

## Guest Editorial

### Swedish Asylum Case Highlights Dangers for Iraq's Assyrians

Nuri Kino

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(AINA) -- A historic decision has been made in a Swedish court. A Christian Assyrian family from Mosul, Iraq has been granted asylum, in defiance of an agreement signed in early 2008 between Sweden and Nuri al-Maliki, Iraq's prime minister.

The case has global implications.

The Iraqi Prime Minister had promised to protect the Assyrians in the Dora neighborhood in Baghdad, but he failed to stop al-Qaeda from driving nearly 20,000 Assyrians out of Dora in 2007 ([report](#)). In late September and October of 2008 Islamists drove thousands of Assyrian families out of Mosul, in north Iraq (AINA [10-17-2008](#), [10-22-2008](#)). The Iraqi PM failed to halt the exodus. The city may soon be completely emptied of its Christian Assyrian community. These factors were taken into consideration when the highest Swedish court for migration decided to grant an Assyrian family asylum, citing the dangerous situation in Iraq for Assyrians (also known as Chaldeans and Syrians).



Nuri al-Maliki

"It was worth it," was the the spontaneous thing I felt when I was informed that Harout and his family had been granted asylum. Last night I spent awake, sharing his agony, and worry. It was as if I was lying in bed next to them observing him watching his wife, who pretended to sleep. He knows she is awake, but plays along. Neither of them wants to let the other see their own worry. Before going to bed, they told themselves that nothing could be done else that to have faith in God. They were lying on mattresses on the floor in between the two beds where their children were sleeping. In thirteen hours, at 2pm on Nov 28, 2008, their lives were going to be decided on. Would they be permitted to stay in Sweden? The chances for that were small. Their lawyer George Yanko had already done all what stood in his power to make the authorities understand that this family needed protection in Sweden. But readmission agreement signed by the Swedish and Iraqi governments was lying in between. The Iraqi government had promised to protect returning refugees.

A few months ago, just after the family had been denied asylum, and Migration Board had decided to send them back to the burning Mosul in Iraq, I met Harout, the father in the family, in a center for Iraqis. He approached me slowly, and with his eyes fixed on the floor asking me if I possibly could think of reading their asylum documents, application and refusal. A week or so later I called one of Harout's legal representatives, the Södertälje-based lawyer George Yanko, a gifted man whom I have known since childhood. How could George have failed? He answered me:

Allow me to share with you my spontaneous thoughts about my work as legal representative for asylum seekers. For almost three years that has been my job, and I can tell you it is the most frustration and annoying of all fields of law, including civil and criminal law. If not so for the asylum seekers themselves, but more so because of Swedish politics on refugees and its legal applications. If the story is inviolable, well, then it is not enough with the experience of kidnapping and rape to fulfill the legal requirements for persecution. Would he at the very first lodging of an application for asylum (which would typically occur the day upon arrival after a ten days journey by truck, traumatized and escaping war and persecution) have forgotten about a small detail, then when adding that to the story later he would be exaggerate his reasons for asylum. Has something happened in a certain city, well then why not move to another? Would he lie about one thing, then he is obviously lying about everything else too. Furthermore, after having read all those letters of denial and those few letters of granted asylum, I can state that the lack of consistency is remarkable. Often I just do not see why a certain person was permitted to stay whereas another with similar reasons for refuge would not. I don't want to believe that Migration Board is randomly filling up

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a statistical quota in this manner, but does an honest assessment of each and every application, but I just cannot help myself from doubting.

In fact, I shared his thoughts and feelings, and I could judge for myself by reading the files that he had done what was in his power to do, but I still needed to hear his spontaneous reaction. I had myself read many applications and done my own assessment. I will never understand the lottery. You can never know what the decision will be. For years the debates and discussion have gone on about how to protect Iraq's non-Muslim population. A safe haven or autonomy in the Ninveh plains was one of the proposals. Most of the people living there belong to minority groups and they would feel safe. I was hoping this proposal, which is also included in the constitution of Iraq, would become a reality. For quite some time it looked like it would. Earlier this year, however, it was stopped. A friend who is working for the UN explained to me why:

The fact that Sweden, which has received more Iraqi refugees than all other countries on the EU together, and more than ten times the number in North America, has decided to send back Assyrian and other Iraqi minority refugees, it means they will be protected by al-Maliki's government. The instant the Iraqi government promised to protect returning refugees and Sweden allows itself to be fooled by that and deports the asylum seekers, the refugees lose their right to external protection or self administration in their own homeland. Do you see?

The asylum seekers case in Sweden had suddenly become global politics. But I refused to give up -- regardless whether any agreements there might have been. On November 20, 2008 the Swedish Migration Board wrote the memorandum *Uppdatering av utvecklingen i Irak sedan 2008-03-05* (Update To The Development In Iraq Since 03-05-2008). I had to read that one a number of times to believe it. I asked Birgitta Elfström, legal expert and formerly at the Migration Board as a decision maker on issues concerning the Middle East, to analyze the memorandum, Her answer:

Having read only a few lines of the memorandum I ask myself whether it has really been written by a state analyst. Well, it seems it was -- by the state analyst Magnus Rydén. What exactly is he referring to when he writes that Iraq is turning into an "ordinary Middle Eastern state" with whatever problems and solutions that comes with? There are no solutions in sight for the refugee situation in the Middle East, neither seems there occur any improvements when it comes to respect for human rights, nor appears the aims for democratization to be successful. Liberty of speech is cut down and there has been no progress towards gender equality.

I dare to say that Iraq under Saddam was more of an "ordinary Middle Eastern state" than it is today. Why does the state analyst write that "one must not forget about the political, economical and social sectors?" It is more than evident that all these factors must be included in the account on which decisions are being based. The analyst does not do any analysis on the reasons to why the number of violent acts has reduced with 80% since the beginning of 2007. My own quick analysis brings me to the conclusion that the reduction of violent acts especially in Bagdad is due to the fact high walls, up to 8 meters, dividing people are being built there, just like in other parts of the Middle East. Perhaps this is why the analyst describes Iraq as "ordinary".

Certain areas of Iraq are subject to ethnic cleansing. Would the security level have improved in Iraq, people ought to have been able to live side by side, without any dividing walls and it would not have been necessary to embed embassies and journalists in flak jackets and helmets.

The rest of the reading of the memorandum is dreary. How come it is possible for al-Qaida to continue its activities in Iraq? If the analyst considers the security level improved then surely the Iraqi army together with allied forces could catch those who commit illegal actions and make them account for it. The analyst also writes al-Qaida is currently being strongly pressured. Who is pressuring and in what way? My analysis is that the Iraqi army does not have the control over its country, not even when backed up by the allied forces. The analyst writes that the security level has since April 24 2008 continued to improve in Bagdad, parts of central Iraq and in almost the entire south. I wonder; which people are benefiting for the improved situation?

It is not the Christian minorities, neither the stateless Palestinians. If the security level is as good as the analyst claims, why are the deportation orders not being executed by compulsion? The analyst writes that most of the neighborhoods are mostly controlled by the military and fairly spared from violence. So who controls the areas that are not controlled by the military? What does the analyst mean with "fairly"? What level of violence is a person expected to tolerate? I stop now to analyze the memorandum and throw it in the waste bin.

So it seems Birgitta Elfstrom and I had come to the same conclusion; the analyst at the Migration Board lack truth and insight.

Thanks to my contacts with Iraqi and American journalists and politicians, I have acquired extensive material on the refugee issue. For

months I have been sharing my reports and articles with the Migration Board and legal representatives for asylum seeking Iraqis, including George Yanko. But many a times if felt like banging my head against the wall.

Today, however, it feels different.

Harout being granted a residence permit is not only a victory for him, but shows that it was wrong of Sweden to sign the agreement with Nuri al-Maliki's on returning Iraqis. It is also evidence for the fact that Assyrians and other minorities need self administrations in Iraq. Today Harout, his wife, his two children and I have stopped agonizing -- at least over his case, but there are many more people here in Sweden who need protection -- and even more so in Iraq.

Migration Courts decision:

Harout and his family belong to the Christian minority in Mosul, which according to country reporting in the case is a group subject to a high risk of threats and assaults. It has through the investigation come to light that Harout was running a garage and at a few occasions repaired military vehicles belonging to the American forces. After this he became victim of telephone threats and was accused to be a Christian traitor on three different occasions. The person or persons who threatened him urged him to leave the country instantly or else he would be killed. Besides this, Harout's garage was destroyed in a bomb attack. It has, however, not been possible to establish whether the attack was attempted towards Harout personally or not. The Migration Court nevertheless finds the threats towards Harout are to be considered as severe assaults in terms of what is dictated by the Aliens Act and it is probable that he and his family, if they are forced to return home, will experience well-founded fear for repeated assaults. Furthermore, the Migrationsdomstolen finds that they cannot profit from the protection the authorities in the country. It is neither a reasonable to expect them to be able to settle down in another part of Iraq. Harout, his wife and two children as people in need of protection are therefore granted permanent residency according to Chap 4, paragraph 2 first part 2 Alien Act.

It is thus not possible to send asylum seekers back to Iraq with the motivation that they can settle elsewhere in Iraq. Neither can one deport threatened Iraqis and claim that the Iraqi state will protect them. The decision made by The Migration Court is historic and a victory for justice and legal clarity.

*Translated from Swedish by Vivianne Deniz.*

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