This section repeatedly references instances in which protestors, activists or journalists were arrested by security forces belonging to the ‘<i>Asyayish</i>’. The section would benefit from a more in-depth analysis and exploration of <i>Asyayish</i>, including their political links. Indeed, their potential links to political parties would suggest that this section of the Kurdish security forces has become an instrument of repression and suppression of Kurdish opposition, and such a consideration is crucial when understanding the level of threats faced by protestors, activists and civil society actors in the IKR</p> <p>HRW posit <i>that Asyayish</i> has clear political affiliations. According to HRW institutional changes in 2005 “effectively places the <i>Asyayish</i> outside of any governmental control and oversight and reaffirms its position as a political party agency rather than a branch of the governments executive authorities”. Source – HRW, ‘The Kurdish security forces’, 2007, <a href="https://www.hrw.org/reports/2007/kurdistan0707/5.htm">https://www.hrw.org/reports/2007/kurdistan0707/5.htm</a></p> <p>On 16 May 2020, parliamentarians representing the Change and Future parties claimed that “by order of the President of the Kurdistan Regional Government (Masrour Barzani), the security forces assaulted the demonstrators and detained dozens of them” the statement continued “the <i>Asyayish</i> forces of the Kurdistan Democratic Party continue to act violently against the protesters”, noting that “the arrest and detention orders were not issued by the judicial authorities. Source – NAS News, ‘Arrests continue in Dohuk’, 16 May 2020, (Arabic) <a href="https://www.nasnews.com/view.php?cat=30874">https://www.nasnews.com/view.php?cat=30874</a></p> <p>In June 2021, the Middle East Institute (MEI) stated that Kurdish forces and agencies of the Kurdistan Ministry of Interior and the Kurdistan Regional Security Council are “instruments of partisan rivalry and enforcers of public loyalty to the political bureaus”. Source – MEI, ‘The war at home: The need for internal security sector reform in Iraqi Kurdistan’, 06 July 2021, <a href="https://www.mei.edu/publications/war-home-need-internal-security-sector-reform-iraqi-kurdistan">https://www.mei.edu/publications/war-home-need-internal-security-sector-reform-iraqi-kurdistan</a></p> | <p><b>Accepted:</b> The <i>Asayish</i> are discussed in greater depth in the Actors of Protection CPIN. A forthcoming CPIT product where we will include further information on the political affiliations of the <i>Asayish</i>.</p> <p>Thank you for the suggested sources please note that the cut off for this CPIN was June 2021.</p> |
| <p>11.1.5/11.1.6 : (Suggestion) This section describes the re-arrest of Kurdish activist Badal Abdulbaqi Aba Bakr Barwari on 15 February 2021. It claims his case was sent back to court due to a lack of evidence. This section should more definitively assert that Barwari remains in jail <i>despite</i> rather than because of a lack of evidence. This would provide readers with a better and more accurate understanding of the threats faced by both journalists and activists even after they have been arrested, as well as the threat they face of arbitrary detention without the burden of evidence.</p> <p>On 22 March 2021, a Rudaw media article provided updates on Barwari’s situation, and referenced Human Rights watch who claim that authorities continue to hold Barwari in custody alongside journalist Omid Haji, despite a court having ruled that there was insufficient evidence to try either of them. Source – Rudaw, ‘Rights group slams Kurdistan region’s unfair trials of journalists, activists on Kurdish journalism day’, 22 April 2021, <a href="https://www.rudaw.net/english/kurdistan/22042021">https://www.rudaw.net/english/kurdistan/22042021</a></p>   | <p><b>Accepted:</b> the fact that he remains in jail despite lack of evidence will be noted.</p>   |

(Suggestion) Additional sources which could be used as examples of arrests:

Amnesty International have reported that between March 2020 and April 2021, 100 people in Duhok were arrested by the Kurdish security forces. Many of those detained were allegedly tried on fabricated charges. A large number of the detainees have been released. However, at least 20 remain incarcerated at the time of reporting. Source – Minority Rights, ‘Protesting for human rights in the midst of a pandemic’, 2021, <https://minorityrights.org/trends2021/iraq/>

Freedom House reported that in April and May 2020, the Kurdish authorities used the COVID-19 pandemic and subsequent lockdowns to put down protests and curtail the freedom of press, assembly, and opposition activity. Source – Freedom House, ‘Freedom in the world 2021: Iraq’, <https://freedomhouse.org/country/iraq/freedom-world/2021>

Between March and October 2020, 14 people from Badinan, Duhok were arbitrarily arrested by *Asayish* for taking part in protests, criticising the local authorities, or for their journalistic work. All of the detainees were held for up to five months and at least six were forcibly disappeared for up to three months. Moreover, eight of the detainees claim to have been tortured or ill-treated and five have been given six-year prison sentences due to false confessions extracted under duress. Source – Amnesty International, ‘Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists’, 15 June 2021, <https://www.amnesty.org/en/latest/press-release/2021/06/kurdistan-region-of-iraq-arbitrary-arrests-and-enforced-disappearance-of-activists-and-journalists/>

Thank you for those sources, though we also note they post-date the cut-off date for the CPIN.

11.1.10: (Suggestion) This section references a 2020 GCHR article which describes the emergence and intensification of protests starting 5 December in Sulaymaniyah and stipulates that the authorities used lethal force against protestors, and arrested dozens of protestors after attacking them. However, the section leaves out important details from the reference regarding casualties and fatalities which occurred as a result of security forces actions. Including these details would provide readers additional details regarding the risks faced by protestors and the lengths to which authorities are willing to go to target and intimidate civil society actors and repress popular dissent.

For instance, the GC4HR article reports that peaceful protestor, Adham Yahya was killed during demonstrations, with live bullets in front of the KDP offices in Sulaymaniyah. GC4HR also reported that another peaceful protestor, Ako Suleiman, was killed near the headquarters of Kurdish parties. GC4HR also reported that journalist Horaz Ahmed on 6 December was beaten by security forces in the city whilst carrying out journalistic work. Furthermore, three peaceful demonstrators were injured by live bullets fired by security forces in the Halabja governate.

And on the 8th December, peaceful demonstrator Hiwa Fuad Kannageire was shot by security forces in the city. Another peaceful protestor, Sarbast Othman was killed on this day in the governate. On the following day, 9th December security forces killed another peaceful protestor, Mohammad Omar, who was only 15. Source – Iraqi Kurdistan: Authorities use lethal force against peaceful protesters’, 10 December 2020, <https://www.gc4hr.org/news/view/2530>

Voice of America also reported that demonstrations took place in Sulaymaniyah on 02 and 03 December to protest the delay of government salaries for over 50 days. The protesters, who were mainly teachers, were subjected to violence by the security forces and some were arrested. Amnesty International, ‘Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists’, 15 June 2021, <https://www.amnesty.org/en/latest/press-release/2021/06/kurdistan-region-of-iraq-arbitrary-arrests-and-enforced-disappearance-of-activists-and-journalists/>

Moreover, it was reported that between 07 and 09 December, seven protesters were killed including two children, the youngest being just 13-years-old. Source – Euro-Med Minitor, ‘Iraqi Kurdistan: Partisan bullets kill protesters with official cover’, 05 January 2021, <https://reliefweb.int/report/iraq/iraqi-kurdistan-partisan-bullets-kill-protesters-official-cover>

Minority Rights report that 10 protesters were killed and 65 were injured in the December protests. Source – Minority Rights, ‘Protesting for human rights in the midst of a pandemic’, 2021, <https://minorityrights.org/trends2021/iraq/>

Middle East Institute places the number of protesters that were injured as in the hundreds. Source – Middle East Institute, ‘Beyond the elite: Taking protest and public opinion seriously in the Kurdistan region’, 24 February 2021, <https://www.mei.edu/publications/beyond-elite-taking-protest-and-public-opinion-seriously-kurdistan-region>

**Not Accepted:**  
Excessive use of force is discussed in 11.3 including the death of Adham Yahya, Ako Suleiman and Hiwa Fuad Kannageire during protests.

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| <p>11.1.14 (Suggestion) This section references a United States Department of State publication which provides details on the number of arrests of activists, protestors and journalists as a result of events in 2020, in the cities of Zakho and Duhok. This is preceded by sections (from 11.1.9) which provide other pieces of evidence for the KRG's heavy handed reactions to protests in 2020. The variety of referenced sources is a strength, here. However, if possible, there should be included information and statistics on the number of arrests of civil society actors in non-intense protest periods. This would provide the reader with a better understanding of the risks faced by civil society actors in the KRI in periods of normality and relative stability.</p>  | <p><b>Not Accepted:</b><br/>The purpose of this CPIN is to ascertain whether there is a well-founded fear of persecution for a person's opposition to the state (which could include involvement in political protests), not on general risk of arrest which is discussed in the Actors of Protection CPIN.</p> |
| <p>11.2.6: (Suggestion) This section references a February 2021 Rudaw media article entitled 'Kurdistan Regional Government under fire for jailing journalists'. Although Rudaw have frequently reported on the targeting of journalists in the KRI by Kurdish authorities, the company has important political linkages. Most importantly, the network is owned by Nechirvan Barzani, the current President of the KRG and nephew of Masoud Barzani. Such linkages should be noted in this CPIN for reasons of methodological rigour. Source – Reporters Without Borders, 'Media pluralism under attack from Kurdish authorities in both Syria and Iraq', <a href="https://rsf.org/en/media-pluralism-under-attack-kurdish-authorities-both-syria-and-iraq">https://rsf.org/en/media-pluralism-under-attack-kurdish-authorities-both-syria-and-iraq</a></p> | <p><b>Not Accepted/ requires clarification:</b> It is not clear in this instance how the KRG-leaning of this source affects the information provided. Please could you provide an alternative publicly available source expressing this information.</p>  |



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| <p>11.2.8: (Comment) This section references a March 2021 Freedom House statement, focussing on the targeting of Nalia Radio and Television (NRT). The freedom house report stated that “the KRI authorities continued to intensify their repression of the activities of the New Generation opposition party and its affiliated media outlet, NRT”. This is in reference to the links between NRT and the New Generation party, which is headed by the owner of NRT, Shaswar Abdul Wahid. This section is preceded by sections outlining instances of targeting of NRT journalists by Kurdish authorities, particularly those aligned with the KDP. However, the objective provides that the KDP should not be considered the sole perpetrator of repression and targeting of NRT journalists. This should be considered in this CPIN, to provide a greater understanding of the complex and hazardous nature of journalistic work in the KRI, where threats faced by journalists exist from multiple political directions.</p> <p>An August 2022 ‘Reporters Without Borders’ (RSF) article exploring attacks on media pluralism in the KRI, interviewed a number of NRT journalists who were arrested. One journalist interviewed, Karzan Tariq, stated that after being arrested by members of Asayish, they were “taken to Asayish headquarters where we were detained in a room and questioned about our journalistic activities”. The RSF article goes on to point out that NRT, a “repeated target of harassment by the authorities”, released a statement blaming the PUK for the arrest of Tariq and another journalist. Source – Reporters Without Borders, ‘Media pluralism under attack from Kurdish authorities in both Syria and Iraq’, <a href="https://rsf.org/en/media-pluralism-under-attack-kurdish-authorities-both-syria-and-iraq">https://rsf.org/en/media-pluralism-under-attack-kurdish-authorities-both-syria-and-iraq</a></p> | <p><b>Accepted:</b> detention of journalists by political parties other than the KDP will be included. Thank you for the source but please note the cut of date for the CPIN was June 2021.</p>  |
| <p>(Suggestion) Overall, this section would benefit from the presence of a concluding paragraph that briefly brings together all of the information presented. It could in particular benefit from listing the profiles who are most at risk from the authorities in terms of opposition and the risks that they may face.</p> <p>For example, the instances listed in the report have demonstrated that there is a systematic campaign of violence and intimidation by the Kurdish authorities against those who protest against the Kurdish government. The Kurdish authorities have often taken a heavy-handed approach to protestors. Protestors run the risk of being arbitrarily arrested and detained and having their rights to see a judge within 24 hours denied. During particularly violent protests, protestors are at risk of being killed and injured. Protestors are sometimes arrested away from the immediate vicinity of the protests, and are made to sign commitments that they will not take part in other protests or criticise the authorities. Journalists have also been detained and intimidated for reporting on protests. Those who have been targeted have included members of parliament, journalists, students and protestors. Therefore, those who have raised concerns against the Kurdish government have been, and are, at risk of persecution by government forces.</p>  | <p><b>Partially Accepted:</b> For reasons discussed earlier, concluding paragraphs are not appropriate but a listing of profiles of who are most at risk from the authorities would be beneficial for the assessment. Thank you for your suggestion.</p> |

# Additional sources (provided following IAGCI meeting)

Further clarification on resistance being stifled in KDP areas:

Kurdipedia, 'Arrested for boycotting Turkish goods', 03 November 2020, <https://bit.ly/2Ws3grJ> (Kurdish): *In October 2020 Sherwan Sherwani, an Iraqi Kurdish journalist was arrested at his home by men wearing civilian clothes and held for 19 days in an unknown location. Sherwani's family and lawyers were not informed of the reason for the arrest and Sherwani was only able to see his lawyer nine days after the initial arrest at an intelligence detention facility in Erbil. Mr Sherwani's lawyer discovered that Sherwani had been tortured during interrogation and placed in solitary confinement.*

BMCTv, 'The detainees must be released now', 16 May 2020, <https://bmctv.krd/Detail.aspx?jimare=14944> (Kurdish): *In May 2020 a demonstration took place in Duhok over the continuous policies of austerity and the considerable cut in public salaries and delays to payments, particularly for school teachers. Badal Barwari, a school teacher who organised the demonstration, and several others were arrested*

EKurd Daily, 'KDP security forces arrest activist Badal Barwari and his son in Duhok', 18 August 2020, <https://ekurd.net/kdp-security-forces-arrest-2020-08-18>

Further clarification on arrests proceeding public service protests:

Amnesty International, 'Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists', 15 June 2021, <https://www.amnesty.org/en/latest/press-release/2021/06/kurdistan-region-of-iraq-arbitrary-arrests-and-enforced-disappearance-of-activists-and-journalists/>

Human Rights Watch, Kurdistan Region of Iraq: Protestors, journalists detained, 28 February 2018, <https://www.hrw.org/news/2018/02/28/kurdistan-region-iraq-protesters-journalists-detained>

CNN, at least 6 killed during violent protests in Iraqi Kurdistan, 19 December 2017, <https://edition.cnn.com/2017/12/19/middleeast/iraq-kurdish-protests/index.html>

VOA, 'Demonstration in Sulaymaniyah', 02 December 2020, <https://www.dengiamerika.com/a/5684486.html>



# Review of the July 2022 Home Office country of origin information on Iraq: internal relocation, civil documentation and returns

*Prepared for the Independent Advisory Group on Country Information (IAGCI)*

Dr Rebwar Fatah, Middle East Consultancy Services<sup>3</sup>

December 2022

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# 1. Introduction

## 1.1 Instructions

I have been instructed to review the Home Office country policy and information note on Iraq: Internal relocation, civil documentation and returns, July 2022. This review is focused on country of origin information. I have not been instructed to comment on Home Office policy.

The review will provide:

- An assessment of the extent to which information from source documents has been appropriately and accurately reflected in the CPIN report
- An identification of additional sources detailing the current human rights situation in Iraq
- A correction of any specific errors or omissions of fact
- A recommendation for general improvements regarding, for example, the structure of the report, its coverage, or its overall approach.

## 1.2 Methodology

The review has been conducted in line with the Common EU Guidelines for Processing Country of Origin Information (COI) in relation to the ‘Quality criteria for evaluating and validating information’, i.e., relevance, reliability, balance, accuracy, currency, transparency, and traceability.

## 1.3 Summary of Review

Overall, the report provides a detailed collation of objective evidence on the humanitarian situation in Iraq. However, some of the information is outdated (regarding the issuance of the CSID), and in other places the information could potentially be expanded upon.

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| <p><u>Main Suggestions relating to the COI Requests:</u></p> <ol style="list-style-type: none"><li>1. The information regarding the issuance of CSIDs in Iraq should be updated.</li></ol> | <p><b>Not accepted.</b> It is not clear which COI requests reviewed relate to the issuing of CSIDs.</p> |
|--|---|

## **1.4 Understanding of the themes addressed in the CPIN Reports**

In general, the report reflects prevalent legal usage and academic understanding of the themes considered.

## **1.5 Quality and balance of sources**

In general, the sources used tend to be of high quality and relevant to the time period in which the report was conducted. However, it is considered that the most up to date information on documentation in Iraq is not available in the public domain. I have obtained this information through interviewing the relevant Iraqi authorities.



## 2. Review

### 2.1 Consideration of issues

2.5.4 (comment) The Iraqi Ministry of Foreign Affairs website provides some information about Laissez Passer issuance. However, it should be noted that the webpage uses confused and unclear terminology regarding the document, referring to it as “Pass Doc” in the heading, “Passport Laissez” in the heading of the procedures section, and simply as “Passport” in the body of the procedures section. The information pertains to the issuance of this document for citizens who have lost their passport, for citizens who have had their passports “withdrawn” and wish to return to Iraq, for indigent citizens who would be deported to Iraq, and for foreigners who enter Iraq from an unknown destination or bears a nationality which is not represented in Iraq and who would travel to their home state or another which would accept them. The documents required in the first three cases would be the civil status identity card (CSID), citizenship certificate and a copy of a valid passport. The webpage states that the document is valid for six months after the date of issuance, and that it permits single entry into Iraq. However, the consul at the Iraqi mission is permitted to add other countries or accompanying persons where necessary. It is not clear whether these features are the same for a laissez passer issued to a failed asylum seeker. Source – Iraqi Ministry of Foreign Affairs, ‘Pass Doc’, undated, <https://www.mofa.gov.iq/pass-doc> The information above indicates that a Laissez Passer is valid for a single use.

I am also personally aware of one instance of the use of a Laissez Passer. The document was used for a single trip to Iraq and was taken by the airport security after it had been used. The user was in possession of their CSID, INC, and a professional ID so it did not cause any problems afterwards. In my opinion, it is also highly unlikely that the security forces would be trained to recognise a Laissez Passer outside of the airport. It is also considered likely that the airport security would take the Laissez Passer after it has been used for travel.

**Requires clarification:** It is not clear what the recommendation is. Please can you confirm that the Birth certificate, residency card and 1957 registration document are also accepted documents for the issuing of a Laissez Passer as per Annex C of the CPIN.

**Accepted:** We will include alternative names for the Laissez Passer; “Pass Doc”, “Passport Laissez” or simply “Passport”

2.6.5 (comment) I have obtained the following information from an Iraqi government official in the Erbil nationality department in June 2020:

If a failed asylum seeker has no ID, the consulate cannot start the procedure of obtaining a new ID. The consulate can only start this procedure if they are shown an existing ID document. If a failed asylum seeker is returned to Iraq without an ID document, they will be detained at the airport. The returnee will then be interviewed to give some indication of whether they are from their claimed governorate or region (through dialect, accent etc.). From the returnee's Kurdish or Arabic dialect, the officer will be able to tell whether the returnee is from Iraq or not. At this time, the returnee's claimed name and address will also be cross referenced against suspect names in possession of the security services. Next, the returnee will be asked to phone their immediate family to bring their ID. If they claim to have no immediate family, the returnee will be asked to contact a paternal uncle or cousin for their ID. If this is negative too, another relative will come to the airport with their own IDs to act as a guarantor for the returnee. This would allow the returnee a seven-day residency permit pending proof of identity. During this period, the returnee needs to obtain their own ID or provide evidence that they are in the process of obtaining an ID – such as a letter from the nationality department to show that their ID is pending via the usual procedure. If the returnee has no such luck, they must find a local Mukhtar by the seventh day who can provide a letter in exchange for a small fee which states that the person is who they say that they are, that they are from the claimed neighbourhood, and that they are in the process of obtaining an ID. If the Mukhtar cannot identify the returnee, they will need two witnesses to come forward who know them and can provide evidence on their identity. The returnee then needs to apply in writing to the nationality department. Here, they will be interviewed by the chief and the witnesses will need to give evidence under oath, stating how they know the returnee. Once the chief has been convinced, the process of obtaining the ID will start. Once these steps have been completed, the returnee needs to communicate back to the security services at the airport, or their guarantor will face legal consequences. If the returnee has information on their ID, for example a photocopy, the process is similar to the one above but slightly simpler. They will still need to have a guarantor in order to be released from the airport.

**Accepted:**

Information on the list of suspect names is included in forthcoming CPIT product.

**Requires**

**clarification:**

Can a letter from the nationality department to show their ID is pending be used to pass through checkpoints in the KRI? Can a seven day residency permit be used to pass through checkpoints? Can a letter from the local Mukhtar be used to pass through checkpoints? Can a photocopy of their ID be used to pass through Checkpoints?

**Accepted:** Will include information about the interview at airport in the relevant section.

**Not Accepted:**

The CPIN does not recommend the returning of undocumented FAS

|  |   |
|--|---|
|  | <p>or those who cannot easily redocument themselves upon return and certainly within a month.</p>   |
| <p>2.7.1 (comment) In September 2022, the Director General of Citizenship in Erbil informed me that the issuing of CSIDs in the IKR has stopped. However, the document remains valid for all legal and administrative purposes while individuals are waiting to receive their INID. Moreover, an individual working for the Iraqi Independent Election Commission confirmed that no CSA office in Iraq is issuing the CSID or INC. They are all now issuing the INID. However, the long waiting time, due to the shortage of cards, means that the INC and CSID continue to be valid.</p> <p>Based on my above communications in September 2022, it is unlikely that CSIDs are still being issued in Iraq. However, due to the current shortage of INID cards, existing CSIDs continue to be valid. If a CSID were to be issued, it would be due to a very rural CSA office not having the facilities to issue the INID.</p> <p>Moreover, in October 2022, I visited Iraq and started the procedure for obtaining my INID. I had to apply in person and provide my CSID, INC, and my British passport. I was also informed that if I had been in Iraq for longer than one month, they would need the Iraqi information card. I submitted my personal details and biometric information (including a scan of my finger and thumb prints and irises), and paid a small fee. I was also interviewed by officers there. I was told that the document would take some time to produce. The procedure was fairly straightforward as I had all of the necessary documents required. While I was there, I was informed that I can no longer obtain any previous ID (such as the CSID or INC) anywhere in Iraq.</p> | <p><b>Not Accepted:</b> The referenced contact seemingly works for the Election commission. We have information from the Iraqi Embassy that there are 25 CSID issuing offices: 2 in Kirkuk and 23 in Nineveh governorate.</p> <p><b>Requires clarification:</b> “If in Iraq for longer than one month need Iraqi Information card”- is this to confirm residency?</p> <p>Where was the office issuing the INID? It is possible that civil status affairs offices are not in contact with each other over the issuing of CSID offices especially in rural areas (as you noted) and in the KRI.</p> |

2.8.13 (comment) It should be noted that there are some *de facto* barriers to Kurds relocating from the “disputed territories” to the IKR. This is because some of the policies which the KRG pursues are arbitrary in the treatment of Kurds from disputed areas. It is not entirely clear what the requirements are to move between the governorates. According to a field worker in the IKR, the border with Iraq remains open, but people are not really moving between the IKR and the rest of Iraq. I have contacted a professional Kurdish woman who was refused entry into Erbil with family comprising children and an elderly woman, simply due to her car license plates identifying Kirkuk as her origin.

**Requires clarification:** Is this due to suspicion of anyone from previously ISIS held territories irrespective of ethnicity due to perceived potential ISIS links. Or is this particularly for Kurds?

**Accepted:** Residency and movement between governorates and car license plates at checkpoints are covered in a forthcoming CPIT product.

## 2.2 Documentation

4.5.2 (comment) As previously mentioned, it is unlikely that CSIDs are still being issued in Iraq.

See previous response re: the weight that can be attached to an informal conversation with an official in Iraq (whose works appears unconnected to matters relating to ID docs) against formal advice from the GOI that there are 25 CSID issuing offices currently operating in the country.

4.5.5 Based on the above information it is unlikely that an individual would be able to obtain a CSID from the Iraqi embassy. However, even if they could, they would need to apply via proxy. In April 2021, my associate was informed by the Iraqi consulate in London that at least two Iraqi documents are required to grant somebody the power of attorney. As such, somebody without documentation abroad would not be able to grant somebody power of attorney in order to obtain documentation. Iraqis abroad may grant somebody in Iraq the power of attorney so that the person would be able to access the local Civil Status Office on their behalf. However, it is not likely that an Iraqi abroad would be able to grant somebody in Iraq the power of attorney if they are not in possession of documentation.

In order to grant power of attorney from the UK, if the person is from the IKR, they can do so by visiting the KRG office in London. They would need some sort of ID and the details of the person that they want to represent them in the IKR. The representatives ID details are not required. The application will then be approved by the KRG public relations office before being taken to court for another approval. Only then will power of attorney be granted, and it will only be valid inside the IKR. However, if the application takes place in the Iraqi consulate in London, it can be used throughout Iraq. Again, the person would need some form of ID, British or Iraqi, and the details of the person that they wish to represent them.

**Accepted:** Please can you recommend some reliable sources on this process. Subject to further research on the process of appointing a proxy / power of attorney, we will include material on this.

### 3. Review of responses to COI requests

#### 1-10. COI request – Iraq: Drug Law, 03/22-027

*Iraqi penal code relating to drug offences in the Iraqi Kurdistan region*

(Suggestion) Additional information: According to Rudaw, the Iraqi Kurdistan Region “lacks rehabilitation centres for drug addicts, as well as resources to raise awareness about the repercussions of drug use. Most drug consumers end up arrested rather than rehabilitated”. Source – Rudaw, ‘Over 500 people arrested on drug related charges in Kurdistan Region since 2019’, 02 July 2022,

<https://www.rudaw.net/english/kurdistan/020720221>

**Not Accepted:** The COIR is in response to a specific question on the laws relating to the possession of drugs, not on drug use and rehabilitation.

#### 1-10. COI request – Kurds in Kirkuk and Arabisation, 07/22-039

*Current information on state and social treatment of Kurds in the disputed territories of Kirkuk and its surrounding area*

1.2 (Suggestion) Additional information: There have been reports that *Hashd* forces in the Disputed Territories have been turning a blind eye to ISIS crimes against Kurdish residents in an attempt to bring about a demographic change in displacing the Kurds. Source – Acrseg, 'ISIS and the militias in Iraq, double harnessing or mutual benefit?', 16 June 2020, (Arabic) <http://www.acrseg.org/41636>

Moreover, it has been reported that in addition to the Kurdish language being removed from official signs in Kirkuk, Kurdish residents complain that governmental proceedings have been changed to Arabic and officials refuse to acknowledge the Kurdish language in official settings. It should be noted that this is a constitutional breach, as Kurdish is identified in the Iraqi constitution as one of the two official languages of Iraq. Source – Rudaw, 'Arabic only: Kirkuk erases Kurdish from official signage', 26 March 2021, <https://www.rudaw.net/english/middleeast/iraq/26032021>

Rudaw reported that dozens of resettled Arabs attacked Kurdish farmers in Daquq, Kirkuk over a land dispute. According to Abdulqadir Mohammed, a Kurdish farmer, resettled Arabs had been ploughing on his land for three days. When the farmers tried to stop them, they were attacked with stones and guns. Source – Rudaw, 'Resettled Arabs attack Kurdish farmers in Kirkuk, injuring two', 07 December 2022, <https://www.rudaw.net/english/middleeast/iraq/07122022>

The Washington Kurdish Institute reported that over 100 Kurdish directors of departments in Kirkuk have been replaced by non-Kurds as part of an Arabisation policy in the Disputed Territories. Source – The Washington Kurdish Institute, 'Kirkuk minute', 15 July 2022, <https://dckurd.org/2022/07/15/kirkuk-minute-july-15-2022/>

Kurdish residents in Shoraw and Kobane, two Kirkuk neighbourhoods, claim to have been forced out of their homes. The residents claim that due to unpaid rent, their homes are being handed to Arab families in the area. An MP has accused the Iraqi authorities of exploiting the situation in the city to fuel ethnic tensions. Source – Rudaw, 'Kurds in Kirkuk allege evictions over unpaid rent', 14 February 2021, <https://www.rudaw.net/english/middleeast/iraq/14022021>

Moreover, on 27 February 2021, it was reported that KRG PM Masrour Barzani met with Iraqi Interior Minister Othman al-Ghanimi and called for an end to attacks on Kurds in Kirkuk. Barzani highlighted the demographic change, seizing of lands, and attacks on Kurdish citizens. Source – Kurdistan 24, 'PM Barzani to Ghanimi: assaults on Kirkuk Kurds do not serve Iraqis', 27 February 2021, <https://www.kurdistan24.net/en/story/24013-PM-Barzani-to-Ghanimi:-assaults-on-Kirkuk-Kurds-do-not-serve-Iraqis>

**Requires clarification:** In your review on the KRG opposition you commented; "It should be noted that there have frequently been claims of alignment between the Rudaw media network and the KRG, and KDP". Should we be using Rudaw as a source on such a politically laden subject as Arabisation in Kirkuk?

**Accepted:** The political situation in Kirkuk will be commented on forthcoming CPIT product.

## 1-10. COI request – Iraq: Ba’athists, 07/22-041

### *Current situation and state treatment towards former members of the Ba’ath party from during Saddam Hussein’s regime*

|   |   |
|---|---|
| <p>1.2 (Comment) The Iraqi High Tribunal, formerly known as the Iraqi Special Tribunal is a body set up to try all those who are accused of crimes against humanity carried out during the former Baath regime between 1968 and 2003. The Iraqi Special tribunal was responsible for the trying of Saddam Hussein and high-ranking Ba’athists. The Iraqi High Tribunal is the only authority that can try former Ba’athists. The Iraqi High Tribunal has a published list of all the wanted individuals accused of being involved in crimes that were carried out under the leadership of the Baath party.</p>  | <p><b>Requires clarification:</b><br/>Please recommend a reliable source for this information. We will then link the review in the archived version of the COI request.</p>   |
| <p>1.3.2 (Comment) The total number of former Baathist members or their families that have been killed in Iraq since the end of the war is unknown. The number of deaths overall in Iraq are under-reported, and estimates to the number of fatalities are educated guesses, at best. Therefore, it is impossible to quantify the number of individuals who have been killed due to their associations with the Baath Party. It is clear, however, that former Ba’athists have been targeted.</p> <p>Since the recent protest movement in Iraq, there have been a number of assassinations of Baathists recorded in Iraqi media. A number of former Baathists were killed during the 2019 protests. Those targeted were former Baath party members that had come to Iraq to join the recent protests.</p> <p>However, a distinction must be drawn between those who committed visible crimes, for example committing atrocities in public, and those who committed crimes behind the scenes. A person who is known for committing atrocities may still face risk.</p> | <p><b>Requires clarification:</b> The COIR does not quote any numbers. It is unclear how this comment is relevant to section 1.3.2.</p> <p><b>Requires clarification:</b> Do you have a source with clear evidence that former Baathists were targeted during the protests?</p> |



**Additional sources – provided following IAGCI meeting:**

Clarifications on recent attacks against Baathists:

Due to the lack of free media in Iraq, you will not find sources reporting on these issues. Such information must be gained via interviews etc. I can give a list of the names of Baathists that were killed during the protests. However, no media outlet would state that they were killed because they were Baathists. There are some Kurdish and Arabic sources that touch on this issue.

This Kurdish source states that there has been a campaign to kill former Baathists during 2019 protests <https://speemedia.com/dreja.aspx?=hewal&jmare=83884&Jor=2>

The following source states that a Piolet was assassinated in Iraq by a militia group close to Iran. It should be noted that the majority of piolets that fought for Saddam in the Iran-Iraq war have been assassinated. No media outlet is going to report that the piolets have been killed because of their role in the Baath party. <https://www.xendan.org/detailnews.aspx?jimare=131968&babet=2&relat=1024>

## 1-10. COI request – Iraq: Kurdish journalist critics of KRG support towards former Jash fighters, 09/22-009

### Information on the treatment of Kurdish journalists who criticise the KRG for protecting former jash fighters

(Suggestion) The COI request should start with a clear definition of a Jash. For example: *Jash* refers to any Kurd who is affiliated to the regime of the central government. It is customarily associated to armed persons, a Kurd who carries arms on behalf the central government to fight against Kurds. Of course, the issue is more complex. There were also however hundreds of Kurdish men who were registered as a *Jash* with the local *Mustashar* but who never fought, having given up their arms and salary and being a *Jash* in name only.

The etymology of the word *Jash* is ‘baby donkey’. The term was first used when referring to the leading Kurdish group in the early 1960s, whereby the politburo of the KDP split from the party leader, Mallah Mustafa. However, the actual term was “*Jash* Police”, the term came into use in 1944 when the central government employed villagers in remote villages of Kurdistan and who would abuse their power. These were non-uniform officers. They were referred to as *Jash* Police, a derogatory term.

**Requires clarification:** Please provide publicly available reliable sources for this information. We will then link the review in the archived version of the COI request.

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| <p>2.1 (Comment) Following the Kurdish uprising in the spring of 1991, many of the <i>Mustashars</i> and <i>Jashes</i> were targets by the people and were subsequently killed in broad daylight by civilians and members of the Peshmerga for their role in the killing of Kurds. This was before the KDP and the Patriotic Union of Kurdistan (PUK) issued an amnesty to the former Baathist. However, following the amnesty in 1992, many of the former Baathist Kurds have aligned themselves with the two Kurdish political parties, the KDP and the PUK. Many of the former Kurdish Ba'athists were given prominent roles within the parties despite ordinary civilians being hostile to the notion that former collaborators in the genocides against Kurds hold important official positions.</p> | <p><b>Requires clarification:</b> Please provide publicly available reliable sources for this information. We will then link the review in the archived version of the COI request.</p> |
| <p><b>Additional sources – provided following IAGCI meeting:</b></p> <p>Further clarifications on the Jash:</p> <p>This source gives background information on the Jash, including the etymology of the word. <a href="https://www.jstor.org/stable/10.7249/j.ctt5hhsjk.28#metadata_info_tab_contents">https://www.jstor.org/stable/10.7249/j.ctt5hhsjk.28#metadata_info_tab_contents</a></p>   |   |

## 1-10. COI request – Iraq: Male victims of domestic violence, 06/22-005

### *Information about male victims of domestic violence*

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| <p>(Comment) Additional information: While the majority of victims of domestic violence tend to be women, men may also face risk here. The underreporting of honour crimes and domestic abuse against men may be due to issues in collecting data, or the fact that men are more mobile and may be able to escape potential abuse more easily. Moreover, there are also additional barriers to men in reporting their abuse due to ideas of masculinity, honour, and shame. Source – The Conversation, 'The forgotten male victims of honour-based violence', 23 May 2018, <a href="https://theconversation.com/the-forgotten-male-victims-of-honour-based-violence-96041">https://theconversation.com/the-forgotten-male-victims-of-honour-based-violence-96041</a></p> | <p><b>Accepted:</b> Honour based crimes and ideas of masculinity, honour and shame are commented on in the Honour Crimes CPIN and forthcoming update of the Blood feuds and tribal disputes CPIN.</p> |
| <p>(Comment) I am unaware of any shelters for male victims of domestic abuse or honour-based violence in Iraq.</p>   | <p>Noted, thank you.</p>  |



# **Annex C: Review of selected Home Office country of origin information on Myanmar**

## **Review of the March 2019 Home Office country of origin information on Burma: Rohingya (including Rohingya in Bangladesh)**

*Prepared for the Independent Advisory Group on Country Information (IAGCI)*

Kauthar Menhal, Human Rights Researcher<sup>4</sup>

January 2023

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<sup>4</sup> Kauthar Menhal is a human rights researcher with extensive knowledge on the ongoing turbulent situation in Myanmar. Kauthar has written a number of essays on the relations between the military and the people in Myanmar and on the human rights situation in Rakhine State. She has also worked on several country of origin reports with Asylos, researching and defining the significant physical, sexual and verbal abuse suffered by many asylum claimants from Myanmar.

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# 1. Introduction

This review evaluates the extent to which information from source documents have been appropriately and accurately reflected in the provided CPIN on Burma: Rohingya (including Rohingya in Bangladesh).

## 1.1 Instructions

I have been instructed by the Independent Advisory Group on Country Information to review and evaluate the Home Office's Country Policy and Information Note (CPIN) "Burma: Rohingya (including Rohingya in Bangladesh)" (Version 2.0 March 2019).

I have followed a set of specific guidelines:

- To evaluate the extent to which the material under review provides an accurate, balanced, and up-to-date summary of the key available sources regarding conditions in Myanmar (Burma) and to identify any areas where the Country of Origin Information (COI) can be improved, including correcting any specific errors or omissions of fact and making general recommendations regarding the structure, coverage and overall approach of the report.

- To focus exclusively on the COI contained within the document and to not pass judgment on the policy guidance provided
- To review the COI product in the context of their purpose and to consider the situation in the country up to the stated cut off date for inclusion of information
- To provide a list of suggestions and changes to the product, including any additional information and corrections to information in the document

In compiling this review, I have been mindful of the most recent changes to the country conditions since the time of writing the CPIN.

## 1.2 Methodology

I have carefully reviewed the CPIN section by section. I have referred to the sources provided and relevant additional sources that are publicly available. Additionally, I have utilised my own knowledge on the human rights violations of Rohingya in Rakhine state to evaluate the accuracy of the information presented in the report. This review highlights the errors I found and the changes I believe should be made. I have underlined the errors and quoted in *italics* the relevant changes. I have also recommended recent scholarly documents and sites for a deeper understanding of the situation in Rakhine State today. The documents referred to are all publicly available.

## 1.3 Summary of Review

The CPIN I reviewed on Burma: Rohingya (including Rohingya in Bangladesh) provides a detailed overview of Myanmar's atrocities against Rohingya and the total lack of effective policies that detect the regime's violations. The CPIN predominantly explores the injustice and violence Rohingya people endure in Myanmar and Bangladesh but also briefly touches upon the treatment of Rohingya refugees who are denied their fundamental human rights in Thailand and Malaysia. The report offers an extremely clear and well-presented description of the genocide-like environment in Rakhine State. It clearly demonstrates that Rohingya people are subjected to widespread ethnic violence. They are constantly attacked and harmed, illegally detained, evicted from their homes, raped, denied access to healthcare and education and deprived of the basic right of citizenship and freedom of movement. The report has carefully laid out the relevant information in a manner that presents extremely clearly and concisely. It explores Rohingya's legal rights, the humanitarian situation in Rakhine State, Rohingya's access to services, Islamophobia, documentation and legal rights of Rohingya people and the state and societal treatment of Rohingya.

Nonetheless, the CPIN appears to be limited to a particular time frame, that is to the October 2016 attacks and the August 2017 attacks between the regime and



Rohingya people. While this time frame is extremely important to understanding the overall situation and the atrocities carried out against Rohingya people by state authorities, it disregards other events that have happened over the past 10 to 15 years which are of great importance and emphasise Rohingya asylum claims. It would be beneficial to delve into and include other attacks and state actions that would help present a more in-depth report on Rohingya people; for example, on the intensified armed conflicts in Rakhine villages and gang rapes. I know it is very difficult to obtain credible information on Rohingya, but the association Fortify Rights are excellent in regularly updating their information on Rohingya, I have copied in a link to Fortify Rights below. In addition, by focusing so much on the October attacks the CPIN implies that the attack triggered government persecution and violence, a mere reaction to Rohingya violence, which is not at all the case and overshadows Myanmar's institutionalised anti-Muslim sentiment and major state brutality. The restrictions implemented on media access and the movement of international organisations in Myanmar impacted my evaluation on the CPIN. I appreciate the generous amount of information included in the CPIN, but I do recommend cutting out a few bits of repeated material to shorten the report and make it more concise; less can be more. I agree in emphasising key points but there are statements that do not need to be repeated.

I advise the Home Office to rewrite the report to present a more recent account of state atrocities against Rohingya people, where old happenings have been rechecked to see if they did in fact end when the regime declares, and new events have been reported and the impact of COVID-19 is clearly accentuated and discussed. The pandemic exacerbated the suffering of Rohingya people, and it is imperative that this is addressed when evaluating the asylum claims for Rohingya people.

Main Suggestions relating to the COI Requests:

1. To expand on the provided material and delve deeper into regime violence and political events that are separate to the October 2016 and August 2017 attacks that have left Rohingyas isolated, displaced and murdered. The two attacks primarily focused on in this CPIN are of great significance because they are major events but there are daily abuses that should also be recorded to fathom the reality. Additionally, so much has happened in the past few years, including the coronavirus pandemic which has massively impacted Rohingya people so I deem it necessary to add to this CPIN with sources from recent times that can offer a more up to date account of the situation in Rakhine State.
2. To further explore the facts presented in the CPIN because many conceal the truth.

**1. Partially accepted.** Respectfully with reference to the instructions that reviewers ‘... *should consider the situation in the country up to the stated ‘cut off’ date for inclusion of information*’ we note that the first main suggestion refers to information and events that post-date publication of the CPIN.

Nevertheless, updated country information will be reflected when we update the CPIN as a result of this review.

**2. Not accepted.** The Country information section is designed to provide accessible, objective evidence from a range of reliable sources to provide operational staff with a balanced view of a country situation.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to the CPIN.

Without specific reference to what country information requires further investigation and does not provide an accurate picture of “the truth”, we are unable to action this.

## **1.4 Understanding of the themes addressed in the CPIN Reports**

The CPIN demonstrates relevant legislation that Myanmar undermines, including the right of citizenship, freedom of movement and nationality under international law. The CPIN also outlines a number of domestic laws that are intended to justify the cruel acts of the regime. Indeed, there is an overload of scholarly information in this particular report that is necessary for people who do not know much about the conditions in Rakhine State.

## **1.5 Quality and balance of sources**

The referenced sources in the CPIN are appropriate and of good quality. They are mostly, if not all, from credible organisations and sites such as the United Nations (UN) and The International Crisis Group (ICG) that provide an abundance of information on Rohingya people. It would be beneficial to provide a large number of personal accounts from Rohingya people though I am aware that access to such data is incredibly difficult given media restrictions. The material provided appears to be limited to 2016 and 2017, while this is necessary, I recommend expanding the CPIN and adding more recent sources to cover more of the atrocities against Rohingya people.

## 1.6 Recommended links

<https://www.ohchr.org/en/stories/2022/06/activist-accuses-military-seeking-erase-myanmars-rohingyas-0>

<https://journals.sagepub.com/doi/full/10.1177/14687968221078373>

<https://www.hrw.org/tag/rohingya>

<https://scholarworks.boisestate.edu/cgi/viewcontent.cgi?article=1003>**HYPERLINK**

<https://www.fortifyrights.org/>

<https://www.wfp.org/news/two-years-covid-19-pandemic-rohingya-refugees-and-their-hosts-bangladesh-remain-highly#:~:text=In%20the%20host%20community%2C%20where,to%2041%20percent%20in%202019.>

Barber, R. and Teitt, S., 2021. Legitimacy and centrality under threat: The case for an ASEAN response to human rights violations against the Rohingya. *Asian Politics & Policy*, 13(4), pp.471-492.

Simpson, A. and Farrelly, N., 2020. The Rohingya crisis and questions of accountability. *Australian Journal of International Affairs*, 74(5), pp.486-494.

## **2. Review**

### **2.1 State treatment and attitudes – Rakhine state**

This section closely focuses on the October 2016 attacks and provides an extensive outline of the state atrocities against Rohingya people following the infamous attack.

5.4.7. “On 15 February 2017, it was reported that the military’s clearance operation in Rakhine State had ended. Reuters quoted a government official statement, in which it was announced ‘The situation in northern Rakhine has now stabilised. The clearance operations undertaken by the military have ceased, the curfew has been eased and there remains only a police presence to maintain the peace.’”

I recommend this part be either rewritten or entirely removed because despite what the regime declared, the clearance operation did not end and attacks continued across Rohingya villages.

**Partially accepted.**

This quote is immediately qualified in the next paragraph (5.4.8) which showed operations had *not* ceased: ‘However, a military spokesman told The Irrawaddy a day after the announcement “We will not stop clearance operations. There will be regular security operations. Ceasing military operations [in northern Arakan State] is information I am not aware of”’.

Nevertheless, available and accessible information on the military’s actions throughout and after the October 2016 attacks will be reflected when we update the CPIN as a result of this review.

5.4.8. Following from the previous statement, a military spokesman confirms that “ceasing military operations” is not something he is aware of which confirms the above is inaccurate.

“However, a military spokesman told The Irrawaddy a day after the announcement ‘We will not stop clearance operations. There will be regular security operations. Ceasing military operations [in northern Arakan State] is information I am not aware of.’”

To aid Home Office staff in gaining a clear understanding of a country situation, it is important that we balance ‘on-the-ground’ reportage with official statements to provide a holistic overview of events as they happened.



5.4.9. I recommend removing this source as it simply repeats what has already been said. It would be advisable to find and include an account that anonymously highlights a particular case and/or incident, although I am aware that this will prove challenging.

“Reporting on events following the October 2016 attacks, the OCHA stated: ‘Numerous reports have emerged about serious human rights violations including summary executions, torture and rape perpetrated by the security forces against the Muslim population. It has been difficult for the UN to verify these allegations due to the continued restrictions on access to communities in northern Rakhine. The UN has expressed its deep concern at the reports and a group of UN Human Rights experts urged the Government to address the growing reports of violations. The Government of Myanmar has refuted most of the allegations.’”

**Partially accepted.**

As we set out in the Preface, multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to the note.

Including a number of reliable sources with consistent independent findings contributed to the reliability that these things were perpetrated, thus providing Home Office staff a reliable evidence-base on which to assess claims. Whilst it might be interesting to include particular or individual case examples, these are not as useful in assisting Home Office staff in holistically and

accurately assessing country situations and risk posed against the Rohingya population as a whole.

Nevertheless, recognising the general consensus of events that occurred in October 2016 – through available information and evidence that has come to light since publication – we will look to make this section more concise to provide an overview without repetition.

5.4.14. I recommend adding more to the events and attacks by the security forces, specifically by the Tatmadaw Border Guard Police to empirically support the following statement.

“All of the eyewitness testimonies the team gathered referred to violations allegedly perpetrated by either the Myanmar security forces (Tatmadaw Border Guard Police and/or the regular police force, operating both separately and through joint operations) or by Rakhine villagers (either acting jointly with security forces or at least with their acceptance)... the team gathered several testimonies indicating that Rakhine villagers from the area have recently been given both weapons and uniforms, which bodes ill for the future relation and trust between the two communities.”

I also recommend specifying “Rakhine villagers” to avoid any confusion about who they might be.

**Partially accepted.**

Without specific source material suggestions, it is unclear what further information on the events and attacks by the security forces is being suggested should have been included at the time of publication.

However through our own research and in consulting the general sources provided as part of this review, we will look to provide a representative and precise overview of the events and attacks that took place when we update the CPIN as a result of this review.

We will also define ‘Rakhine villagers’ when we update the CPIN as a result of this review.

|  |  |
|--|--|
| <p>5.6.4. This presents an unbalanced source;/opposing opinions on who destroyed villages and burned Rohingya houses and needs to be clarified. Evidence against the ARSA appears weak.</p> <p>“On 19 September 2017, HRW reported that satellite imagery from Burma’s Rakhine State showed the near total destruction of 214 villages in Maungdaw and Rathedaung Townships. Security forces blamed the ARSA and Rohingya villagers of burning down their own homes, whilst Rohingyas described arson, killing, and looting by the Burmese military, police, and ethnic Rakhine mobs.”</p> | <p><b>Not accepted.</b></p> <p>Referencing the instructions that reviewers ‘... <i>should consider the situation in the country up to the stated ‘cut off’ date for inclusion of information</i>’, at the time of publication and with no clarifying and reliable sources suggested, including information to categorically clarify the perpetrators of this destruction was not possible.</p> |
| <p>5.6.11. Grammatical error: Remove “were” in “men and boys were disappeared, probably killed.”</p>   | <p><b>Partially accepted.</b></p> <p>The sentence is a direct quote and does not have a significant impact upon the understanding or meaning of the sentence. Similarly, the source here is arguably using ‘were disappeared’ to imply a deliberate action or to infer blame or culpability.</p>   |

## 2.2 Humanitarian situation

This section includes accurate information regarding access to humanitarian aid, focusing on the resources provided to internally displaced Rohingya refugees.

7.1.1. I recommend rewriting this section and adding the most recent report on IDPs in Rakhine State.

“The report of the UN Secretary General, August 2016, noted as regard IDPs in Rakhine state, that: ‘An estimated 120,000 people in Rakhine State remain internally displaced in 39 camps or camp-like settings following the intercommunal violence that erupted in 2012.[...]”

**Partially accepted.**

Referencing the instructions that reviewers ‘... *should consider the situation in the country up to the stated ‘cut off’ date for inclusion of information*’, at the time of publication, this was the most recent, relevant report to consider.

Nevertheless, the most recent and relevant reports will be referenced when we update the CPIN as a result of this review.

7.1.6. It would be beneficial to add what other communities were displaced so as to not leave out any critical information regarding internally displaced persons.

[...] “The majority of those displaced are Muslims who identify themselves as Rohingya, however members of other communities were also displaced.”

**Not accepted.** As we set out in the Preface, CPINs are designed to support Home Office officials handling common types of claim in the UK.

As set out in the introduction, this CPIN sought to focus on the situation for Rohingyas. Therefore, we do not consider the inclusion of such information necessary when considering the purpose of this CPIN.

## 2.3 Rohingyas in Bangladesh

This section provides an outline of the situation, documentation and legal rights of Rohingya in Bangladesh.

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|---|--|
| <p>12.2.4. There is a contradiction here: previously the CPIN claims that Rohingya refugees in Bangladesh have not been treated well and are limited to basic human rights, but this particular statement suggests that they are in fact treated well.</p> <p>“Following the eruption of violence in August 2017 against the Rohingya in Rakhine state, which culminated in the exodus of Rohingya across the border into Bangladesh, it was reported in an Inter Sector Coordination Group (ISCG) Situation Report that ‘The people and Government of Bangladesh welcomed the Rohingya refugees with resounding generosity and open borders.’”</p> | <p>As we set out in the Preface, multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to the note.</p> <p>Information is compared and contrasted, whenever possible, to provide a range of views and opinions, which are then considered in the assessment.</p> <p>The inclusion of a source, however, is not an endorsement of it or any view(s) expressed (referring to highlighted comment).</p> |
| <p>12.3.7. I recommend rephrasing this sentence from “According to the Dhaka Tribune, reporting on 29 January 2019, the building project on Thengar Char, also known as Bhashan Char, was due to be completed in 2019 although, at the time of writing, it was not known when Rohingya refugees would be relocated” to <i>“According to the Dhaka Tribune on 29 January 2019, the building project on Thengar Char, also known as Bhashan Char, was due to be completed in 2019 although at the time of writing it was not known when and if Rohingya refugees would be relocated.”</i></p>   | <p><b>Accepted.</b> We will change this sentence for clarity when we update the CPIN as a result of this review.</p>   |

12.4.4. It would be useful to specify here what rights Rohingya refugees do have in Bangladesh.

“DFAT noted that: ‘Regardless of their arrival date in Bangladesh, Rohingya are not eligible for citizenship (including through marriage) and are not legally entitled to work. DFAT understands that many Rohingya who arrived before 25 August 2017 have been able to work informally in Bangladesh using fraudulent identity documents, including National Identity Cards (see Fraudulent documents). Local sources have reported that law enforcement agencies generally do not actively seek to enforce legal provisions restricting Rohingya access to employment, although Rohingya generally receive lower wages and poorer conditions than those available to locals.’”

**Accepted.** We will seek to clarify Rohingya rights in Bangladesh when we update the CPIN as a result of this review.



# 3. Review of responses to COI requests

## 1-10. COI requests

Myanmar (Burma): Sexual orientation and gender identity and expression

Reference number: 01/22-013

Date: 20 January 2022

Subject: Social groups – LGBTI/LGBTQ+

Summary of request: Treatment of lesbian, gay, bisexual, transgender and intersex persons. An overview of the laws on same-sex relationships, freedom of expression and treatment of LGBTI persons by state authorities and society.

This information request outlines various credible sources that demonstrate the risk of persecution and prosecution that LGBTQI+ endure and the total lack of protection offered by the regime in Myanmar. Upon reviewing the request, I can confirm that the evidence provided is written by notable papers and international organisations and both are accurate and remain in-date.

The request presents laws that abuse and socially isolate the LGBTQI+ community. All are valid and in line with the topic at hand, offering individual cases to understand the abuse as a whole. *“Section 377 [of the Penal Code]... lends false legitimacy to harmful stereotypes depicting LGBTQ people as morally corrupt. Section 377 has given rise to widespread stigma prevalent across the country against LGBTQ individuals, and to a common perception of them as potential ‘criminals’ and sexual deviants.”*

1.3.2. In-text error: change “groped94” to “groped.”

It would be better to refer to the following abbreviation “LGBTQI+” rather than “LGBT” and/or “LGBTI” and/or “LGBTIQ” throughout the response to highlight total inclusivity and follow the same structure.

It would also be beneficial to add accessible data on the LGBTQI+ community in Rakhine State.

I don’t consider section 1.4.1 a necessary source in this particular request because it highlights an incredibly rare positive and specific safe treatment of LGBTQI+ persons that many do not experience.

*“[...] Myanmar is bound by strict gender roles, and Min Min is transgender. But, he says ‘I was fortunate that everyone knew me in town, and they accepted me for what I am and accepted the support I gave. I mingled freely with the occupants at the centre and even hung my sarong with the laundry of other men’ [...].*

Thank you for your comments. We will update the response as necessary.

|   |   |
|---|---|
| <p>Burma: Prison conditions<br/> Reference number: 05/21-045<br/> Date: 21 May 2021<br/> Subject: Crime and the criminal justice and penal systems<br/> Key words: detention; military; camps<br/> Summary of request: The conditions of prisons in Burma/Myanmar and<br/> This information request outlines the critical issue of overcrowding and inadequate access to medical care and basic needs, including food, shelter, and hygiene in prisons in Myanmar. 1.1.2. Although individual case-to-case accounts of prison conditions are extremely difficult, if not impossible, to obtain, the sources are credible and clearly report on general overcrowding numbers and poor facilities: <i>“there are currently 93 prisons and labour camps in Burma, with an overall prison population of around 92,000 people, including both convicted and pre-trial detainees. Prison capacity across the 93 prisons and prison labour camps is 66,000, putting overcrowding nation-wide at over 139 per cent.”</i> However, the population has grown from the time of writing, so I suggest regularly updating this request to ensure it is always up-to-date.<br/> The evidence in this request is limited and there is no particular reference to the physical and sexual abuse many inmates and detainees endure in prison. I recommend the Home Office further add to this request to give a fuller picture of prison conditions in Myanmar. See <a href="https://aappb.org/?page_id=7720">https://aappb.org/?page_id=7720</a> for reference.</p>   | <p>Thank you for this information. We will update the response as necessary.</p>  |
| <p>Myanmar: Treatment of influential individuals and the work of the film censor board<br/> Reference number: 10/21-003<br/> Date: 11 October 2021<br/> Subject: Societal groups – influential film directors and protestors against the military coup<br/> Summary of request: The risk of abuse influential individuals have on return to Myanmar after attending anti-regime demonstrations and the influence and work of the film censor board on film making in Myanmar.<br/> The evidence regarding the treatment of influential individuals in this information request is limited. It does not add much value to the claim, or anything that is not already mentioned in the CPIN on Myanmar (Burma): Critics of the military regime. That being said, the request does provide a thorough and accurate outline of the military’s film censorship in Myanmar and the process of applying for a license for general film release. However, the sources credited are from a few years ago which minimises the overall credibility.<br/> I believe it would be of value to expand the request and add more recent sources that highlight film censorship and outcomes of rejected films after particular political events, state violence and demonstrations.<br/> Also, a small note: the request seems to imply that those of high influence are really unlikely to face punishment following a demonstration, however, the CPIN on Myanmar (Burma): Critics of the military regime suggests the opposite and mentions of many local and international activists that have faced abuse, detention and deportation. Check CPIN: Critics of the Military Regime for reference.</p> | <p>Thank you for this information. Given the passage of time we’re archiving the response but will consider these points if we get similar questions in future.</p> |



# Review of the July 2022 Home Office country of origin information on Myanmar (Burma): critics of the military regime

*Prepared for the Independent Advisory Group on Country Information (IAGCI)*

Kauthar Menhal, Human Rights Researcher<sup>5</sup>

January 2023

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<sup>5</sup> Kauthar Menhal is a human rights researcher with extensive knowledge on the ongoing turbulent situation in Myanmar. Kauthar has written a number of essays on the relations between the military and the people in Myanmar and on the human rights situation in Rakhine State. She has also worked on several country of origin reports with Asylos, researching and defining the significant physical, sexual and verbal abuse suffered by many asylum claimants from Myanmar.

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# 1. Introduction

This review assesses the extent to which information from source documents have been appropriately and accurately reflected in the provided CPIN on Myanmar.

## 1.1 Instructions

I have been instructed by the Independent Advisory Group on Country Information to review and evaluate the Home Office's Country Policy and Information Note (CPIN) "Myanmar (Burma): Critics of the military regime" (Version 4.0 July 2022).

I have followed a set of specific guidelines:

- To evaluate the extent to which the material under review provides an accurate, balanced, and up to date summary of the key available sources regarding conditions in Myanmar (Burma) and to identify any areas where the Country of Origin Information (COI) can be improved, including correcting any specific errors or omissions of fact and making general recommendations regarding the structure, coverage and overall approach of the report.
- To focus exclusively on the COI contained within the document and to not pass judgment on the policy guidance provided

- To review the COI product in the context of their purpose and to consider the situation in the country up to the stated cutoff date for inclusion of information
- To provide a list of suggestions and changes to the product, including any additional information and corrections to information in the document

In compiling this review, I have been mindful of the most recent changes to the country's conditions since the time of writing the CPIN.

## 1.2 Methodology

I have carefully reviewed the CPIN section by section. I have referred to the sources provided and relevant additional sources that are publicly available. Additionally, I have utilised my own knowledge on Myanmar to evaluate the accuracy of the information presented in the report. This review highlights the errors I found and the changes I believe should be made. I have underlined the errors and quoted in *italics* the relevant changes.

## 1.3 Summary of Review

The CPIN I have reviewed on Myanmar (Burma): Critics of the Military Regime presents the shift in restrictions and increased human rights violations following the coup in February 2021. The report provides an accurate and clear description

of the events and issues that led to and followed the coup. The CPIN focuses on individuals and groups who oppose the military-led state, this includes, albeit not limited to, persons who may be perceived to oppose the military, such as members of political parties and armed opposition groups, journalists and media workers, bloggers, civil society activists, protesters, human rights lawyers and/or defenders. The sources provided in the report are sufficient and credible. They present a clear example of the atrocities, despite a myriad of restrictions imposed by the military regime, effectively limiting the number of resources and data available. The CPIN repeatedly mentions the lack of monitoring developments and relevant dates from human rights organisations and local newspapers. Section 4 is an extremely well-researched section, clearly specifying the brutal means and tactics used by the regime to respond to protests against the state and military. For example, unlawful or arbitrary killings, forced disappearances, torture, degrading and cruel punishments, gender-based violence, life-threatening prison conditions, arbitrary arrest and/or detention, punishment of family members for offences allegedly committed by an individual and widespread civilian harm.

Moreover, the CPIN outlines the regime's invasive dual-use surveillance, hacking, and mass forensic technologies that have been employed to strictly monitor and target critics and protesters. The new surveillance called for mobile phone companies to install equipment for the regime to monitor calls, text messages,



and locations of selected users, flagging each time words such as “*protest*” and/or “*revolution*” were used. The CPIN refers closely to specific cases which are necessary and valuable to drawing attention to reality on the ground. In so doing, the brutality and excessive use of force against civilians and peaceful protesters in 2021 is specified and the complete lack of justice for victims of the regime and for the families of murdered persons is highlighted. Overall, the information provided in the CPIN provides an accurate and solid insight to the conditions and critics of the military regime.

Nonetheless, there are many grammatical and structural errors that need to be removed and/or rephrased, especially in Sections 3 and 4. The errors weaken and undermine the validity and flow of the report. I also found there to be a significant lack of mention about the sexual, physical and verbal abuses women, girls and the LGBTQI+ community suffered when arrested and detained by the regime. The extent of their harm is not documented and should be to provide an accurate picture of every human rights violation. I am aware that there is a small section outlining the treatment of female political prisoners, but I do not consider this sufficient enough. In addition, there is no mention of Rohingya, which is absurd considering the ongoing ethnic cleansing carried out by the state.

In sum, I recommend the report be rewritten to include the above points, to remove the mistakes and highlight the abuse of women, the LGBTQI+ and Rohingya communities. I also recommend that the report be constantly updated given the nature of the situation and the constant wave of protests and human rights violations. I have clearly specified the errors and issues below.

|  |  |
|--|--|
| <p><u>Main Suggestions relating to the COI Requests:</u></p> <p>1. I noted one significant change to be made to the information request on Burma: Military service, that is, to remove the statement regarding the death penalty being altered to life sentences because no executions have been carried out in over thirty years. Although the statement bears truth to the time of writing, it is no longer relevant as a series of executions were carried out in July.</p> | <p><b>Accepted.</b> We recognise that events have surpassed this response. We will update the response as necessary.</p> |
|--|--|

## 1.4 Understanding of the themes addressed in the CPIN Reports

The CPIN successfully demonstrates a good level of understanding the brutal punishments carried out by the military regime that led to and followed the February coup and the subsequent demonstrations, reinforcing limitations to freedom of speech and expression. The CPIN refers to laws that condone the military and

allow for the security forces to go unpunished. Overall, the CPIN is extremely comprehensive.

## 1.5 Quality and balance of sources

The sources referred to in the CPIN are of high quality and relevant to the time period covered in the report. In fact, much information follows the mention of a source, including what and who the mentioned are and where they are based, whether nationally or internationally. The CPIN does not mention any names for the cases outlined, unless they have died which protects the people from the regime. However, there are many “*undated*” sources which I believe undermine credibility. I do not think a source should be included in the CPIN without a published date because it impacts the value given the strict time period. I recommend adding more recent research and information from the following: Human Rights Watch (HRW), Freedom Report and the Assistance Association for Political Prisoners (AAPP).

## 1.6 Recommended links

<https://www.nytimes.com/article/myanmar-news-protests-coup.html>

<https://www.cfr.org/background/myanmar-history-coup-military-rule-ethnic-conflict-rohingya>

Pedersen, M.B., 2020. Democracy and human rights: In the shadow of Myanmar's national security state. In Myanmar (pp. 74-86). Routledge.

Putra, I.E. and Shadiqi, M.A., 2022. Understanding the supporters and opponents of Myanmar's civil disobedience movement against the military coup in 2021. *Journal of Community & Applied Social Psychology*.

Whitten-Woodring, J., Kleinberg, M.S., Thawngmung, A. and Thitsar, M.T., 2020. Poison if you don't know how to use it: Facebook, democracy, and human rights in Myanmar. *The International Journal of Press/Politics*, 25(3), pp.407-425

## 2. Review

I will now present the changes and recommendations I noted throughout the CPIN.

### Country Information

#### 2.1 Political history

This section provides a good, albeit brief, understanding of the February 2021 military coup that transformed Myanmar’s political landscape.

|   |  |
|---|--|
| <p>3.2.2. I would change “Six 6 cases, maximum 15 years in prison for each” to <u>“6 cases, maximum 15 years in prison for each.”</u></p>   | <p><b>Not accepted.</b> The sentence is a direct quote and does not have a significant impact upon the understanding or meaning of the sentence.</p> |
| <p>3.2.3. I would rephrase “In August 2021, Min Aung Hlaing declared himself prime minister and head of a caretaker government, stating that military rule would be enforced until August 2023, when it has been promised elections will be held” to <i>“upon declaring himself Prime Minister and Head of a Caretaker Government in August 2021, Min Aung Hlaing announced that military rule would be enforced until August 2023 when an election is promised to be held.”</i></p> <p>The rephrased statement is clearer to make sense of.</p> <p>3.2.3. I would change “As at May 2022” to <u>“As of May 2022”</u></p> | <p><b>Accepted.</b> We will change both of these when we update the CPIN as a result of this review.</p>   |

## 2.2 Protests in 2021 and 2022

This section clearly outlines the wave of protests and demonstrations that occurred following the military coup and refers to several reputable sources.

4.1.7. I recommend deleting this source because the date is unknown, it does not add anything useful, and it does not read clearly.

“According to an undated report by The Armed Conflict Location & Event Data Project (ACLED), a ‘disaggregated data collection, analysis & crisis mapping platform which collects real-time data on the locations, dates, actors, fatalities, and types of all reported political violence and protest events around the world’, ‘Demonstrations in opposition to the military coup in 2021 were large-scale and widespread. ACLED records over 6,000 anti-coup demonstration events throughout the year.’

**Not accepted.** We do not accept the sweeping notion that undated reports cannot be used.

In this case, we consider the source to be reliable, credible and relevant – and ACLED draw their reports from a range of sources themselves. The information adds context and background to the initial months following the coup, offering a view on scale and extent. It also gives a timeframe within the quote to aid understanding.

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| <p>4.1.8. I recommend rephrasing and shortening this statement from “Considering how the protests evolved following the coup in 2021, following interviews with 17 people from diverse backgrounds and protest groups from across 5 of Myanmar’s states and regions, over a period of months, Amnesty International reported in an article of 22 April 2022 that:” to “<i>On 22 April 2022, Amnesty International reported that:</i>”</p> | <p><b>Partially accepted.</b><br/>The introduction to this information shows what the source is basing their findings on, to provide transparency and context to its reliability.<br/><br/>Nevertheless, we can shorten this sentence for clarity when we update the CPIN as a result of this review.</p> |
| <p>4.2.3. I recommend rephrasing “A 17 February 2021 article by 3 artists from Yangon explained...” to “<i>An article published by 3 artists from Yangon on 17 February 2021 explained...</i>”</p>  | <p><b>Not accepted.</b><br/>With each of these three, the suggested change is stylistic and we do not think it would aid understanding any further should it be changed.</p>  |
| <p>4.2.4. I recommend rephrasing this statement from “A 15 February 2021 article in the Indian Express explained the origins:...” to “<i>An article in the Indian Express published on 15 February 2021 explained the origins of the aforementioned:...</i>”</p>  |   |
| <p>4.3.3. I recommend rephrasing “In an April 2022 article by Malay Mail, a Malaysia-based online news source, it was reported:...” to “<i>In April 2022, Malay Mail, a Malaysia-based online news source reported that:...</i>”</p>  |   |

|   |   |
|---|---|
| <p>4.4.1. I recommend deleting this source as it is undated. “According to an undated report by ACLED, ‘While the demonstrations remained largely peaceful, the military frequently responded with deadly violence, in many cases firing live rounds at demonstrators’ heads. Women have played a key role in the movement, often standing on the front lines at demonstrations; in turn, they have been met with targeted violence. According to ACLED data, Myanmar was the deadliest country in the world for demonstrators in 2021...”</p>  | <p><b>Not accepted.</b> see comment above re: undated sources, and ACLED data.</p>  |
| <p>4.4.10. This is a very strong mention and credible source: “The regime responded [to protests against the coup] with repressive tactics such as the mass arrest of its political opponents and the use of widespread lethal violence against unarmed persons, including men, women, and children... Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extra judicial killings; forced disappearances; torture and cruel, inhuman, or degrading treatment and punishment by the regime; gender-based violence by the regime; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious abuses in a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, and torture and physical abuses or punishment...”</p> | <p>Thank you.</p>   |
| <p>4.5.1. I recommend rephrasing this statement to avoid confusion and to clearly state what the five points are ; from “... reached a consensus on five points towards resolving the crisis in Myanmar on Saturday, including starting a dialogue and ending violence, ASEAN chair Brunei said... the consensus also included allowing humanitarian help in the country, releasing political prisoners and appointing a special ASEAN envoy to facilitate mediation of the dialogue process” to “... <i>reached a consensus on five points towards resolving the crisis in Myanmar on Saturday. The five points comprise: ‘an immediate end to violence in the country; dialogue among all parties; the appointment of a special envoy; humanitarian assistance by ASEAN; and the special envoy’s visit to Myanmar to meet with all parties,’ as defined by Human Rights Watch.</i>” <a href="https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year">https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year</a></p>   | <p><b>Accepted.</b> We will change this source and quote directly for clarity when we update the CPIN as a result of this review.</p> |



## 2.3 Ethnic Armed Organisations (EAOs)

This section provides clear information on the role of EAOs in Myanmar.

|  |  |
|--|--|
| <p>6.3.1. The statement “... If the Arakan Army, TNLA, MNDAA, and the other NCA signatories join the KNU and KIA in open fighting, much of Myanmar would plunge into civil war” should be updated as Myanmar effectively is in civil war. I recommend referring to documents relating to civil war and conflict for further information regarding the issue.</p> | <p><b>Not accepted.</b> Whilst we appreciate the point made here, the distinction is that this is considering the fragile relationships and peace agreements between Ethnic Armed Organisations and the military junta, separately from the general situation and civil unrest borne from the military coup.</p> |
| <p>6.3.6. I would rephrase “In an April 2022 article by Malay Mail, recent clashes between EAOs and the military were outlined:...” to “<i>An article published by Malay Mail in April 2022 outlines the recent clashes between EAOs and the military:...</i>”</p>   | <p><b>Not accepted.</b> The suggested change is stylistic and we do not think it would aid understanding any further should it be changed.</p>   |

## 2.4 Freedom of speech and media

This section outlines accurate and significant information on the restrictions of freedom of speech in the public and private spheres. It cites very credible sources.

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|--|---|
| <p>7.2.3. I recommend adding <i>“the government drafted a new anti-terrorism law in 2013, amid a series of ‘terrorist’ bombings in cities across Myanmar in October 2013”</i> after “in a statement on Thursday, the junta said that it had arrested 229 users for violating the country’s Anti-Terrorism Law and a section of the Electronic Communications Law that prohibits distribution of anti-junta propaganda online since authorities began to monitor Facebook for such posts on Jan” to specify when the law was drafted. <a href="https://www.mlis.gov.mm/mLsView.do;jsessionid=5B029BFB369BF0AA41D22495C5A69293?lawordSn=9596">https://www.mlis.gov.mm/mLsView.do;jsessionid=5B029BFB369BF0AA41D22495C5A69293?lawordSn=9596</a></p> | <p><b>Accepted.</b> We will add this sentence for clarity when we update the CPIN as a result of this review.</p> |
| <p>7.5.5. I would edit this small structural error from “... was the first after the coup to be charged under this section of the law” [paragraph break] “According to” [paragraph break] “media reports, he was brutally beaten and seriously injured during his arrest” to “... <i>was the first after the coup to be charged under this section of the law. According to media reports, he was brutally beaten and seriously injured during his arrest.</i>”</p>  | <p><b>Accepted.</b> We will amend this when we update the CPIN as a result of this review.</p>                    |

## 2.5 Political prisoners

This section outlines accurate information on the treatment of political prisoners, albeit it is mostly focused on male political prisoners. Generally speaking, the CPIN presents really well but there should be more attention to grammatical mistakes and sentence structuring.

8.1.5. I advise the Home Office to delve deeper into the abuse women, girls and the LGBTQI+ community in Myanmar endure. The mention of “sexual violence and threats of sexual violence by the security forces against women, girls and in some instances, men arrested during protests, were documented by the UN and others, including in the context of interrogations. Detained LGBTI people who participated in the protests, often under rainbow flags, were also reported to have been subjected to torture including sexual violence” is simply not enough.

**Accepted.** We will seek to cover female political prisoners and LGBTI prisoners in more depth when we update the CPIN as a result of this review.

8.1.6. It is necessary to regularly update data, such as the following: “as of May 9, 2022, a total of (10571) people are currently under detention. (1047) people have been sentenced in person, of them 68 have been sentenced to death (incl. 2 children). 1977 are evading arrest warrants. 120 people have been sentenced in absentia, of them 41 sentenced to death in absentia. In total 109 sentenced to death, in person and absentia. The exact identities and total figure remain to be verified, but we will continue to confirm the recently released.”

**Not accepted.**

With reference to the instructions that reviewers ‘... should consider the situation in the country up to the stated ‘cut off’ date for inclusion of information’, we note that the suggested material post-dates publication of the CPIN.

As set out in the Preface, all information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/ article published after these date(s) is not included.

We appreciate there are benefits of updating data such as this. However, we must balance that against piecemeal, minor updates which Home Office staff do not find helpful.

Similarly, CPIT is not in a position to provide a 'running commentary' on events and update continually changing data such as this. The CPIN is under regular review and any significant changes would be addressed in an update.

8.2.2. I recommend amending this grammatical mistake from "At the time of writing and, the junta has arbitrarily detained over 1,200 people since the beginning of the coup" to "At the time of writing, the junta had arbitrarily detained over 1,200 people since the beginning of the coup."

**Partially accepted.**

The sentence is a direct quote and it's not considered that these errors have a significant impact upon the understanding or meaning of the sentence.

Nevertheless, we can include [sic] to point out the grammatical error when we update the CPIN as a result of this review.

8.2.6. I recommend deleting this source because it unnecessarily repeats who was detained, “The UN News agency reported on 8 March 2021 that according to the Office of the High Commissioner for Human Rights (OHCHR) that ‘those detained included ‘members of parliament, political activists and election officials, authors, human rights defenders, teachers, healthcare workers, civil servants, journalists, monks, and celebrities.’”

**Not accepted.** As we set out in the Preface, multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to the note. Using multiple sources also assists in corroborating or cross-checking facts, events or situations which are reported to have occurred.

Including a number of reliable sources with consistent independent findings contributes to the confidence in our assessment that these groups of people *were* targeted, thus providing Home Office staff a firmer evidence-base on which to assess claims.

8.3.2. I would delete “In September human rights watchdog Just Power reported that a prominent human rights activist suffered from deteriorating health conditions as a result of her “unjust arrest and detention.” According to the report, regime security forces denied her access to health services, including to medicines provided by her family” because it is not necessary information.

**Not accepted.**  
Including reportage on treatment of ‘categories’ of people at risk provides Home Office staff with objective evidence to assess individual claims by and so it is deemed necessary.  
Including sources such as this which provide information from the macro to the micro, that cascade from the general/countrywide to the specific/local provides both an overarching and detailed picture of a fact, event or situation, and assist in identifying and determining if there are countrywide or localised, group or individual patterns.

# 1-10. COI Request Burma: Military service Reference Number: 05/21-041

Date: 19 May 2021

Subject: Humanitarian and security

Keywords: Conscription; desertion; prison

Summary of request: The brutal treatment of persons who desert or attempts to desert military service and the impunity of state officials, including security force personnel.

1.1.1. The information request includes a summary of the minimum length of time for serving in the military service which remains factually accurate. At the time of writing, conscription law was not in effect. I can confirm that conscription is still not in effect, despite announcements by the regime early on in 2022 to implement conscription under the People's Military Service Law 2010. This would require men and women to do up to three years of compulsory military service.

*"18-35 years of age (men) and 18-27 years of age (women) for voluntary military service; no conscription (a 2010 law reintroducing conscription has not yet entered into force); 2-year service obligation; male (ages 18-45) and female (ages 18-35) professionals (including doctors, engineers, mechanics) serve up to 3 years; service terms may be stretched to 5 years in an officially declared emergency."*

1.2.2. The information request also addresses the death penalty for those who desert or attempt to desert military service, which appears to be contradictory given that conscription has not yet been enforced in Myanmar. Although the response is accurate for the time of writing, it is now inaccurate given that 10 executions were carried out in July, the first set in over 30 years. Irrespective of documented human rights violations and crimes, the regime continues to protect state officials, including security force personnel, from prosecution.

*"On 18 May 2021, Deutsche Welle reported: 'In Myanmar, army defectors are usually sentenced to death – which is then commuted to life in prison, as the death penalty has not been carried out in over three decades.'"*

I advise the Home Office to remove the above statement to avoid future confusion and outdated information.


View <https://www.dfat.gov.au/sites/default/files/country-information-report-myanmar.pdf> and <https://www.hrw.org/news/2022/12/05/myanmar-junta-sentences-10-prisoners-death> for reference.

We recognise that events have surpassed this response and given the passage of time we will withdraw. If asked, we will produce a new COIR and include the suggested material.

n.b. We do not recognise the wording used in the "summary of the request", and would seek to avoid using language which has questionable neutrality.





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