



UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



UNHCR
Case postale 2500
CH-1211 Genève 2

9 November 2010

Dear Mr Fribergh,

I acknowledge receipt of the letter of the Registry of 5 November 2010 addressed to the UNHCR Representative to the European Institutions in Strasbourg, requesting UNHCR's current position on the matter of forced returns to Iraq.

UNHCR welcomes the Court's interest in UNHCR's position on this issue and follows closely the Court's decisions related to the application of interim measures under Rule 39 of the Rules of Court in respect of forced returns to Iraq.

In reply to your letter, I reaffirm the continued validity of UNHCR's Note issued in July 2010 on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers.

In particular, as indicated in that Note, UNHCR will continue to monitor developments in the country and will update the April 2009 UNHCR Guidelines once it judges that the situation is sufficiently changed. This is currently not the case in light, *inter alia*, of the unpredictable security situation, the continued serious risks of human rights violations, and the poor social conditions.

Therefore, UNHCR advises those involved in the adjudication of international protection claims lodged by asylum-seekers from Iraq and those responsible for establishing government policy in relation to this population to continue to rely on the April 2009 UNHCR Guidelines.

Accordingly, UNHCR recommends that States refrain from forcibly returning Iraqis who originate from the five Central Governorates or who belong to the specific groups which have been identified in UNHCR's guidelines to be at risk and who originate from the Southern Governorates and Al-Anbar. UNHCR recommends against such forced returns until such time as there is substantial improvement in the security and human rights situation in the country. UNHCR will inform the Registry when updated and revised Eligibility Guidelines are issued.

Yours sincerely,

Volker Türk
Director
Division of International Protection

Mr Erik Fribergh
Registrar
European Court of Human Rights
Strasbourg

Cc: Ms Agnes Van Steijn, Legal Secretary, Registry of the European Court of Human Rights

Attachments:

- UNHCR Note on the Continued Applicability of the April 2009 UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, 28 July 2010;
- UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, April 2009;
- UNHCR Press Release, 3 September 2010.