

BRITISH BROADCASTING CORPORATION

RADIO 4

TRANSCRIPT OF "FILE ON 4" – "IRAQ REFUGEES"

CURRENT AFFAIRS GROUP

TRANSMISSION: Tuesday 1st December 2009 2000 - 2040

REPEAT: Sunday 6th December 2009 1700 - 1740

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PRODUCER: Sally Chesworth

EDITOR: David Ross

PROGRAMME NUMBER: 09VQ4564LH0

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CLARKE: As the Iraq enquiry begins to investigate why Britain went to war in 2003, the consequences of that invasion are still being played out in Iraq and the region. Over the last six years, millions of Iraqis have fled the violence which the invasion ushered in. And most still fear going home.

WOMAN: We hear the bombs every week, many times. At the evening no one can go out of the home.

CLARKE: Britain, however, has begun a tough new deportation policy, returning Iraqis who have been refused asylum to parts of Iraq previously considered too dangerous. Some people see this as an injustice.

DODGE: We can't send refugees back into a country that is so unstable, so violent. By sending refugees back, we are betraying once again the Iraqi population that fled the violence that we as a country played such a large role in creating.

CLARKE: By the end of next year, America will have joined Britain in having withdrawn its troops from Iraq. We ask what sort of a country they're

YUNIS: Yes, they said to us, ‘Why are you coming back?’ I said, we told them, because the British Government they sent back immigration, they sent back by force, and they said, ‘We don’t accept you. The reason: Iraq is not safe. As soon as we get out from there, they will be kidnapped, they will be chopping their head, they will kill you because you never know what happened to you exactly, so it is best going back to England.’

CLARKE: As well as warning the deportees they couldn’t guarantee their safety, it seems there were problems with the paperwork. In the end, British officials only managed to leave ten of the deportees in Iraq. They were forced to bring the other thirty-four back to London. File on 4 has spoken to two other men who were on board the flight who are now in detention centres in the UK, who corroborate Yunis’ story. All of them are now waiting to see what will happen next.

YUNIS: I feel low, I have a flashback every night. I don’t know what I’m doing and I feel dizzy. I don’t know if any time they come to pick me up. No one, they don’t want to go back, they want to have a better life here, they want to have a future, because I can’t see any future in Iraq. If you want me to go back to join with the kidnapping people, that’s all right. Are you happy if I go back to be a soldier and killing people? Do you like that? Do you want me to be murdered? If you want it, yes. Never mind, send me back, but I don’t want to be murdered.

CLARKE: The failure of this forced removal flight - the first to Baghdad - was public and spectacular. But was the flight legal? Lawyers have challenged the deportation, saying the UK Border Agency failed to tell the deportees exactly where they were going – apparently in contradiction to its own rules. A specific destination is vital because, depending on an individual’s religion, ethnicity and personal background, one area of Iraq may be safe while another would be a death trap. Caroline Slocock, the director of the specialist legal charity, Refugee and Migrant Justice, says the courts had ruled that the Home Office must specify a destination.

SLOCOCK: We were absolutely shocked, because we had an injunction in relation to a client who was supposed to be on the flight, where the High Court judge had said that he couldn’t be removed because the Home Office hadn’t given any

SLOCOCK cont: details of the route and the destination. They didn't know where they were going, and that point would have applied to anyone else on the flight. So the Government really seemed to be showing a cavalier attitude to the law.

CLARKE: And the Home Office would have been aware of this court case?

SLOCOCK: Yes. We wrote to them about it and they, rather disingenuously, said after the event that it didn't apply to everyone because the other people didn't have the same court injunction. Of course, the reason they didn't have the injunctions was because they probably didn't have legal representatives. They also said, in a letter from the Treasury solicitor, that the reason for the secrecy was for the safety of those on board the flight, which seems an extraordinary claim to make since the flight was about taking them back to some very unsafe conditions.

CLARKE: Why this urgency?

SLOCOCK: I think the secrecy suggests that they were trying to do this as swiftly and privately as possible to avoid opposition. I think they were just using this group to demonstrate that actually they were being tough on asylum, but they're taking an extremely vulnerable group, and Iraq isn't ready, it isn't safe enough.

CLARKE: Lawyers point out that, in January, there will be a ruling on how to interpret a court case which said the UK must grant Iraqi asylum seekers fuller protection. The lawyers believe that, had the Government waited until after this ruling, it would have been unable to forcibly remove many of the men in this case. We wanted to ask a Government minister about the legality of the flight, but we were refused an interview. The UK Border Agency did give us this statement:

READER IN STUDIO: We are establishing a new route to Southern Iraq and successfully returned ten Iraqis to the Baghdad area. This is an important first step for us. Having an enforced route for returns is an important part of our overall approach; however the Government prefers the majority of returnees to leave voluntarily.

CLARKE: The agency said it hoped to have another flight once what it called issues were ironed out with the Iraqi Government. In Parliament, ministers are facing tough questions about this case. Labour MP, Keith Vaz, is the chair of the Home Affairs Select Committee.

VAZ: It sounds almost farcical that a Government that is so involved in the way in which another country is operating should be faced with what amounts to something of a humiliation. I think those on the flight were probably extraordinarily upset by what had happened, and what it does is it affects the reputation of our country as a country that has an appropriate and measured way in which they deal with these immigration cases.

CLARKE: Some of the lawyers that we've spoken to think that there were actually legal problems with this flight, to do with the fact that the individuals did not know whereabouts they were going in Iraq, but also there's a review of a High Court case pending and neither of these issues, they say, was taken into account by the Home Office.

VAZ: I'm not familiar with the legal arguments. I can only speak as a politician on behalf of the Committee. We are concerned with the way in which this was done and it really oughtn't to have been done in that way.

CLARKE: Do you consider that Iraq is a safe country to return people to?

VAZ: Clearly it is a violent country, and therefore one needs to take that into consideration. I understand that we have to have deportations. Sometimes this has to be forcibly done, otherwise people would laugh at us. The point is, we just need to make sure that it is right in every single case. We want an investigation into whether or not they did tell them where they were going to return to. Are they going to do it again? So I think these are the questions that have to be dealt with, and I think until we have those answers it is not a good idea to start putting people on planes and sending them back in the future.

CLARKE: At the heart of this legal and political row is a tougher deportation policy, which sends rejected asylum seekers to parts of Iraq previously considered too dangerous. This is in stark contrast to the policies of Iraq's neighbours, Syria and Jordan, who are together still hosting well over a million refugees. Unlike the refugees in Britain, for these refugees, home is just a taxi ride away. They can also visit - test the water - and flee again, if necessary. And, generally, they're not going home.

ACTUALITY IN AMMAN

CLARKE: I've come to Amman, the capital of Jordan, to the waiting hall of the UNHCR - the United Nations agency responsible for refugees. Iraqi refugees in Jordan can come here to get support if they want to go home. But the staff are also seeing new arrivals. I spoke to an elderly couple outside who have just fled Baghdad. They were trembling, literally too terrified to speak publicly about what had happened to them. Dana Bajjali is showing me round.
How many people do you see a day?

BAJJALI: The average is one hundred, one hundred and twenty families.

CLARKE: That's fresh cases every day?

BAJJALI: These are fresh cases. Some of them, they come for registration for the first time and the rest, they come for renewal.

CLARKE: They get tickets when they come in?

BAJJALI: Yes, and the cases that get in first are dealt with in priority, so elderly those with children are entered first and processed first.

CLARKE: Not all Iraqi refugees register with the UNHCR, but the agency keeps a keen eye on the overall situation. The director is Imran Rezaq. What's the situation for Iraqis going back? Are you seeing a lot of refugees wanting to go home?

REZAQ: No, we had expected larger numbers to go home at this point, and what we hear from those people is that they are not yet seeing a situation that is predictable enough for them, and I think they have still a lot of doubts and questions. So, for example, in 2009 we were expecting around five thousand persons to officially repatriate with UNHCR assistance. We've only had a few hundred.

CLARKE: That's a huge difference. Why do you think there is that lack of desire or lack of comfort about going home?

REZAQ: They are looking at their neighbourhoods, they are looking at what they can expect in terms of job, what they can expect in terms of personal security, criminality, abductions, extortion, issues of sustainability of return, these sorts of issues. This is what keeps people from going back and also causes some new registrations, new arrivals coming, and they come with stories of family members, a relative being abducted, hostage, ransom, etc etc, and that's what makes them move. Others because of some incidents of violence that continue.

CLARKE: Is the Government doing enough, the Iraqi Government?

REZAQ: I mean, the simple answer is, no one's doing enough, everyone should do more.

CLARKE: Amman is a big, modern, anonymous city, sprawling across seven hills, and it's difficult to believe there are quite so many Iraqi refugees living here. They look like Jordanians. They're not in camps. They're not even concentrated in particular neighbourhoods – they're scattered across the city. They're invisible. But when you start talking to Iraqis, you uncover tales of horror.

ACTUALITY WITH FAMILY

CLARKE: I've come to meet an Iraqi refugee family in their small, rented flat in Amman. Abu Yusif is showing me video of his nephew, who was murdered in Baghdad in 2007.

CLARKE: Um Yusif tells me she personally knows several women who were not so lucky. In Iraq, women who are held hostage can be killed by their own families because of the stigma attached to any woman suspected of having been raped. Um Yusif mentions one girl who was snatched on her way to school and kept for several days. It's a disaster for girls. She's saying it's better if they kill them. They're also worried – like every refugee I spoke to – about the bombings. This year, Baghdad has seen some of the worst single attacks since 2003, with truck bombs laying waste to Government ministries and killing hundreds of people. But there are also attacks which don't make the headlines.

YUSIF [VIA INTERPRETER]: Two months ago, my little niece – she's six or seven - was going to fetch bread, and a bomb went off next to the bakery. It was a booby-trapped bicycle. She was hit by shrapnel.

CLARKE: Iraq is still very dangerous, it's also much safer. Dr Toby Dodge of Queen Mary's College, University of London, unpicks this paradox.

DODGE: Violence has dramatically from maybe a peak in February 2007. It's still between three and five hundred people a month are getting murdered. It reached three thousand a month in February 2007. So we've had a 90% reduction in violence which, given where we've been, is nothing short of miraculous. But compare a body count of three hundred and fifty to five hundred a month to anywhere else in the world and that still makes Baghdad a very dangerous city. Now those murders have become more targeted. It's not indiscriminate cleansing, but it is political assassination. So if you had a good fear that you'd be on the list, then I wouldn't want to go back at all. It would be very dangerous and of course you'd be extremely vulnerable, because the people who'd have driven you from your neighbourhoods would still be in those neighbourhoods and still know who you are.

CLARKE: Refugees we spoke to still have concerns about crime and with violent crime.

DODGE: Violent crime and corruption is still widespread. You often hear stories of families sending a son back, sending one family member back to assess the stability of the neighbourhood, and they then come back and the rest of the family doesn't return because, ironically, refugee intelligence is probably much better than anyone else's.

CLARKE: The institution which should be protecting Iraqis is the police, but refugees have made serious allegations to us that in some places, police are not just corrupt, but still involved in sectarian persecution. We spoke to a former interpreter with the British Army in Basra who was targeted by Shi'a militias in 2007.

BADR: They was waiting for us outside the base and they knows our names, addresses, everything. They tried to kidnap me, I ran away. Thank God I'm still alive.

CLARKE: He fled into exile, but earlier this year, with funds running low, his family persuaded him that Basra had become safe enough to return to.

BADR: I went back to Basra in January. I stay home for about three weeks and the whole story starts again. I was visiting relatives and the police were searching my house, they didn't find me. They detained my older brother, so my mum called me and told me, 'Just don't come home,' so I ran away.

CLARKE: The old militiamen, he contends, were still hunting him down. The only difference was that now they were wearing police uniforms. His brother was held for two months and, he says, was tortured – beaten and given electric shocks. He says his family is still being harassed.

BADR: They're searching my house like once or twice every month. They come to the house, they insult everyone, steal whatever they could take, like mobiles, money, gold, anything. Working for the police, you have to get a reference or something from the militias to get a job with the police. That's the way it is in Basra. The police is doing their job in the morning, but in like uniforms, and at night they're doing the

BADR cont: militia's job – kidnapping, assassinating sometimes. And they have a big list – officers, doctors – so they are doing their job in the morning as a policeman, at night they like working on their list.

CLARKE: But this isn't an isolated case, says Joseph Sassoon of Oxford University. Problems with the police remain nationwide.

SASSOON: The two issues of corruption and sectarianism are definitely embedded in some of these security forces. I think the Iraqi Government has made some efforts to outroot these problems, but it's still there and it will take time. I have heard other stories where sometimes the police was the culprit.

CLARKE: In crimes?

SASSOON: In crimes, in theft, in beating people. You really don't know whether part of that is due to someone getting paid or others due to sectarian reasons.

CLARKE: Do you get any sense that corruption or sectarianism in the security forces is still an issue that keeps refugees out?

SASSOON: I think corruption is a huge issue for Iraq, and this is a huge issue when someone is considering to return.

CLARKE: The police in Basra was one security institution which the British had a hand in setting up. In 2003, the Americans were in charge of establishing the new Iraqi police force, although there were senior individual Britons involved at the time.

BRAND: I'd made a judgement probably it would take five to seven years to create an efficient and effective police for Iraq. When I put this to the powers that be, they responded by saying we have to have 35,000 police recruited and trained in eighteen months.

CLARKE: Douglas Brand, a former deputy chief constable, became the senior police advisor to the Coalition Provincial Authority, which ran Iraq in the immediate aftermath of the invasion. The 18 month deadline was imposed, he said, because that was all the time they had before the 2004 American presidential elections.

BRAND: A whole militia would be recruited into the police, equipped with a few weapons, given some uniforms and were called police, and that added to the numbers. And in fact, by about November 2003, we had more than 70,000 so-called police on our payroll, even though we, as professional policemen, knew that at least 50% of them were not policemen in the traditional sense. But also we knew that many groups who seemed to be expediently useful locally were being recruited and being put into a formal police without a great deal of thought as to the consequences.

CLARKE: Douglas Brand is also concerned that the UK is putting ever fewer resources into Iraq. This year, he says, the number of British police mentors has been reduced from twenty to seven.

BRAND: If the resources themselves have shrunk, if the value of the pound has dropped, if we don't have the same sort of funding as we had before to support these initiatives, then some hard decisions have to be made, and I suspect that having had the amount of time that we've had in Iraq now, people are getting a bit exhausted of the Iraq demands. But what we really need to understand is this foundation of rule of law, including the courts, the prosecution service and the police need to be developed in harmony so that actually people can start to trust the law and start to trust the people who are entrusted with doing that in the law, and that answers the question effectively about refugees not going back to Iraq. Why should they? They can't guarantee safety. They'll need plenty of evidence that things are stable and back to normal for the sustainable future in Iraq before they'll start to go back in any large numbers, I fear.

CLARKE: Reforming a police force which was set up in such a corrupt and sectarian fashion is difficult, but there have certainly been improvements. I spoke to the man in charge of policing, Deputy Interior Minister, Lieutenant General Ayden Khaled, on a poor phone line to Baghdad.

KHALED [VIA INTERPRETER]: We say to our exiled brothers that security is now incomparably better than in the past. We have purged the force of corrupt elements and we are actively pursuing those few officers who collaborate with criminals. Iraq is a far safer place.

CLARKE: The Iraqi authorities, like the British and the Americans, are focusing on the progress Iraq has made. Violence is now at tolerable levels, Washington says. Everyone hopes this fragile, sort of a peace, won't unravel again. But there remains one part of the country where there's still no sign yet of political accommodation and the potential for bloodshed is very real. The Americans call it the trigger line.

ACTUALITY ON ROAD TO MOSUL

CLARKE: I'm standing on the turning to Mosul, Iraq's second city, and the most dangerous place in Iraq at the moment. If I carried on this road, it's about twenty miles away, and it's actually too dangerous for me to go to. There's not a day goes by without bombings, murders and kidnappings. But what I have done is interview people from Mosul, to try and understand why it remains Iraq's most dangerous city.

ABU GABI [VIA INTERPRETER]: My mother now has no-one apart from me. She's old - eighty - and I'm her only son left alive.

CLARKE: Abu Gabi's brother was killed in the summer of 2008. It was one of a spate of murders of Christians which led to the sudden exodus of twelve thousand Christians from Mosul. Many, like Abu Gabi and his wife, ended up here in the small town of Qurqosh.

ABU GABI [VIA INTERPRETER]: My mother cannot think about going back to Mosul. After my brother was killed. He was an ordinary man, poor, he had no enemies. He was in his pharmacy when they killed him. But they were not just murdering people like him, but also priests and men of the church. Everyone was terrified. Only five people came to the funeral.

CLARKE: In Iraq, if you know someone even slightly you go to their funeral. Five mourners is unheard of - a measure of the terror of that time. This couple's grief and fear is still raw. There were five bombs near the church in their neighbourhood in Mosul just last Sunday, they said. But they also stressed that the violence is hitting everyone in the city, all communities, regardless of faith or ethnicity. Do you think you might go back to Mosul?

ABU GABI [VIA INTERPRETER]: No, not now, not given the situation.

UM GABI [VIA INTERPRETER]: But we're not thinking about leaving Iraq either. Whoever's trying to make problems between the communities, and we accept their ideas and leave Iraq, that would be wrong. And if we leave and other Christians leave, what would be left of our Christians in Iraq? You know, we are the original Iraqis.

ACTUALITY IN QORQOSH

CLARKE: This small town where Abu Gabi and his wife have found refuge feels very peaceful. There's farming on the outskirts and a lively main road of shops, with construction going on. But it's in an area of Iraq called the disputed territories – claimed by the Kurdish regional government to the north and the by central government of Prime Minister, Nuri al-Maliki. The two sides are facing each other down across the green line, says Dr Toby Dodge of the University of London.

DODGE: Nuri al-Maliki's Government in Baghdad is pushing Iraqi troops up to the official border with the Kurdish regional government, where the Peshmerga, the Kurdish militias, are pushing down, and the populations, the largely Sunni populations in the disputed area, are being caught between these two different forces, and of course Al-Qaeda in Mesopotamia is saying, 'Give us your support and we will use asymmetrical warfare – car bombs, what have you – to protect you.' So you've got a three-way fight between the Kurdish regional government, the Baghdad government and radical Islamists for control over that population. That's why it makes the green line so dangerous and a lot of people are still being killed up there, including in Mosul.

ACTUALITY IN TEA SHOP

CLARKE: I've come to a teashop, which is famous as a hang-out for Kurdish intellectuals. The walls are covered with books and with pictures of poets and martyrs, and all around me men are drinking tea and playing backgammon and dominos. I wanted to find out what ordinary Kurds think about Kirkuk. It's the main oil city in northern Iraq and it's also the most important disputed city. Salam alekum. What do you think should happen with Kirkuk?

MAN: For me, it is better for Kurds to shed more blood than to make a compromise about Kirkuk with Arabs and Turkomans.

CLARKE: It's more important to shed more blood?

MAN: Yes. We are not hostile to other Arabs and Turkomans. We just ask for our rights about Kirkuk. A great disagreement with our authority about that, because they were too soft with the Arabs and too soft with the Turkomans about Kirkuk. We want war about Kirkuk.

CLARKE: So you want your politicians to be tougher?

MAN: Yes, absolutely.

MAN 2 [VIA INTERPRETER]: Kirkuk has been Kurdish for five thousand years. It was stolen from us by Arab nationalists, Ba'athists and Saddam.

CLARKE: The violence of these sentiments was shocking, but the terrors of the Saddam era are still raw here. Kurds say the disputed territories are theirs, because Kurds were violently forced out of them as part of Saddam Hussein's campaign of genocide. But the Arabs say, that since 2003, it's the Kurds who are resurgent and heavy-handed. Kurdish politicians – like their Arab counterparts – are no less vehement than the men in the tea shop on this issue. Like many analysts, Sam Muscati of Human Rights Watch fears the potential for violence here.

MUSCATI: So far there's been no resolution since 2003, and from our meeting with officials and visiting parts of the disputed territories myself, it's clear that

