



Australian Government
Refugee Review Tribunal

Country Advice

Iraq

**Iraq – IRQ38690 – Kurdistan – Workers
Communist Party of Kurdistan – Kurdistan
Government – Opposition Parties**

24 May 2011

1. What evidence exists that members of the Workers-communist Party of Kurdistan or persons who have written articles criticising regional government would be targeted by the Asaish and the government in Kurdistan?

No information was found in the source consulted which indicates that individuals are targeted solely on the basis of Workers-communist Party of Kurdistan (W-cPK) membership. However, in February 2011 three to four W-cPK were arrested and detained for a few days for assisting in the organisation of anti-government demonstrations in Sulaimanyah. Reports indicate that members of other opposition political parties involved in mass anti-government demonstrations in Kurdistan, which ran from February to April 2011, were also subject to arrests and attacks.

The Workers-communist Party of Kurdistan

The Workers-communist Party of Kurdistan (W-cPK) is a Marxist party which advocates the establishment of an independent Socialist Republic of Kurdistan. The W-cPK was established in March 2008.¹ The W-cPK is a sister party of the Worker-Communist Party of Iraq and the Worker-Communist Party of Iran. The Worker-Communist Party of Kurdistan Facebook page states that they produce a newspaper twice a month, called *October*.² The W-cPK was formerly known as the Kurdistan Organisation of Worker-communist Party of Iraq, which was established in 1993.³

One reported incident was found in the sources consulted regarding the mistreatment of members of the W-cPK. Reports indicate that in February 2011 four W-cPK members were detained for a few days for actively assisting in the organisation of mass anti-government demonstrations in Sulaimanyah.⁴ The W-cPK have claimed that the four members were

¹ 'Founding Declaration of the Worker-communist Party of Kurdistan' 2008, Worker-communist Party of Kurdistan website, 15 March <http://www.hkkurdistan.org/english/foundin-party/founding-declaration....htm> - Accessed 17 May 2011 - Attachment 1; 'untitled' 2011, Worker-communist Party of Kurdistan website, January

<http://www.hkkurdistan.org/english/writers/muhsin-karim/interview....htm> - Accessed 17 May 2011 - Attachment 2

² 'Worker-communist Party of Kurdistan' 2011, Facebook website <http://www.facebook.com/#!/pages/Worker-communist-Party-of-Kurdistan/129948243714230> - Accessed 17 May 2011 - Attachment 3

³ 'untitled' 2011, Worker-communist Party of Kurdistan website, January <http://www.hkkurdistan.org/english/writers/muhsin-karim/interview....htm> - Accessed 17 May 2011 - Attachment 2.

⁴ 'The local authorities have abducted 4 activists after taking part in a mass demonstration in Sulaimanyah -Iraqi Kurdistan' 2011, Worker-communist Party of Kurdistan website, 25 February

<http://www.hkkurdistan.org/english/against-terrorist-in-kurdistan/4people/4people...htm> - Accessed 17 May 2011 - Attachment 4; Abdulla, M. 2011, 'The masses are seeking political change: Panorama of the demonstration in Kurdistan', Worker-communist Party of Iraq website, 24 April

<http://www.wpiraq.net/english/2009/240411.mzafar.htm> - Accessed 17 May 2011 - Attachment 5; Centre for Observance of People Rights in Iraq and Kurdistan 2011, 'Missing political activists in Iraq/ Kurdistan', Modern Discussion website, 26 February <http://www.ahewar.org/eng/show.art.asp?aid=1255> - Accessed 17 May 2011 - Attachment 6

kidnapped by local authorities.⁵ According to information on the website of the Worker-communist Party of Iraq, the W-cPK leaders were released after a few days due to “intense public pressure”.⁶ Members of other opposition political party members and activists were also subject to arrests and attacks during February to April 2011 due to their involvement in mass anti-government demonstrations.⁷ For further information on the treatment of members of other opposition parties involved in 2011 demonstrations please refer to question three of this request.

Journalists

Journalists in Iraqi Kurdistan who have written articles criticising regional government and government officials have been subject to threats, kidnappings, arrest, attacks and assassinations by the by the *Asayish* and other security agencies. Threats have also been made against the family members of targeted journalists. Reports indicate that journalists in Kurdistan who have reported on government corruption have been subject to lawsuits and arrested for libel.⁸

In May 2010, Sardasht Osman, a 23-year-old freelance journalist and student, was abducted and killed in Arbil. Osman had written articles criticising the region's two major parties and their leaders for corruption and nepotism.⁹

In response 75 Kurdish journalists, editors, and intellectuals issued a statement on 6 May 2010 stating that the regional government was responsible for Osman's death. On May 2010, hundreds of university students in Arbil protested accusing the government of the murder. During May 2010 other demonstrations were also held in Iraq over the murder. The editor of an influential magazine reportedly received a death threat after participating in a demonstration. Kamal Chomani, a journalist who wrote and translated several articles about

⁵ ‘The local authorities have abducted 4 activists after taking part in a mass demonstration in Sulaimanyah -Iraqi Kurdistan’ 2011, Worker-communist Party of Kurdistan website, 25 February <http://www.hkkurdistan.org/english/against-terrorist-in-kurdistan/4people/4people...htm> - Accessed 17 May 2011 - Attachment 4

⁶ Abdulla, M. 2011, ‘The masses are seeking political change: Panorama of the demonstration in Kurdistan’, Worker-communist Party of Iraq website, 24 April <http://www.wpiraq.net/english/2009/240411.mzafar.htm> - Accessed 17 May 2011 - Attachment 5.

⁷ International Crisis Group 2011, Iraq and the Kurds: Confronting Withdrawal Fears: Middle East Report N°103, 28 March <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/103%20Iraq%20and%20the%20Kurds%20--%20Confronting%20Withdrawal%20Fears.ashx> - Accessed 19 May 2011 - Attachment 7; Amnesty International 2011, *Days of rage: Protests and Repression in Iraq*, UNHCR Ref world website, 12 April <http://www.unhcr.org/refworld/pdfid/4da4044a2.pdf> - Accessed 19 May 2011 - Attachment 8; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9; Country Watch 2011, *Iraq: 2011 Country Review* <http://www.countrywatch.com/pdfs/reviews/B3L65L35.01b.pdf> - Accessed 19 May 2011 - Attachment 10.

⁸ Human Rights Watch 2010, ‘Iraqi Kurdistan Journalists under Threat: Ensure Open, Thorough Investigation into Killing of Young Reporter’, 29 October <http://www.hrw.org/en/news/2010/10/28/iraqi-kurdistan-journalists-under-threat?print> - Accessed 18 May 2011 - Attachment 11; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9; Amnesty International 2009, *Hope and Fear: Human Rights in the Kurdistan Region of Iraq*, 14 June <http://www.amnesty.org/en/library/asset/MDE14/006/2009/en/c2e5ae23-b204-4b46-b7f5-06dc1501f62f/mde140062009en.pdf> - Accessed 18 May 2011 - Attachment 12.

⁹ Human Rights Watch 2010, ‘Iraqi Kurdistan Journalists under Threat: Ensure Open, Thorough Investigation into Killing of Young Reporter’, 29 October <http://www.hrw.org/en/news/2010/10/28/iraqi-kurdistan-journalists-under-threat?print> - Accessed 18 May 2011 - Attachment 11; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9

Osman's death, also told Human Rights Watch that he received an anonymous e-mail in August 2010 threatening him and his parents if he did not desist from this activity.¹⁰

In September 2010 a government committee formed to investigate Osman's murder declared that members of Ansar al-Islam, an Islamic armed group, were responsible for the murder of Sardasht Osman. Ansar al-Islam have, however, denied responsibility for the killing. Osman's family have stated that after making comments critical of the investigation, the family received several unofficial and threatening visits by local members of the Kurdistan Democratic Party or its security force.¹¹

The US Department of State (USDOS) reported in April 2011 that journalists in Iraqi Kurdistan who criticise the government are routinely targeted including threats, attacks and lawsuits. The USDOS report provides the following relevant information:

In the Kurdistan region, a 2008 law provides for media freedom, and imprisonment is no longer a penalty for publication-related offenses. However, journalists continued to be tried, convicted, and imprisoned under the 1969 penal code. **The Kurdistan Journalists Syndicate (KJS) documented 44 lawsuits against journalists during the year in the Kurdistan region,** approximately one-third under the penal code. According to syndicate officials, the 2008 law is the sole basis for prosecution of journalists for publication offenses, but the law allows prosecution on the basis of offending public morals and other crimes. **Public officials regularly resorted to punitive fines through legal actions against individual media outlets and editors, often for publishing articles on alleged corruption.**

During the year political parties filed lawsuits against media organizations and journalists in Kurdistan "in self-defense."

...Libel remains a criminal offense in the Kurdistan region, and judges may issue pretrial arrest warrants for journalists on this basis. **Journalists were sometimes imprisoned while police investigated the veracity of published information.** When named in a lawsuit, journalists were typically detained at police stations and were not released until they posted bail. Police often kept journalists in custody during investigations.

Journalists in the Kurdistan region asserted that they routinely encountered personal intimidation by KRG officials, security services, tribal elements, and business leaders. The KJS documented more than 300 incidents (threats, suits, and attacks) in 2009. In a report that covered the period from July 1 to December 25, the KJS documented 52 court subpoenas.

...According to the Office of the UN High Commissioner for Refugees (UNHCR), in April 2009 criticism of the ruling PUK and KDP in the Kurdish region resulted in intimidation, beatings, arrest and detention, and extrajudicial killings, with journalists particularly at risk.¹²

2. Can you provide general country information about the government in Kurdistan?

The Kurdistan Regional Government (KRG) is currently comprised of a coalition government for which the two major political parties are the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). The government is led by Prime Minister Barham Salih (PUK). The President of the KRG is Masoud Barzani (KDP). The KRG has a unicameral parliament which consists of 111 seats for which Parliamentary elections are held every four years. Presidential elections are held every three years. The last presidential and

¹⁰ Human Rights Watch 2010, 'Iraqi Kurdistan Journalists under Threat: Ensure Open, Thorough Investigation into Killing of Young Reporter, 29 October <http://www.hrw.org/en/news/2010/10/28/iraqi-kurdistan-journalists-under-threat?print> - Accessed 18 May 2011 - Attachment 11.

¹¹ Human Rights Watch 2010, 'Iraqi Kurdistan Journalists under Threat: Ensure Open, Thorough Investigation into Killing of Young Reporter, 29 October <http://www.hrw.org/en/news/2010/10/28/iraqi-kurdistan-journalists-under-threat?print> - Accessed 18 May 2011 - Attachment 11.

¹² US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9

parliamentary elections were both undertaken in July 2009.¹³ The Kurdistan Region comprises the three provinces of federated Iraq: Erbil, Suleimaniah and Dohuk. Each province also has a democratically elected 41-seat Governing Council.¹⁴

The KDP and PUK have been in power since the Iraqi Kurdistan region became semi-autonomous in 1991. These two major parties control the Kurdish security agencies (Asayish) and the armed forces (Peshmerga). The KDP and the PUK also both operate their own powerful party intelligence agencies. KRG security forces are reported to commit arbitrary and unlawful murders and arrests. The KRG has been also been accused of widespread corruption and the poor delivery of government services. During February to April 2011 mass anti-government demonstrations were held in Kurdistan in relation to the corruption and political control by the KRG and PUK.¹⁵ Protests ceased in April due to the deployment of thousands of heavily armed troops.¹⁶

3. Can you provide evidence about the government of Kurdistan's repression of political opponents?

Members of opposition political parties have been recently attacked and arrested by government controlled security forces. Reports indicate that the Goran movement, the main opposition party, has been the primary party targeted by government authorities.¹⁷ The following recent incidents were found in relation to recent attacks on opposition party members:

- Human Rights Watch reported on 21 April 2011 that Muhamad Kyani, a MP and member of the Goran party, was physically assaulted by the Asayish while walking away from a demonstration. His bodyguard was also attacked.¹⁸

¹³ 'About the Kurdistan Regional Government' (undated), Kurdistan Regional Government website http://www.krg.org/uploads/documents/Fact_Sheet_About_Kurdistan_Regional_Government_KRG_2010_05_15_h13m42s9.pdf - Accessed 18 May 2011 - Attachment 13; Banks, A.S., Muller, T.C., Overstreet, W.R & Isacoff, J.F. (eds) 2010, *Political Handbook of the World Online Edition: Iraq*; CQ Press, Washington - Attachment 14; Country Watch 2011, *Iraq: 2011 Country Review* <http://www.countrywatch.com/pdfs/reviews/B3L65L35.01b.pdf> - Accessed 19 May 2011 - Attachment 10; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9.

¹⁴ 'About the Kurdistan Regional Government' (undated), Kurdistan Regional Government website http://www.krg.org/uploads/documents/Fact_Sheet_About_Kurdistan_Regional_Government_KRG_2010_05_15_h13m42s9.pdf - Accessed 18 May 2011 - Attachment 13; Banks, A.S., Muller, T.C., Overstreet, W.R & Isacoff, J.F. (eds) 2010, *Political Handbook of the World Online Edition: Iraq*; CQ Press, Washington - Attachment 14; Country Watch 2011, *Iraq: 2011 Country Review* <http://www.countrywatch.com/pdfs/reviews/B3L65L35.01b.pdf> - Accessed 19 May 2011 - Attachment 10; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9.

¹⁵ International Crisis Group 2011, *Iraq and the Kurds: Confronting Withdrawal Fears: Middle East Report N°103*, 28 March <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/103%20Iraq%20and%20the%20Kurds%20--%20Confronting%20Withdrawal%20Fears.ashx> - Accessed 19 May 2011 - Attachment 7; Amnesty International 2011, *Days of rage: Protests and Repression in Iraq*, UNHCR Ref world website, 12 April <http://www.unhcr.org/refworld/pdfid/4da4044a2.pdf> - Accessed 19 May 2011 - Attachment 8; US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9; Country Watch 2011, *Iraq: 2011 Country Review* <http://www.countrywatch.com/pdfs/reviews/B3L65L35.01b.pdf> - Accessed 19 May 2011 - Attachment 10.

¹⁶ 'Military deployment in Iraq, Kurdistan halts protests, but not anger' 2011, *Daily Star*, 30 April - Attachment 15; Arango, T., Schmidt, M. & Adnan, D. 2011, 'Anger Lingers in Iraqi Kurdistan After a Crackdown', *The New York Times*, 19 May - Attachment 16

¹⁷ Human Rights Watch 2011, *IRAQ: Widening crackdown on protests*, 21 April - Attachment 17; 'Iraqi Kurdistan's opposition MP charges Kurdish Security with attempt to assassinate him' 2011, *Aswat al-Iraq*, 13 April - Attachment 18; Amnesty International 2011, *Days of rage: Protests and Repression in Iraq*, UNHCR Ref world website, 12 April, p.11 <http://www.unhcr.org/refworld/pdfid/4da4044a2.pdf> - Accessed 19 May 2011 - Attachment 8.

¹⁸ Human Rights Watch 2011, *IRAQ: Widening crackdown on protests*, 21 April - Attachment 17

- On 13 April 2011, *Aswat al-Iraq*, an Iraqi news media agency, reported that Sardar Abdullah, also an MP and member of Goran opposition party, charged a group of 20 members of the Asayish Forces, with having carried out a recent attempt to assassinate him. Sardar Abdullah stated that he had “delicate information” about the Asayish and would raise a legal case against those involved in the assassination attempt.¹⁹
- On 12 April 2011 Amnesty International have reported that 6 Goran movement members were arrested for participating in a demonstration:

A number of pro-democracy activists, including members of opposition political parties such as Goran, were arrested, especially in Sulaimaniya, Erbil, Kalar and Halabja. Some of them were held for up to four days during which they allege they were tortured or otherwise illtreated before being released uncharged. Their “crime” was to speak out against official corruption and the “dictatorship” of the two ruling parties. In Erbil, for example, at least seven people, most of them members of Goran, were arrested on 25 February simply because they gathered in the main square before a planned demonstration was due to start and which the security forces subsequently suppressed.²⁰

- On 18 February 2011, *Agence France Presse* reported that looters had targeted seven offices belonging to the Goran opposition party. Goran party officials accused KDP loyalists of involvement in the attacks.²¹ *The New York Times* reported on 23 February 2011 that attacks on the offices of an opposition political party and a privately owned television station “have stoked fears that Kurdish leaders, backed by armed supporters and security forces, are using the upheaval to attack their opponents and tear the scabs off old animosities lingering from a civil war in the 1990s.”²²

The majority of the above recent attacks on opposition political party members were undertaken due to their participation in mass anti-government protests. During the period of February to April 2011 daily demonstrations were undertaken against the KDP and PUK involving hundreds and sometimes thousands of protestors.²³ Amnesty International have reported that various security forces under the control of the KDP and PUK responded with excessive force against the demonstrators. According to Amnesty International at least six activists were killed as a result of attacks by security forces. Armed forces also reportedly injured and frequently arrested protestors including members of opposition political parties.²⁴

¹⁹ ‘Iraqi Kurdistan’s opposition MP charges Kurdish Security with attempt to assassinate him’ 2011, *Aswat al-Iraq*, 13 April - Attachment 18

²⁰ Amnesty International 2011, *Days of rage: Protests and Repression in Iraq*, UNHCR Ref world website, 12 April, p.11 <http://www.unhcr.org/refworld/pdfid/4da4044a2.pdf> - Accessed 19 May 2011 - Attachment 8.

²¹ Hamid, S. 2011. ‘Looters hit opposition offices in north Iraq demos’, *Agence France Presse*, 18 February - Attachment 19

²² Healy, J & Namor, A. 2011, ‘Iraqi Kurdistan, known as haven, faces unrest’, *New York Times*, 23 February - Attachment 20

²³ ‘Military deployment in Iraq, Kurdistan halts protests, but not anger’ 2011, *Daily Star*, 30 April - Attachment 15; Arango, T., Schmidt, M. & Adnan, D. 2011, ‘Anger Lingers in Iraqi Kurdistan After a Crackdown’, *The New York Times*, 19 May - Attachment 16

²⁴ Amnesty International 2011, ‘Independent investigation urged into police violence in Iraqi Kurdistan’, UNHCR Ref world website, 19 April <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4db6616d14&skip=0&coi=IRQ&querysi=%20Kurdistan%20Regional%20Government%20&searchin=fulltext&display=10&sort=date> - Accessed 19 May 2011 - Attachment 21; Amnesty International 2011, *Days of rage: Protests and Repression in Iraq*, UNHCR Ref world website, 12 April <http://www.unhcr.org/refworld/pdfid/4da4044a2.pdf> - Accessed 19 May 2011 - Attachment 8

Demonstrations ended in late April 2011 due to the deployment of thousands of heavily armed troops.²⁵

Amnesty International have also reported that during 2010 “members and supporters of political opposition groups were threatened, harassed, attacked or arrested”. The report provided the following two 2010 incidents on opposition party members in Iraqi Kurdistan:

On 14 February, unidentified gunmen attacked the office of the Kurdistan Islamic Union (KIU) party in Sulaimaniya, but caused no casualties. Four days later, the KRG authorities detained several KIU members in Dohuk.

On 16 February, armed men reportedly linked to the Patriotic Union of Kurdistan (PUK), one of the parties forming the KRG, violently disrupted a meeting of the opposition Goran Movement in Sulaimaniya; the authorities arrested 11 Goran Movement activists but took no action against those who broke up the meeting.²⁶

The latest US Department of State (USDOS) report for Iraq does not state that opposition political parties were targeted in Kurdistan during 2010. The report does, however, provide information on the politically oppressive activity of the PUK and KDP. The report states that the PUK and KDP pressure citizens to join their parties. The KRG also reportedly postponed provincial elections scheduled for November 2010 “in order to avoid anticipated electoral losses by the PUK party in Sulaymaniyah, where the opposition Goran party was expected to gain electoral votes.” Furthermore, on 3 November 2010 the KRG issued a ban on unlicensed demonstrations.²⁷

The Amnesty International publication *Hope and Fear Human Rights in the Kurdistan Region of Iraq*, dated 14 April 2009, states that many of those arbitrarily detained in recent years have been suspected members of Islamist groups including legal political parties such as the Kurdistan Islamic Movement and *Al-Jama'a al-Islamiya*. According to Amnesty International dozens of members of *Al-Jama'a al-Islamiya*, a party which has had members in the Kurdistan Parliament, have been targeted for arrest and detention. The report states, however, that the majority of the detainees have been released following an improvement in relations between the leadership of *Al-Jama'a al-Islamiya* and the KDP and PUK. Amnesty International have stated that all Islamist detainees who have been released following amnesties have been required to report to the Asayish on a weekly basis. Released detainees are also not allowed to travel outside their governorate of residence without Asayish approval.²⁸

In relation to the treatment of Communist Party members in Kurdistan, a 2009 report by the Danish Immigration Services states that “a member of the Communist party is not arrested merely for being a member, but they have been arrested under demonstrations.”²⁹

²⁵ ‘Military deployment in Iraq, Kurdistan halts protests, but not anger’ 2011, *Daily Star*, 30 April - Attachment 15; Arango, T., Schmidt, M. & Adnan, D. 2011, ‘Anger Lingers in Iraqi Kurdistan After a Crackdown’, *The New York Times*, 19 May - Attachment 16

²⁶ Amnesty International 2011, *Amnesty International Annual Report 2011 – Iraq*, 13 May <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4dce1562c&skip=0&coi=IRQ&querysi=%20Kurdistan%20Regional%20Government%20&searchin=fulltext&display=10&sort=date> - Accessed 23 May 2011 - Attachment 22.

²⁷ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Iraq*, 8 April - Attachment 9.

²⁸ Amnesty International 2009, *Hope and Fear Human Rights in the Kurdistan Region of Iraq*, Amnesty International website, 14 April <http://www.amnesty.org/en/library/asset/MDE14/006/2009/en/c2e5ae23-b204-4b46-b7f5-06dc1501f62f/mde140062009en.pdf> - Accessed 23 May 2011 - Attachment 12

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Attachments

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