

Exam for JUR1530 and JUR5530 - Refugee and Asylum Law

Spring 2011

Please read the facts and answer the questions. Consult the attached documents and refer to cases and readings in your discussion. Good Luck!

Amir is a 30 year old Christian leader from Baghdad, Iraq who been detained by secret police under Saddam Hussein's regime and subjected to electrical shocks for a period of nine months on account of his operation of an underground Christian radio station. He eventually fled to Sweden during the US military intervention in Iraq in 2003. As of 2009, Iraqi authorities have taken over responsibility for security of the country from the Multinational Forces/Iraq/US Forces. Nevertheless, Amir claims that there has been no change within Iraq; that there is a complete lack of security, exemplified by a plethora of kidnappings, car bombs, and assassinations. He states that he is terrified of returning, as he is "finished" with Iraq and that he is suffering from continuous nightmares that he treats with anti-anxiety medication. The UN Secretary-General issued a report in May 2010 stating that access to quality education, shelter, electricity and sanitation services are compromised. Insufficient access to water is chronic, as is unemployment and under-employment. According to Iraqi government statistics, only 18,240 Iraqi refugees returned from exile from January 2010 to August 2010. The UN refugee agency said in its December 2010 statistical update that a total of 118,890 Iraqi refugees and internally displaced persons returned to their country and homes, a 40 percent drop compared with 2009. Over 1.5 million people remain displaced within the country while hundreds of thousands of people are still living as refugees in neighbouring countries, mainly in Syria and Jordan.

You work as a legal advisor in UNHCR's Stockholm Office. You have been asked to prepare a memo analyzing whether or UNHCR should advise the Swedish Immigration Authorities to apply the cessation clause to Iraqi refugees. Please draft advisory guidelines to be issued to the State: What are the criteria for application of cessation clauses and are there categories of persons that should be exempted from application of cessation clauses? Would Amir be likely to be exempted from cessation?

Attachments:

1951 Convention on the Status of Refugees: <http://www1.umn.edu/humanrts/instate/v1crs.htm>

Universal Declaration of Human Rights: <http://www1.umn.edu/humanrts/instate/b1udhr.htm>

Convention Against Torture: <http://www1.umn.edu/humanrts/instate/h2catoc.htm>

Human Rights Watch Report on Iraq: <http://www.hrw.org/en/world-report-2011/iraq>

European Convention on Human Rights: <http://www1.umn.edu/humanrts/instate/z17euroco.html>

BBC News Report: <http://www.bbc.co.uk/news/world-middle-east-11463544?print=true>

Sensorveiledning våren 2011