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Iraq's Displacement Crisis:
Security and protection

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Abbreviations

CRRPD – Commission on the Resolution of Real Property Disputes

Daesh – Arabic acronym for ISIS

DIB – disputed internal boundaries

FFIS – Funding Facility for Immediate Stabilization

GoI – Government of Iraq

IDPs – internally displaced persons

IED – improvised explosive device

IGO – international governmental organization

IOM – International Organization for Migration

ISF – Iraqi Security Forces

ISIS – Islamic State in Iraq and Al Sham

KDP – Kurdistan Democratic Party

KRI – Kurdistan Region of Iraq

KRG – Kurdistan Regional Government

MoDM – Ministry of Displacement and Migration

PDS – Public Distribution System

Peshmerga – Kurdish military forces

PKK – Kurdistan Workers' Party

PMF – Popular Mobilization Forces

PMUs – Popular Mobilization Units

PUK – Patriotic Union of Kurdistan

UN – United Nations

UNDP – United Nations Development Programme

UNHCR – United Nations High Commissioner for Refugees

UNAMI – United Nations Assistance Mission in Iraq

YPG – People's Protection Units

1 Introduction

Since the present displacement crisis began in January 2014, following territorial gains by the Islamic State in Iraq and Al Sham (ISIS) in northern and central Iraq, the humanitarian emergency in Iraq has become more severe. According to UN estimates, the number of internally displaced persons (IDPs) in Iraq now stands at 3.2 million, while more than 8 million people are in need of humanitarian assistance.[1] With the UN lacking funding[2] and the Government of Iraq (GoI) and the Regional Government of Kurdistan (KRG) also under economic strain while battling ISIS, the protection of basic human rights and provision of humanitarian assistance are gravely compromised.

Collapse of the rule of law, widespread impunity, territorial or tribal disputes and the inability or sometimes unwillingness of the Iraqi Government and KRG to respond to the sheer scale of the crises, have further complicated the protection of IDPs in Iraq.

Armed conflict continues across the country causing further displacement, while the situation for people already displaced is worsening due to overburdened infrastructure and public services in most host areas of the country.[3] Nearly two years after ISIS' advances, IDPs are in a dire financial position. Vulnerable families are quickly depleting productive assets in order to meet daily household needs as there are limited livelihood opportunities in areas of displacement. Many are relying on corrosive coping strategies, such as reducing meals, borrowing money and, in the worst cases, resorting to child labour, prostitution, organ sale and begging.

This report aims to provide an up-to-date overview of the human rights situation of IDPs in Iraq since the onslaught of ISIS and the ongoing armed conflict. The mapping of human rights abuses in this report is not restricted to those committed by ISIS, but includes those by all armed groups, including government forces, as well as international and local actors.

This report explores the facilitation of returns to areas of origin as the process has started in all provinces of the country, although to a greater degree in certain governorates. Almost without exception, liberated areas are in need of reconstruction of basic infrastructure, property restitution and support to resume provision of public services and livelihoods.[4]

Due to poor living conditions in certain areas of displacement, many families are returning even though the situation in their area of origin may not be better. This en-

tails negative push-factors, which may entail difficulties of reintegration upon return, or even re-displacement.

Armed groups are today acting with impunity as the rule of law has collapsed in many areas. Due to the displacement crisis, governorate authorities such as provincial councils, governors, mayors and other institutions are either operating from a distance or have ceased operating altogether. This can be seen to different degrees in the governorates of Anbar, Diyala, Ninewa and Salahaddin.

As the displacement crisis will soon enter its third year for those who first fled as a result of the ISIS conflict, social tensions are rising in areas of displacement. With new population movements, authorities, armed groups and host communities are under greater pressure. Intimidation and harassment of IDPs based on their origins are common and increasing in areas of displacement. Communities who find themselves in areas where they are a religious, ethnic or linguistic minority tend to live in constant fear of becoming victims of hate speech, physical assault and discriminatory or selective practices with regard to access to public services, employment and humanitarian aid.

Geographically, this research is focused on IDPs originating from Anbar and the governorates of Babylon, Diyala, Kirkuk, Ninewa and Salahaddin, including from areas which have since been liberated (that is, territory that has been recaptured from ISIS since its 2014 advances). The first major territory regained was Jurf al-Sakhr in Babylon governorate in October 2014. One year later, territories in Anbar, Diyala, Kirkuk, Ninewa and Salahaddin have been liberated, but with major areas still under ISIS control in Anbar and Ninewa, and to a lesser extent in Kirkuk and Salahaddin.

Iraq's Displacement Crisis: security and protection takes its starting point as late 2013, with the unrest in Anbar governorate and the ISIS takeover of Fallujah in January 2014, which unleashed mass displacement within and from the governorate. Although the report concerns itself mainly with conflict-related displacement since ISIS' advances, protection issues are closely tied to protracted displacement and insecurity from earlier conflict in the country. Many of the IDPs interviewed for this report have been displaced several times over the last decade.

The information presented in this text is based on primary and secondary research, including extensive fieldwork in Iraq. Interviews were conducted and testimonies collected from the ground between September and November 2015. In addition, a literature review and supporting phone interviews were carried out before and after the fieldwork. IDPs' testimonies were collected in the governorates of Babylon, Baghdad, Diyala, Erbil, Kirkuk and Sulaymaniyah, and over phone from Ninewa and Salahaddin.

Vulnerability factors

Several factors contribute to the vulnerability of internally displaced persons in Iraq. These range from public service provision to legal status, the political situation and security conditions. The report is by no means exhaustive but provides a general overview of the main factors influencing vulnerability and seeks to convey their relative urgency.

Distinguishing between different areas of displacement has also proved important in order to better understand the situation of IDPs, since each governorate of Iraq has specific characteristics regarding the ethnic or religious make-up of its population, local politics and administrative system, involvement of international actors and activity of armed groups. Accordingly, the human rights abuses faced by IDPs during and prior to displacement may differ depending on location. This report aims to highlight these differences.

To varying degrees, formal authorities and institutions in all governorates affected by ISIS occupation either ceased working, moved elsewhere (with limited ability to serve their populations from a distance) or were, in effect, taken over by armed groups. Even upon the liberation of many areas the original leadership has not returned. In several towns and governorates political disputes have even led to previous governors and mayors being deposed in favour of new leaders, usually people with strong connections to different armed groups.

Differentiating between formal and informal structures of authority is crucial in a country where the state has lost control over large parts of its territory. Where formal institutions are absent, informal structures, such as non-recognized

security apparatuses, tribal codes and empowered individuals fill the void by implementing laws and policies serving particular interests. It has proved difficult to hold such informal institutions or individuals to account for human rights violations. This report examines what role formal and informal institutions have in the protection (or lack thereof) of IDPs.

2

Displacement in Iraq – old and new

The current humanitarian crisis did not come about as suddenly as it may appear. The fall of Mosul on 10 June 2014 was only made possible through a cascade of parallel and intertwined developments that culminated in what was a largely unanticipated event. The ability of ISIS to take control of up to a third of Iraqi territory, and the waves of displacements that followed, can be placed in a greater context of conflict cycles that the country has witnessed since the end of the US-led invasion of Iraq in 2003.

Iraq is still also suffering from unresolved disputes caused by the policies of the former government of Saddam Hussein. For example, Article 140 of the 2005 Iraqi Constitution,[5] which relates to the disputed territories or the DIBs (disputed internal boundaries) between the GoI and the KRG, remains to a large extent unimplemented. One outstanding issue is the resettlement of tens of thousands of Kurdish families who were deported from their lands during Saddam's Arabization campaign in the 1970s and 1980s.[6] The remnants of these unresolved issues are closely entangled with the current displacement crisis and its potential solution.

According to the International Organization for Migration (IOM), 759,000 Iraqis were officially registered as IDPs in November 2013.[7] The majority of these people were displaced during the height of the sectarian conflict that raged across the country in 2006 and 2007. The most affected governorate at the time was Baghdad, which saw mass forced displacements. Areas that were traditionally mixed between Sunni and Shi'a Muslim inhabitants became almost solely populated by one sect or the other. Traditionally Christian areas, such as Dora and Karada, were nearly emptied and the ma-

jority of Baghdad's Christian population either emigrated or resettled in the northern parts of Iraq, mainly in the Kurdish Region of Iraq (KRI) and Ninewa governorate. The Kurdish population of Baghdad faced a similar fate in which the majority fled to the KRI.[8]

In 2006, the number of IDPs was estimated at 1.2 million. After the bombing of the holy Shi'a shrine in Samarra in February 2006, the number rose to a staggering 2.7 million and another 2.2 million fled to neighbouring countries such as Syria and Jordan.[9] According to UNHCR estimates, the number of Iraqi refugees in Syria peaked in 2009. Although many Iraqis started to return, few were able to go back to their homes, and instead became internally displaced. At its height in 2009, the number of Iraqi refugees in Syria was estimated at 1 million by the Syrian Red Crescent, who also state that nearly all had relocated back to Iraq or to a third country by the end of 2014.[10]

The war against Al-Qaeda in Iraq and other Sunni militant groups, waged by Iraq's Shi'a-led government with US support following the 2005 elections, played a role in the

persecution of the Sunni Arab minority, which became heavily restricted to what had traditionally been their majority areas in Anbar, Salahaddin and Ninewa.

This development was mitigated in the 2010 elections, which brought about a cross-sectarian alliance.[11] However, with the exit of US troops in 2011, Iraq under the leadership of Al-Maliki slid back into patterns of marginalization of the Sunni community. This included preventing Sunnis from participating in political institutions and their exclusion from public administration positions. Maliki has been accused of perpetuating abductions and killings of Sunni political, tribal and civil society leaders. There were also claims that the government neglected much needed infrastructural development in provinces with a Sunni Arab majority.[12]

A series of civilian demonstrations and sit-ins had been taking place across Sunni-dominated areas of the country such as Kirkuk, Salahaddin and Ninewa in 2012. On several occasions government forces cracked down on the protesters on the grounds that ISIS militants had infiltrated the demonstrations. In a sit-in demonstration in Hawija in April 2013, Iraqi Security Forces (ISF) left more than 50 dead. [13] Throughout the year demonstrations also intensified in Anbar, prompting ISIS to capitalize on the population's frustrations and take control over crucial areas, including cities such as Fallujah and Ramadi.[14]

There are many triggers behind IDPs' decision to flee their homes, and certain trends can be discerned depending on location and timing. As various sources have recorded, early displacements immediately after the ISIS takeover in Ninewa were sudden. The case of Mount Sinjar is a telling example of this. Those who managed to calculate better exit routes were families and villages that received prior notice or warning. While the people who fled their areas in the early months after the fall of Mosul were primarily ethnic, cultural or religious minorities and non-Sunni Muslims, subsequent displacement from these areas has mainly been comprised of Sunni families who either can no longer live under ISIS control or who have fled due to clashes with government forces, Shi'a militias or Kurdish armed forces.

The following sections present a governorate specific situation analysis of the displacement crisis since January 2014.

Anbar

IDPs originating from Anbar comprise the largest group of displaced people in Iraq. With 1.4 million displaced throughout the country, approximately 40 per cent are residing within the governorate itself.[15] Given its reputation as the Sunni heartland of Iraq, ISIS abuses of the population of Anbar have received little attention because of their expected support of, and perceived coexistence with the group. However, anecdotal evidence and witnesses among the IDP population indicate serious hardships imposed on the civilian population. Apart from individuals who actively support the armed groups, stayees in Anbar are mainly vulnerable families who do not have the ability to leave, including widowed women, farmers who are no longer able to work their lands, shopkeepers whose

businesses have been taken control of by ISIS, or heads of households on government payroll who are not receiving their salaries.

ISIS is now deeply entrenched in certain areas of the province and the civilian population is under increased pressure. To begin with, ISIS control did not make a big difference to the daily life of citizens, but with time their hold on Anbar inhabitants has become much more restrictive. Residents experience harassment by ISIS patrols that rove the cities on a daily basis. Citizens must dress according to specific codes, they must not smoke cigarettes and they must mark their houses with ISIS symbols and flags. There have been forced evictions from houses that ISIS have found suitable for their purposes, leaving the families with no alternative but to move in with relatives or friends, to inhabit informal settlements in the vicinity of their homes or to simply leave their areas altogether. Imams of local mosques are forced to read the Friday sermon, *khutba*, according to notes passed on by ISIS religious leaders. Families with daughters are asked to give them away to the ISIS *Amir* (prince) and his affiliates. Many women have become victims of, or witnessed forced marriages of family members and friends, often without the consent of the male head of family.

'When they first came they didn't do anything to us. They went for public officials and those who were in the army. Sometimes they even executed their family members, but they didn't touch the rest of us. After a few months they started demanding that we follow their rules. We had to announce the tauba [officially denouncing any government affiliation]. We were not allowed to smoke and women cannot walk in the street without the Afghan dress.'

(IDP from Fallujah, in Shaqlawa)

Failure to abide by ISIS' rule and attempts to resist meet with harsh measures. Men who are found smoking risk having their fingers cut off. Men who do not ensure that their women follow the right dress code are whipped and in some cases the women also face physical abuse. More severe infringements, such as trespassing, or coming under suspicion of affiliation to formal Iraqi institutions, may lead to execution, detention or abduction.

'I was detained by ISIS for several days. They wanted me to admit that I had hidden guns in my garden. I said that there is no such thing and that they can go there and see for themselves. I asked them who had given them this information but they refused to tell me. They released me after a few days, I was lucky but not everyone is.'

(IDP from Haditha in a Baghdad camp)

Men enlisted in the Iraqi National Army have been unable to return to their units and many have organized within their tribes to fight ISIS, thus leaving women and children to care for themselves. There is a deep sense of abandonment by the central government among the IDPs and the population of Anbar, among both civilians and armed forces. Civilians expressed feelings of being trapped between different fighting forces without protection or any means of escape. Soldiers previously in the Iraqi National Army are registered as dropouts (*muntasib*) if they fail to return to duty. As many areas have been isolated by ISIS, these soldiers are not able to rejoin their divisions, which has proved to be another grievance fuelling antagonism towards the government. Not only are they bereft of a sense of pride and duty but also of their income.

'My friends and I were working outside Heet when Daesh came, and when the army withdrew we were trapped in no man's land. We stayed fighting Daesh for eight months with no support. My friend was wounded so I got him here and joined my family in the camp. It's a farce; our government betrays us, even our tribal leaders. I have five kids and the army notes me as a muntasib. They see me as a traitor. I am not allowed back to service so I don't have an income.'

(Former soldier in the Iraqi National Army, in a Baghdad camp)

Residents and IDPs in Anbar suffer from lack of supplies of basic food items and household utilities. In ISIS-controlled areas the scarcity of food has pushed prices to levels that many families cannot afford. Furthermore, public services are either severely limited or not provided at all. With the mass flight of people, schools, hospitals and public offices have been abandoned, and in many cases shut down or occupied by armed groups.

The waves of displacements from Anbar were triggered by different factors. Many of the families who fled in the beginning of 2014 left due to unrest and foresaw a worsening situation. As these displacement incidents occurred before ISIS was known to the general public, access to areas of displacement was relatively easy. One IDP family in Erbil explained that they took the opportunity to visit Kurdistan while waiting for the turbulent period to pass. Instead they found themselves in permanent displacement, soon entering their second year in Erbil.

'We are used to problems in Anbar. When the protests became violent in Fallujah we decided to go to Erbil for a few weeks but the situation only worsened so we stayed here. First we lived in a hotel and now we are renting a house outside the city. When we came here we could support ourselves but now we have spent all our savings. At least when we came, people from Anbar were allowed to enter with their cars.'

(IDP family from Fallujah, interviewed in Erbil)

As ISIS entrenched their control throughout Anbar during 2014, displacements followed with greater frequency, either due to fear of bombing or shelling from government forces, direct clashes between armed groups or persecution by ISIS.

IDPs are often forced to use dramatic and dangerous escape routes.

'My family was already in Erbil but I went back to Ramadi to take my exams so I wouldn't fail the year. A few days later, on the night between the 9 and 10 June, Daesh entered the university. The army [Iraqi National Army] started to shell the university with mortars. We were lined up in the schoolyard. They [ISIS] told us we had 40 seconds to leave. If we didn't get out by that time we had to join them or die. The problem was that the army was attacking from outside. A few of the local police guards who were still alive managed to get lorries into the yard that we jumped on to, to escape. We crossed the bridge in Ramadi but there was a Daesh checkpoint so my friends and I got into the first car going to Haditha. I had friends there who met me at the army checkpoint so I could pass. The next day Daesh reached Haditha so I paid for a driver to take me to Baji, then they were after me again. I managed to get to

Shirqat the next day and again Daesh was advancing. I reached Kirkuk but I had no one there that I could stay with so I took a taxi from the garage to Erbil. When I finally arrived back here a week later after the incident, I was beaten several times by the Asayish [Kurdish Security] and wasn't let in although I had my Erbil residence card. It was because I came from Anbar and the same week the Mosul displacement happened.'

(Student, Anbar University in Ramadi, interviewed in Erbil)

In displacement, whether in the KRI or elsewhere in the country, IDPs from Anbar suffer harassment and discrimination based on their Sunni identity (and hence *prima facie* suspicion of ISIS affiliation/support). In November 2014 a car bomb exploded outside the governorate building in central Erbil killing three people. The response from the authorities was harsh. The very same night male Sunni IDPs were rounded up throughout the city and taken outside the Erbil checkpoint and beaten.

'Asayish entered my sister's house and took her son with tens of other men outside Erbil. They were beaten with cables the whole night until he could call his family to come and get him. But the Asayish took his identity card and the family was not allowed back to Erbil so they all left to Kirkuk.'

(Hana, IDP from Fallujah, interviewed in Erbil)

In Baghdad, IDPs from Anbar are badly treated and risk being harassed and abducted while moving around the city. Many suffer maltreatment, not only from militias but also from public officials.

'My relative, a young man, was working in Baghdad voluntarily helping newly arrived IDPs. One day a woman that I know from Fallujah came in a taxi alone. She didn't know Baghdad and she was left in Yarmouk. I called my relative to pick her up and he helped her get shelter in an abandoned building structure. As he was helping her he was abducted and later detained in a prison. He has been there for a year and a half now. In the prison they managed to bribe an officer to smuggle in a cellphone. I speak with him from time to time when it's safe. They are tortured and harassed by the guards. One day he called me and said he had been on a tour in the city. I was surprised and he explained that an

international organization was visiting the prison so the guards had taken all inmates in bad condition in a bus driving around the city until the visitors left.'

(IDP originally from Baghdad, interviewed in Erbil)

Babylon

An estimated 10,000 families have been displaced in and to Babylon governorate; of these, over 2,000 families originate from the governorate itself. The majority originate from the Sunni majority city Jurf al-Sakhr and its associated areas. Most of the families settled in the district of Musayab south of Jurf al-Sakhr, or in the southern parts of Baghdad governorate. [16]

Jurf al-Sakhr had been a stronghold for ISIS' terrorist activities. The city was declared liberated in late October 2015 by government-backed Shi'a militias and was soon thereafter renamed, Jurf al-Naser (the Banks of Victory).[17]

Upon liberation, the city was emptied of its nearly 70,000 inhabitants. The Provincial Council of Babylon governorate declared a lock-down of the whole city for eight months in order to remove improvised explosive devices (IEDs) and clear the area of mines and houses of booby traps. There is great concern around allowing its inhabitants back and, over a year later, they have yet to return. According to IDP testimonies, the town and private houses have been completely looted. The population fears that IDPs from Jurf al-Sakhr will remain permanently displaced as the Sunnis have lost their voice in the Provincial Council. The city's representative, the only Sunni on the Provincial Council, was abducted and found dead in September 2014.[18]

In addition to public officials, civilians and IDPs from Jurf al-Sakhr also suffer persecution in areas of displacement. A representative of the Ministry of Displacement and Migration (MoDM) in Babylon governorate noted that the male heads of families from Jurf al-Sakhr never entered their offices to deal with administration matters; only women did.[19] Through interviews conducted with IDP families, it became evident that men in general are afraid of leaving their homes due to the risk of being kidnapped or abducted by Shi'a militias.

This issue is mostly of concern in the district of Musayab, which hosts nearly 2,000 families from Jurf al-Sakhr.

'Our men cannot leave the house. We do everything now: we collect aid, we do the shopping, we deal with authorities, we are even registered as heads of family on the PDS [Public Distribution System] cards. And still our men are being taken. My husband went to the store to buy diapers for my daughter and disappeared. Five days later someone called me from his phone and asked for money so they would return him. We managed to collect the amount for the ransom but they didn't bring him back.'

(IDP in Musayab, Babylon)

Baghdad

Families that are displaced within and to the governorate of Baghdad face multiple challenges, especially with regard to safety. Wide segments of the population, whether permanent residents or IDPs, risk targeted violence in many areas of the city and its outskirts. Threats range from suicide and vehicle-borne bombings to abductions, kidnappings and murders by armed groups, militias and organized criminal gangs. With a minimum of 5,724 casualties, including 1,586 killed, during the first four months of 2015, Baghdad continues to be Iraq's most volatile area in terms of civilian protection.[20]

Baghdad hosts the second largest IDP population (after Anbar) of nearly 600,000 individuals, mainly originating from the governorates of Anbar, Salahaddin, Ninewa and Baghdad itself. Most families are renting houses or living with host families, while a smaller proportion are housed in formal or informal camp settlements throughout the governorate.[21]

Furthermore, both urban and rural areas have been severely affected by flooding due to heavy seasonal rains. In October the MoDM and UNHCR evacuated several camps in the governorate. This also exacerbated the cholera outbreak that started in September and that as of November 2015 had seen 2,810 cases throughout the country, with the majority in and around Baghdad governorate.[22]

There are no restrictions on movement within the governorate for IDPs if they carry valid documents. However, movement across governorates has proved difficult, especially for those entering from Anbar. The only route, which is over the Bzebis bridge, is severely restricted and hundreds of families are hindered every day from crossing. This has resulted in major camp settlements around the bridge. Although there are supposedly formal conditions for entry, IDPs report sporadic and discriminatory procedures. Due to government fears of ISIS infiltration among IDPs, any family seeking to enter Baghdad must have two sponsors from within the governorate. For IDPs who do not have acquaintances in Baghdad, entry can be delayed for days, if not weeks. Notably, many buy their way in, by paying permanent residents to act as sponsors.

The difficulty of obtaining valid documents is the biggest impediment to leading a normal life for IDPs in Baghdad. The authorities have developed new procedures that are specific to the governorate, which makes the process lengthy and costly. Ultimately, families need to acquire a 'unitary ticket' to obtain official permission to reside in the governorate. The head of family first has to obtain verification documents from the local authorities of the district of residence, the local police office and the MoDM office. The family can then apply for the 'unitary ticket'.[23] Families lacking verification documents such as PDS cards, nationality cards or the like will face difficulties in getting a 'unitary ticket' issued. However, families or individuals without identification documents of any kind are not likely to be permitted access to the governorate to start with. Due to the newness of the 'unitary ticket' scheme, it is not yet clear whether complications or failure to obtain the ticket has had any ripple effects on IDPs' access to aid and public services. It can nevertheless be said that the time that these registration procedures take, and the costs incurred for transportation and bribes, lead to depleted savings and even worsening health conditions of vulnerable IDP family members.

'My friend brought me to Baghdad when I was wounded in a fight with Daesh. I cannot walk on my right leg; my knee is completely dislocated. MSF [Médécins Sans Frontières] visited our camp and told me that I need immediate treatment. They even offered to pay for my treatment in Turkey if

I just get a passport, but how do I do that when I can't walk, and I don't even have my jinsiya [national identity card], which I need to present to the authorities in person?'

(IDP from Heet in a Baghdad camp)

Diyala

Although Diyala was liberated in late January 2015, the province remains subject to continuous attacks from ISIS sleeper cells in cities such as Baquba and Muqdadiya, and shelling launched from nearby villages. The situation in Diyala has come to resemble Baghdad, where ISIS claims responsibility for concentrated attacks against military personnel as well as civilian population. These kinds of attacks tend to spur retaliation by Shi'a militias targeting Sunnis, supposedly affiliated to ISIS. However, local residents claim that there is no consistency in who is targeted, or, as one IDP framed it: 'Revenge is carried out on whoever crosses their [the militias'] path.'

Khanaqin sub-district in northern Diyala has seen a great influx of people since the displacement crisis started. The municipality of about 70,000 inhabitants grew to 180,000 due to the arrival of mainly Arab IDPs from southern parts of the governorate. For the host community, this influx is viewed with concern as another Arabization process.

The northern parts of Diyala were subject to several phases of the Arabization campaign that started in the early 1970s. In 2006 the Commission on the Resolution of Real Property Disputes (CRRPD) took charge of the issue of compensation and resettlement of Kurdish families who were forced to leave their lands during the campaign.[24] Nearly all of some 30,000 Fayili Kurds had been resettled to Khanaqin by 2007. This in turn caused the displacement of several thousand Arab families, of whom the majority settled in Jalawla town, which in a matter of years doubled in size. As Jalawla, with its population of 87,000 was nearly emptied after ISIS' onslaught, Khanaqin became a first point of refuge for many families.[25]

Patriotic Union of Kurdistan (PUK) Peshmerga forces are now in control of Jalawla city, which has suffered severe destruction through clashes

between armed groups and IED contamination. Furthermore, many houses were systematically burned and looted upon liberation, particularly Arab-owned houses and shops.

'I am from Marjane but I used to own seven different shops in Jalawla. Every single shop was empty when I went back there a few weeks ago. They took everything from money to razorblades. I only found milk and diapers.'

(IDP from Marjane village south of Jalawla, in Qara Tape)

Saadiye, an Arab Sunni majority town south of Jalawla was also reclaimed from ISIS and is now under Popular Mobilization Forces (PMF) control. The town suffered a similar fate to its northern neighbour, but public services are slowly returning, along with smaller numbers of IDP families. Many still feel unable to return, however.

'We left the city when ISIS entered and came here because we have friends who helped us rent a house. But then ISIS attacked Qara Tape as well so we were displaced together with the locals. Fortunately, Qara Tape didn't fall so we could come back here but I am still waiting to go back home. Saadiye is liberated but how do I go back to an empty home and no school for my children? I have only been there to check on my house and bring some personal things that were left but the house is barely standing. They even took my fridge.'

(IDP from Saadiye, in Qara Tape)

Qara Tape is one of the many cities in Diyala that is hosting a large number of IDP families. It is a majority Shia Turkmen city surrounded by Sunni Arab and Kurdish villages. Since the beginning of the sectarian strife in 2005 the city has been targeted with mortars by Al Qaeda/ISIS affiliates operating from nearby villages, and this still the case. When ISIS advanced towards Qara Tape the inhabitants were able to evacuate women and children. Some 300 men stayed behind defending the city for 10 days. 'Had we not got support from the Peshmerga at the last minute we would have had ISIS here now' (Resident of Qara Tape).

Public services are under strain as the area has been neglected for years.

'We have a population of 40,000 and we don't even have a hospital or an ambulance. Now, with all the IDPs, we are more than double in size. We were without electricity for seven months since the power comes from Iran through Jalawla, and Jalawla was under ISIS control. Our problem is that we are forgotten both by the federal government and the regional government. Not even international aid organizations seem to know that we exist.'

(Resident of Qara Tape)

Kirkuk

The number of internally displaced people in Kirkuk has reached 370,000 with more expected as government forces and affiliated militias are targeting the ISIS-controlled district of Hawija in south-west Kirkuk. The majority of the IDPs are Sunni Arabs originating from Anbar, Diyala, Salahaddin and the governorate itself.[26]

At the heart of the conflict in the disputed territories, Kirkuk governorate is a highly volatile region with long-standing inter-community conflicts between Arabs, Kurds, Turkmens and Assyrians. Contested between the GoI and the KRG, in addition to local disputes between different stakeholders, Kirkuk is often described as the microcosm of Iraq's diversity but also of its complex problems. The governorate has hosted large numbers of IDPs since the sectarian conflict started to build in 2005. Simultaneously, there has been an ongoing normalization process by the local authorities, seeking to reverse the demographic changes of the Arabization campaign of the former regime. Formally, this process should be implemented under the provisions of Article 140 of the Iraqi Constitution but in many cases it has been arbitrarily enforced by Kurdish authorities. In effect, Arab families have been evicted from their houses to make way for the resettlement of the original Kurdish residents.[27] The displacement situation in Kirkuk is therefore an intricate one, in which both IDPs and permanent residents are suffering from decades of government mismanagement on the federal, regional and provincial levels.

With the current displacement crisis, Kirkuk became a first entry point and transit route to KRI for many IDPs fleeing surrounding provinces of

Iraq, from Anbar and Ninewa to Salahaddin and Diyala. The pressure along the borders of the governorate led to recurring closures of checkpoints. Tensions between IDPs and host communities have occurred in the southern parts of Kirkuk city and the governorate, where most IDPs are located. Several incidents have been recorded where Sunni Arab IDPs have been evicted from their shelters, be they leased premises or occupied informal settlements. Furthermore, IDPs without identification documents are often considered illegal residents and are either expelled or detained until vetted by Kurdish Security (*Asayish*).[28]

In July 2015, the governor of Kirkuk declared that IDPs originating from Diyala were obliged to return as the province had been liberated. Families were given a month to leave and, although few direct expulsions have been seen, indirect methods are used to force families out of Kirkuk. For example, IDPs' identification documents are confiscated by the *Asayish* and families are told they will only get them back at the checkpoint when they leave.[29]

Salahaddin

Salahaddin has a great strategic value for Sunnis and Shi'as alike as it hosts Saddam Hussein's hometown city of Tikrit, the capital of the governorate, as well as the city of Samarra. Soon after ISIS took control of Tikrit in June 2014 over 700 Shi'a cadets were massacred at Camp Speicher and during the summer months over 30,000 families were displaced. When it was regained from ISIS in March 2015 Tikrit and other cities of Salahaddin experienced another mass flight of civilian population. This occurred when government forces and affiliated armed groups carried out an assault against ISIS in Tikrit and its surroundings. Between February and April 2015, more than 20,000 families were displaced. Many of these families had thus lived under ISIS control for nearly nine months.

'We were ordered to leave by the officers in the 17th Division. They told us that there would be clashes between ISIS and the [Iraqi National] Army and that civilians would be harmed if we didn't leave. But the problem was that the only exit route was further into ISIS-controlled areas. I went to Hawija and stayed there for almost a month. We had to get a formal acceptance letter from the Wali [the

local ISIS magistrate] to leave but he refused. I told them my wife was pregnant and needed treatment. They requested a test and she had to wear a Khumar [niqab]. Finally he gave me the letter. At the checkpoint an ISIS guard from Syria asked me why I was leaving for the land of kafirs [non-believers]. I told him we were coming back, that I just needed to take my wife to Kurdistan for treatment. We managed to reach the Kirkuk checkpoint Maktab Khaled but we were not allowed in. Within 20 days thousands of people had gathered there. It was cold and we didn't have any food. We ate whatever edible roots and herbs we could find. Some children died. Finally the KRG opened the border and we made it to Sulaymaniah, but many people were arrested and detained when they entered.'

(Sunni IDP from Yathrib, Sulaymaniyah)

Although major cities in Salahaddin such as Tikrit and Baiji have been reclaimed from ISIS, approximately 25,000 families remain displaced within the governorate and more than double in surrounding governorates. Families from Salahaddin are generally residing in rented housing or with host families, with a smaller percentage residing in camps in Baghdad and the KRI.[30] For those who have started to return, many still find themselves torn between home and displacement.

'I have been going back to Aldor for the past month to fix my house that exploded. In the beginning I went on my own but now I am also bringing my wife. The problem is that I can't stay there permanently. Every time the route to reach the city from Erbil changes because there are still clashes going on in Salahaddin. Last time I had to go all the way to Adhaim in Diyala and then cross over. It took me eight hours on a desert road that is contaminated with IEDs but people have put up signs on which spots to avoid.'

(Yasser, IDP from Aldor, Salahaddin, in Erbil)

Ninewa

During the summer months of 2014, ISIS instigated the displacement of over half a million people from and within Ninewa.[31] The group implemented a systematic campaign to empty the region of religious and ethnic diversity. Christians, Turkmens,

Yezidis, Shabak and others faced targeted killings, abductions and persecution. Women were enslaved and/or coerced into marriage and children were forcibly recruited as ISIS combatants.[32] Large numbers of minority communities emigrated outside Iraq, but the majority became internally displaced. While some were able to flee to relatively safe areas, others have since resided in highly volatile regions.

By the end of 2015, 18 months after the ISIS onslaught, the IOM had recorded 175,000 families displaced from Ninewa, of whom 32,000 were still within the governorate itself. Duhok governorate is hosting 74,000 while Baghdad, Erbil, Kerbala and Najaf are hosting around 12,000 families each.[33] Patterns of displacement have emerged whereby linguistic, religious and/or ethnic affinity determines the choice of area of displacement. Minorities tend to seek protection in regions where their identity somehow resonates with that of the host community. While minorities of the Shi'a faith have sought refuge in governorates such as Kerbala and Najaf, Yezidis from Ninewa have mostly relocated to the KRI or to Kurdish-controlled parts of northern Ninewa. Christians have been displaced to areas of Christian majority such as Ainkawa in Erbil and certain pockets in Baghdad. Many camps are effectively divided according to ethnic and/or religious belonging.

Tal Afar, in northern Ninewa, which is home to both Sunni and Shi'a Turkmens was surrounded by ISIS on 20 June 2014. The town resisted for nine days until it fell to ISIS control. While many Sunni Turkmens were able to live under ISIS control, the Shi'a inhabitants were directly targeted and immediately fled. In displacement they continue to face harassment by host communities.

'ISIS started shelling us with mortars on the night of 20 June. It continued to the next evening. I tried to find a way to get my family out. I had responsibility for 29 people as my parents were on vacation in Iran and we had no car. I managed to steal an abandoned army vehicle and we all left to Sinjar. The same night I returned with most other men to defend the city. On the ninth day my sister's husband was the last man to be martyred. I will never forget this day, the pictures haunt me every day. I was alone and I couldn't carry him because of the snipers so I tied a rope around his feet and

dragged him to a safe place where I buried him until the area would be stable so we could return and take the corpse to Kerbala. Our family stayed in Sinjar for ten days. We will never forget what the people of Sinjar did for us; they shared their food and water with us. Up to four families were hosted in each house. Then came the armed groups to Sinjar and threatened to attack the city if the Shi'as didn't leave so we all left in order not to cause any danger for the families who gave us shelter. Everyone left towards Kurdistan. When we reached Domiz we were not allowed to enter so we continued to Erbil and were let in after begging the guards at Kalak checkpoint. We spent the second night of Ramadan in the Sami Abdul Rahman park. The following day I hired two cars for 1 million Iraqi dinars each to take us to Baghdad. From there we made our way to Kerbala where we have been living since. But it is not easy for us here. The locals don't like us because we are Turkmens, I am reminded of that every day, they tell me I am a coward that didn't stay and defend my home. It is as if we are not Shi'as like them.'

(IDP from Tel Afar in Kerbala, interviewed in Baghdad)

On 3 August 2014, ISIS launched a major assault, which led to the fall of Sinjar city and surrounding villages. Nearly 200,000 people were displaced within a matter of days, many of whom were Yezidis. Approximately 50,000 sought refuge on the Sinjar Mountain and most remain there over a year later. According to the Yezidi Endowment in Kurdistan, around 100 Yezidi families are emigrating to Europe or the United States every week. Of nearly 6,000 people who were disappeared or abducted by ISIS, only a small proportion have returned. Testimonies of Yezidi women and girls who have been released or have escaped ISIS captivity indicate that at least 150 women and girls committed suicide in ISIS captivity. Mass graves are still being discovered and excavated after ISIS' summary executions. In spite of the atrocities committed against the Yezidi community and the attention it has attracted internationally, little action has been taken to obtain the release of abductees or to secure justice for Yezidi IDPs. Although the KRI hosts most Yezidis IDPs, there are also claims of discrimination and harassment there.

'Since the massacre, seven fatwas have been issued by religious leaders in Kurdistan speaking against

the community. The leader of the main Islamic party in KRI even said that Yezidis killed in battle are not to be considered martyrs. Our community continues to be misunderstood and discriminated against. In Duhok, a Yezidi cannot even open up a restaurant. Before, we didn't care about these things because the situation was stable, but now we are not safe anywhere. The Yezidi community has lost all trust in politics, whether Iraqi or Kurdish.'

(Yezidi public official in Baghdad)

In the shadow of the major assaults committed on the minorities of Ninewa, violations against the Sunni population in the region have only recently started to gain more attention. Although the situation in Mosul was relatively safe for Sunnis during the first months of the occupation in 2014, reports indicate that Sunni residents of Ninewa are under increasing strain. Large segments of the Sunni communities of Ninewa and especially Mosul have fled due to ISIS persecution. Men who refused to join ISIS risked being killed or abducted. Public officials and army personnel were immediately targeted and, if they failed to comply with ISIS demands, many would face death or abduction if they had not left their homes. Although evidence is scarce

and mostly anecdotal, reporting from the city tells of horrific acts committed by ISIS against the civilian population. Minor violations of ISIS rules result in lashes and defectors are publicly beheaded. In addition, living conditions are unbearable as there is a lack of food, no employment and salaries for government employees are no longer delivered to the city, which prompts further displacement.[34, 35] IDPs from Mosul are able to make contact with their relatives who stayed in their home towns, but this has become more difficult since telecommunications in ISIS-controlled areas in Ninewa have been suspended and only internet communication remains.

'When we left the city was relatively safe. My kids are in university so I wanted to ensure that they continue their studies. I will not go back to Mosul unless the universities open again and are recognized by Baghdad. We know that the situation there is much worse now but our relatives do not want to worry us so they don't tell us much. I cannot call them and the internet connection here is expensive so we only exchange quick updates to make sure everyone is in good health once a week.'

(Sarah, IDP from Mosul, in Shaqlawa)

3 Protection and mistreatment

Access to legal documentation has proved to be one of the most salient challenges for IDPs across Iraq. Failure to present relevant documents may lead to exclusion from basic public services and humanitarian assistance. For various reasons many IDPs lack legal documents such as the national identity card (*jinsiya*) and PDS-cards. While some families fled in such a haste that they did not have time to collect the most crucial documents, others intentionally left them behind in order to conceal their identities along escape routes where control of the areas was unknown.

Access to legal documentation

Those who have been displaced since the 2014 ISIS advance will soon be entering their third year in displacement. In such a situation, if lacking their national ID or PDS card, families and individuals are likely to face restricted freedom of movement, restricted access to employment, education and food aid provisions, and even exclusion from health care services.

Whether they are displaced in the KRI or in other governorates of the country IDPs face similar challenges. Policies have shifted as the displacement crisis continues and the trend has been increasing difficulty for IDPs to obtain and transfer crucial documents such as nationality cards, passports, marital documents, birth certificates, driver's licences, etc.

The administrative procedure to recover lost identification documents is filled with obstacles. In the KRI, IDPs who do not originate from the KRI and lack legal documentation are usually required to travel to Baghdad or act through a power of attorney to retrieve civil status documents. While the civil status offices are province-specific, there are cases where certain governorates have opened temporary offices in the KRI for their citizens. For example, IDPs from Ninewa can now obtain documents from a satellite office opened in Kalak, outside Erbil. IDPs originating from Anbar and Salahaddin specifically face problems in the KRI as many are not able to return to their areas of origin to retrieve documents, or for different reasons cannot present themselves in Baghdad. For some families, the trip to Baghdad is costly and even dangerous, while for others health conditions prevent them from making the journey.[36]

A major registration issue is the certification of children born in displacement. In Sulaymaniyah, hospitals refuse to issue birth certificates to IDPs to prevent their registration in the governorate and in the KRI. Instead they are referred to Kirkuk to obtain the birth certificate through court proceedings. However, this process is costly and lengthy, and many families have refrained from trying or have even been

turned down after going through the procedure. In the long-term, with a protracted displacement situation, there is a severe risk that these children may become stateless.[37]

In August 2015, Baghdad governorate implemented a system of 'unitary tickets', in which heads of family need to present identification documents of all family members and have them verified by three different authorities, including local police office, local residence office and finally the MoDM office in order to register as resident IDPs in the governorate. Although the system is now being consistently implemented, it often takes IDPs months to complete the process and, in some cases, families fail to obtain their 'unitary ticket' due to lack of documentation.[38]

Entry and residency

Entry procedures are decided on the governorate level, therefore IDPs seeking refuge in another governorate than the one they originate from risk being held up at checkpoints or denied access as governorate policies change. Over the past 18 months all host governorates have responded sporadically to the movement of people across their borders. The governorates of the KRI have attracted many IDPs due to the region's relative stability but entry has rarely been easy, especially for those suspected of ISIS affiliation. Similarly, the southern governorates of Iraq, such as Babylon, Kerbala, Najaf and Wassit, have at times shut their borders to new arrivals, although they host far fewer families in comparison to the central and northern provinces. Baghdad is perhaps the governorate with the most complicated entry conditions, as IDPs

need two sponsors while other governorates only require one.[39] Whatever the reasons are for closed border crossings, in some cases closure has resulted in serious or fatal consequences for IDPs. Many displaced people attempting to cross into other governorates have witnessed the death of vulnerable family members, particularly children, pregnant women and elderly people, along transit routes and checkpoints. In the summer heat, people suffered severely from dehydration due to lack of access to water, while in the winter many were severely affected by the cold as a result of inadequate shelter and clothing.[40]

Since the displacement crisis started, Baghdad governorate has had shifting policies regarding entry to and residency in the governorate. Many civil society organizations in Iraq seek to work directly with local authorities and checkpoint managers to address the issue, yet there are reports of inconsistent regulations or policies. Checkpoint procedures are often reactive in that they tend to become more restrictive during new waves of displacement following an incident. One week the documentation of just one family member may be sufficient for a family to be granted entry, while the next week an entire family may be denied entry if only one person lacks identification. An added complication is that vetting procedures can also differ between varying checkpoint officers. Accordingly for IDPs, entry can be subject to sheer luck.

In an attempt to alleviate the displacement crisis and integrate IDPs in the host communities, the Directorate of Identity Affairs under the Ministry of Interior issued a decree in June 2015 allowing IDPs who have been displaced for more than five years (or seven years for Baghdad) to legally

obtain permanent residency in the governorate where they currently reside. This also applies to IDPs who have been in transit or displaced several times, meaning that displacement time can be accumulated between governorates.[41] The decree was rejected, however, by governorates of the KRI and Kurdish-controlled areas such as Kirkuk province. The local authorities in Kirkuk considered the decree unconstitutional and feared it would lead to demographic changes in the DIBs areas.[42] Similarly, the Provincial Council of Sulaymaniyah issued a law stating that individuals of non-Kurdish ethnic origin will not be permitted to transfer their PDS cards and civil registration records to the governorate. Moreover, individuals of non-Kurdish origin will not be allowed to register land or property in their name. This came as a response to IDPs attempting to do so after the decree was issued.

While the decree in question does, to an extent, address the residency of individuals who were displaced in earlier years of the conflict, it does not provide immediate or imminent solutions for those who were displaced for the first time during the current crises. Indeed, the residency policy may encourage governorates to put greater efforts into facilitating returns, but there is a danger that it could also result in undue pressure or coercion on displaced populations to return to their liberated home towns, despite a lack of existence of safe passage, property rights or employment opportunities in their areas of origin.

Detention

The number of detention cases in Iraq has increased incrementally since the displacement crisis started. Often people are detained under the provisions of Article 4 of the Anti-Terrorism Law,[43] for suspected affiliation to ISIS. However, IDPs are often unlawfully held, in many cases for months at a time, without trial or access to justice. Prisons in Iraq in general are overwhelmed. In Erbil governorate, cells that are intended for 70 persons are now holding up to 100. Furthermore, IDPs who are found without documentation are often considered illegal residents and sometimes held for days in detention until they have been vetted. This is especially common in the KRI and Kirkuk governorate.[44]

A Baghdad-based lawyer who has worked on detention cases since 2003 explained that a complicating factor for protection of inmates is that prisons in Iraq fall under one of three authorities: the Ministry of Defence, the Ministry of the Interior or the Ministry of Justice. In some instances, the three different authorities are represented in one and the same prison. This entails the use of three different databases. If an inmate is transferred from one prison to another there is a risk that the person either disappears from the records or his or her records are duplicated. It also creates the possibility of manipulation of records.[45] IDPs and lawyers point to the mismanagement of prisons in Iraq in general. Many IDPs report high levels of corruption.

'If you manage to get a friend among the guards and can pay him some money you can even get a phone smuggled in. I have spoken with my family several times.'

(IDP in a Baghdad prison)

Of most concern is the widespread use of physical abuse, reported by IDPs in detention and witnesses. Detainees are punished with electric shocks, or hung by their arms or feet and beaten, showered with boiling water and deprived of meals.[46] Many who are accused of ISIS affiliation have been imprisoned for months, or over a year, without trial. Families who are permitted to visit detainees have seen evidence of torture and are encouraged to bribe the guards in order to save them from harm or to secure early release.

'My brother, who has two wives and three children, has been imprisoned for more than a year. I can go see him once a month. Last time, they had tied his arms behind his back so I would not see his pierced arms after they hung him and beat him. The previous visit I saw his back; it had fresh scars after the cables they use to beat him with. All of this just so he will admit to crimes he has not committed. He used to be a policeman but his officer reported on him and he was taken by the government. We paid them [the prison guards] US$2,000 so they would not torture him but it has continued. Then they asked us for US$8,000 to release him, and we paid but he is still in prison. He was supposed to get out last Wednesday but until now there is no sign of him. Even if he got out, they would find a new reason to take him.'

(IDP in Musayab, Babylon)

4 Prospects and challenges of return

The vast majority of IDPs return to a precarious environment. Many IDPs return to demolished property and land, and tensions with neighbours or neighbouring villages, and lack of livelihood opportunities, present further challenges.

In December 2015, IOM estimated that 460,000 IDPs had returned to their areas of origin. Most of the returns were to central regions, such as Salahaddin (54 per cent), Diyala (20 per cent) and Ninewa (15 per cent).[47] Tikrit for example, the capital of Salahaddin, had by September seen the return of over 133,000 IDPs.[48] All the above-mentioned provinces have seen severe destruction of infrastructure and, in many areas, the security situation is still volatile. In addition to the destruction caused by aerial bombardment and shelling, armed forces that have reclaimed territory from ISIS, whether ISF, Peshmerga or PMUs, have been responsible for or complicit in the further destruction and looting of liberated towns and villages.[49] Various international agencies and non-governmental organizations (NGOs) are currently assessing the willingness of IDPs to return to their areas of origin and their prospects once they have done so.[50]

Since mid 2015, the UN Development Programme (UNDP) has been supporting the GoI with stabilization in liberated areas. Under the umbrella of the 'Funding Facility for Immediate Stabilization' (FFIS) project, damage in liberated areas in Ninewa and Salahaddin was assessed and short- and long-term needs have been identified. The FFIS covers light infrastructure recovery, livelihood support, capacity building and community reconciliation.[51] While the project is comprehensive in its remit, it has not yet been expanded to liberated areas in all governorates. What is more, it cannot address all needs and is far from able to repair material damage to pre-ISIS levels. Yet the biggest challenge lies in the socio-political grievances and tensions among the population, whether stayees or returnees.

For returning IDPs, tensions have arisen between tribes, sects and ethnic groups. Suspicions of affiliation with ISIS have spurred on new localized conflicts and, in many areas, armed groups or stayees have occupied the properties of those displaced. If able to return at all, IDPs of various groups often find their homes destroyed, looted or appropriated by others – including at times by other IDPs.

In order to ensure safe and sustainable returns a reduction in social tensions, security reform and effective systems of referral and redress are required. In a context of highly localized and politicized conflicts the government and/or local authorities are unable, and in some instances unwilling, to fulfil these requirements. As various examples have shown throughout this report, formal institutions are failing to address the most urgent needs of IDPs and host communities alike, be it in the form of contingency plans, reconstruction, protection of human rights or sustainable returns. These

shortfalls can be attributed to various factors, including financial strain, widespread corruption, the collapse of local administrative authorities and lack of law enforcement.

Ethnic and sectarian tensions: the case of Diyala

Diyala was regained from ISIS occupation in January 2015 but the governorate is still facing challenges with regard to returns. Security remains highly volatile with continued attacks in the provincial capital and elsewhere. ISIS remains active in the area, with the ability to strike cities with indirect fire as well as operate through sleeper cells. In addition to this threat to returnees, civilians are also adversely affected by retaliatory measures by the PMF, particularly members of the Sunni community who have been repeatedly targeted following ISIS attacks.

Although the southern parts of Diyala are under the command of the head of the Badr Organization (under the PMF umbrella), the organization of the Popular Mobilization Units (PMUs) remains incoherent. Other affiliated militias control specific areas where they employ their own security measures and vetting procedures for entry and exit, whether it concerns IDPs or residents. People moving around militia-controlled areas experience persecution and intimidation, and are restricted from accessing their lands and properties.

> *'ISIS entered Sinsil on 12 June but they immediately clashed with government forces. We fled because the bombs were falling close to our house. Our car exploded. I lived with my family in an abandoned building for seven months outside Khanaqin. There was nothing there; we lived off the aid that sometimes reached us. Since then, we have been living in this camp, but we want to go back. The problem in our area is that people are more afraid of the militias than Daesh. They have burned our farms with oil. They have even occupied family houses. If you go to the market you might not come back.'*
>
> *(IDP from Sinsil – Muqdadiya, in Tazade Camp – Kalar)*

Diyala thus exhibits a number of features which have become common in areas in Iraq liberated from ISIS control. The presence on the ground of militia or 'volunteer' forces complicates the chain of command and weakens governmental authority. Accountability is difficult to establish, there is an increased opportunity for prolonged militarization of the region and a risk of further human rights violations against returning IDPs.

Northern districts of the Diyala governorate are part of the disputed territories between the GoI and the KRG. As seen earlier, the displacement crisis has exacerbated these tensions and deliberate demolition of houses and rejection of return of Sunni Arab families have occurred in Khanaqin district, and more specifically in Jalawla city. Kurdish members of the Diyala Provincial Council explain that the vetting procedures are the most difficult to manage in order to ensure safe return of Sunni Arab families, as there are still cases where ISIS affiliates are discovered.

While this may sometimes be true, the procedures could nevertheless be perceived as indicative of a desire to confirm demographic changes to the region through avoiding the return of Arabs.

> *'I went back twice to Jalawla but only for a few hours. The Asayish does not allow us to stay overnight. Everyone was checked before we entered and we had to leave our phones at the checkpoint, probably because they do not want us to show how our homes have been burned and looted.'*
>
> *(Sunni IDP from Jalawla, in Kifri)*

Tribal tensions: the case of Salahaddin

The prospects for sustainable returns vary depending on the area and its strategic value. Analyst Hisham al-Hashimi foresees that a handful of areas in Iraq will not see returns of their original populations due to the geo-strategic interests of various armed forces in those places. Jurf al-Sakhr and Yathrib are two such places, because of their proximity to important religious sites such as Kerbala and Samarra. The fear is that if the Sunni population returns, these areas will again turn into

strongholds for ISIS-affiliated or other terrorist groups with the ability to launch attacks on Sh'ia places of worship. The situation is further complicated in areas with ethnic or tribal tensions.[52]

Yathrib is a Sunni majority sub-district in Salahaddin located between Balad and Dujail sub-districts, both with a Shi'a majority. The Shi'a areas suffered targeted killings and displacement under ISIS and are now reluctant to see their Sunni neighbours return. The Shi'a tribes request blood money to be paid for their martyred sons. Although the government vowed to compensate these families, certain tribes will not accept compensation unless it is paid by the Sunni families themselves.

An attempt by the Governor of Salahaddin to return families to Yathrib in October failed as the Shi'a tribes threatened to evict the returnees by force.

'We intermarry, we are descendants from the same tribe and still our Shi'a brothers will not allow us to come back to our homes. They have even moved into our houses.'

(Sunni IDP from Yathrib in Qurato camp, Kalar)

'They want us to pay blood money but we, the Sunnis of the Sahwa, fought Al-Qaeda for years. We gave more than a thousand martyrs, where is our blood money?'

(IDP from Yathrib, in Takkiya camp Baghdad)

Al-Alam is one of only a few areas that have seen large numbers of returning families. Residents explain that there is an institutional structure and cohesion among the local population that enables safe and sustainable returns. However, since liberation there have been several cases of abduction in the city. Anecdotal evidence points towards these being carried out by Shi'a militias controlling the area. In spite of an unpredictable security situation, Al-Alam stands out as a relatively successful attempt at reconciliation, whereby local authorities and tribes, in a concerted effort, have sought to bring justice in the disorder following the aftermath of ISIS.

'My wife was martyred while fighting ISIS. She was a women's rights activist and an adviser on women's issues to the Governor of Salahaddin. When she died the resistance against Daesh faltered. We held the town for weeks but government support came too late and the arms were not sufficient to oppose Daesh. Today, 90 per cent of the inhabitants have returned and we have developed a system to reconcile the returning families with the inhabitants who stayed and supported Daesh. Compensation [blood money] from complicit individuals and families is paid to those who were displaced and lost family members. Our system is now viewed as a model that can be used in other areas.'

(Interview conducted in Baghdad)

Minority–majority tensions: the case of Ninewa

The liberation of Sinjar in November 2015 has brought about a delicate situation with several factions in competition for control over the area. This includes the YPG or People's Protection Units (affiliated to the PKK – Kurdistan Workers' Party) and local militias on the one hand, and those affiliated to the KDP (Kurdistan Democratic Party) Peshmerga forces, on the other.[53, 54] Tensions between these groups have increased, and there have been incidents of in-fighting resulting in casualties. So far, violent conflict has mainly erupted between Yezidis and Muslim Kurdish communities accused of being ISIS supporters.

The Sinjar district is part of the disputed territories in Ninewa. President Barzani of the KRG has pledged to incorporate Sinjar as a Yezidi governorate of the KRI. Although this suggestion was put forward in the Kurdistan Parliament by the mayor of Sinjar in 2014, Yezidis who feel betrayed by the KDP see this move as an attempt to control the Yezidi community rather than to protect their interests.[55]

As in other reclaimed areas, the town of Sinjar was subjected to systematic looting upon liberation. Driven by revenge, militias entered the city looting Sunni Arab houses. Since then, the rhetoric from both sides has heightened. Muslims call for defence against the Yezidis, and the Yezidi community, in turn, claims the right to defend themselves

and prevent a potential return of ISIS (which continues to launch rockets indiscriminately towards the city). Consequently, the return of IDP families, especially Sunni Arabs, is unlikely in the near future.[56]

Furthermore, Sinjar town and the surrounding villages have been seriously damaged and contaminated by IEDs. As local authorities lack the capacity to safely remove IEDs, reconstruction and returns are likely to be further delayed. Infrastructure throughout the district is awaiting reconstruction and most families that were displaced to Mount Sinjar remain there. Entering their second winter on the mountain, families have expanded their shelters and usually have more than one tent. Humanitarian assistance is provided by international organizations as well as the PKK, which is running schools for the displaced children.[57]

'I am from Khanasour village in Sinjar. I went there once to check on our house. It is still there but public services are not functioning properly and the schools have not opened. My children studied in Arabic and now the only education provided is in Kurmanji.'

(Yezidi IDP from Khanasour, Sinjar, in Shaqlawa)

5 Conclusions and recommendations

Many factors have contributed to the serious vulnerability of internally displaced people in Iraq and the human rights violations which they face. As is evident from the issues considered in this report, the situation of IDPs continues to be affected by the ongoing armed conflict and threat of violence across the country, as well as by humanitarian and socio-political factors.

Not only are IDPs uprooted from their homes, but the protection that is due to them as internally displaced people falls short. Complicated and sometimes discriminatory governorate procedures regarding entry and exit, residency, registration and access to public services have a major impact on IDPs' standard of living.

The sheer scale of the displacement crisis has resulted in significant overcrowding of host cities or towns. Not unexpectedly, this has created tensions between IDPs and host communities as they compete for scarce resources and livelihoods, but tensions are also exacerbated by inter-religious, ethnic and tribal conflicts.

The proliferation of armed groups now operating in Iraq is of grave concern. Even the smallest communities, such as previously non-armed tribes and minorities, now have their own militias. While aiming to protect their communities, these groups have joined a trend in which control has been assumed by whoever has the superior armed force.

The diffusion of the conflict has brought about a state in which the Iraqi government and regional and local institutions are often incapable of functioning effectively and exercising jurisdiction over their territory, and instead struggle to adapt to a reality where armed groups are controlling conditions on the ground. Caught in the midst of this are IDPs – unable to return given the precarious security and tensions of their home towns but similarly remaining extremely vulnerable in displacement.

The opportunity afforded by the retaking of territory from ISIS is being lost. If communities are unable to co-exist, Iraq may soon reach a point beyond repair. Post-liberation strategies are therefore urgently required that are comprehensive in addressing security needs but are also aimed at reconciliation, community building, re-establishing rule of law, and managing the process of property restitution and appropriate compensation.

Recommendations

To the Federal Government of Iraq

- Ensure that all government forces including Iraqi Security Forces, Popular Mobilization Units and affiliated militias fall under unified command and control that is accountable to the Government of Iraq (GoI).

- Ensure that entry procedures at governorate borders are reasonable, non-discriminatory and enable IDPs at risk to enter. IDP documentation/registration procedures should not be overly onerous or discriminate on the basis of religion or ethnicity.

- Halt the practice of arbitrary detention of IDPs.

- Agree access and security arrangements to ensure safe voluntary return of IDPs to their areas of origin.

- Develop a strategy for supporting sustainable returns and/or integration of IDPs, including infrastructure recovery and community-based reconciliation.

- Ensure that land and property disputes are addressed and establish a comprehensive system (compatible with Article 140 of the Constitution) of restitution and compensation across all governorates.

- Work with local civil society organizations to foster avenues for reconciliation and coexistence.

To the Kurdistan Regional Government

- Develop a regional strategy to support the sustainable return and/or integration of IDPs, including infrastructure recovery and community-based reconciliation, in coordination with the Government of Iraq.

- Agree access and security arrangements to ensure safe voluntary returns of IDPs to their areas of origin.

- Implement a standardized policy for entry procedures that allows displaced people escaping violence to enter the Kurdish Region of Iraq (KRI) without discrimination on the basis of ethnicity or religion, and end the arbitrary detention of IDPs.

- Establish temporary offices allowing displaced persons originating from governorates outside KRI to recover or obtain legal documentation.

To the international community

- Provide urgent funding to UN and other international agencies working with the Iraqi authorities to meet the funding gap regarding the humanitarian needs of IDPs.

- Support and enable a comprehensive strategy for safe and sustainable voluntary returns and/or integration of IDPs throughout the country, including where necessary helping negotiate appropriate access and security agreements with relevant authorities.

- In the context of any international military cooperation offered to the GoI or the KRG, ensure that both international and Iraqi forces adhere at all times to standards under international humanitarian law and international human rights law.

- Provide technical and financial support for the development of a programme of property restitution and reparations for IDPs, as well as appropriate transitional justice measures, and support civil society initiatives to promote reconciliation and inter-community cooperation.

Endnotes

1   World Food Programme, *Iraq Crisis Situation Report #31*, 1 December 2015.

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Iraq's Displacement Crisis: Security and protection

In brief

Since the present displacement crisis began in January 2014 with the advance of the Islamic State of Iraq and Al Sham (ISIS), the humanitarian emergency in Iraq has become more severe. The number of internally displaced persons (IDPs) in Iraq now stands at 3.2 million, while more than 8 million people are in need of humanitarian assistance. With the UN lacking funding and the Government of Iraq and Kurdistan Regional Government (KRG) under both military and economic strain, the protection of human rights and provision of humanitarian assistance have been gravely compromised.

Iraq's Displacement Crisis: security and protection provides an up-to-date overview of the situation of IDPs in Iraq since the ISIS onslaught and resulting conflict, including not only forced displacement committed by ISIS but also that perpetrated by other armed groups, including government forces. The report also explores the facilitation of IDP returns to areas of origin. Due to poor living conditions in areas of displacement, many families are seeking to return even though the situation in their area of origin may not have improved. Almost without exception, however, liberated areas are in need of better security, reconstruction of basic infrastructure and the resumption of public services.

Two years on, social tensions are rising in both areas of displacement and areas of return. With new population movements and territorial control shifting between armed groups, host communities and authorities are under greater pressure. Intimidation and harassment of IDPs based on their origins are common and increasing in areas of displacement. Communities who find themselves in areas where they are a religious, ethnic or linguistic minority live in fear of physical assault and discrimination.

In the context of limited governance and continued insecurity, the opportunity afforded by the retaking of territory from ISIS is being lost. If communities are unable to co-exist, Iraq may soon reach a point beyond repair. Post-liberation strategies are therefore urgently required that are comprehensive in addressing security needs but are also aimed at reconciliation, reparation and re-establishing the rule of law.

This report recommends:

- The Government of Iraq and the KRG should support the safe passage of IDPs through their territory, with transparent and non-discriminatory entry procedures at governorate borders, as well as accessible registration processes. The arbitrary detention of IDPs should be ended.

- Iraqi authorities should implement comprehensive measures to support the return and reintegration of IDPs, including infrastructure development, property restitution or compensation, and appropriate security measures. This should be done in partnership with local civil society organizations promoting reconciliation between communities.

- The international community should provide urgent funding to the UN and other international agencies working with the Iraqi authorities to meet the current funding gap in humanitarian assistance for IDPs. This should include technical and financial assistance for the development of a programme of property restitution and reparations, as well as transitional justice measures.