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"Barriers to post-ISIS reconciliation in Iraq: Case study of Tel Afar, Ninewa"

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BARRIERS TO POST-ISIS RECONCILIATION IN IRAQ

Case Study of Tel Afar, Ninewa

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Final Assignment: The Political Sociology of the State in the Contemporary Arab World

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Introduction

In 2014, the so-called Islamic State in Iraq and Syria (ISIS) captured headlines around the world as it conquered city after city. Life under its reign was violent, restrictive, and brutal, with seemingly endless reports of grave rights violations, war crimes, and crimes against humanity ranging from slavery to torture, execution, and rape. The subsequent liberation operation of 2017 brought further violence, destruction, and displacement of an estimated 3.5 million people.[1] Today, Iraq and the international community are faced with the challenges of reconstructing a country and moving towards the reconciliation of a population who has suffered immense harm.

The subject of reconciliation is not new in Iraq, with reconciliation initiatives beginning post-2003. As Mansour notes, "for much of his term (2005-2012), former Iraqi president Jalal Talabani referred to the need for national reconciliation. More recently, populist Shia cleric Muqtada al-Sadr announced his 'Initial Solutions' for post ISIS Iraq, including among them the need for national reconciliation."[2] Yet there remain several challenges to reconciliation faced by the Iraqi government.

This paper identifies and analyses five key barriers to post-ISIS reconciliation in Iraq through the case study of Tel Afar, Ninewa.[3] It begins with a literature review of reconciliation, including its definition, factors contributing to its success, and the three stages of reconciliation, followed by a presentation of the five barriers to reconciliation in Iraq (a flawed justice system, extrajudicial punishment, barriers to return, a weak state and ineffective bureaucracy, and collective punishment).

Next, the case study of Tel Afar is presented and discussed in the context therein. Tel Afar was chosen as a case study due to its nature as a microcosm of Iraqi society that, in many ways, reflects issues present in Iraq as a whole. The district has a history of sectarian violence and extremism since 2003, large ethnic and religious diversity, and was one of the last strongholds of ISIS prior to their defeat in Iraq in 2017. Tel Afar's demographics and context will be presented, as well as the district's experience during the ISIS occupation and liberation operation. Next, the manifestation of the aforementioned barriers will

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[1] IOM, "Iraq Displacement Tracking Mechanism," April 26, 2020, http://iraqdtm.iom.int/.
[2] Renad Mansour and Saad Aldouri, "Rebuilding the Iraqi State: Stabilisation, Governance, and Reconciliation," *European Parliament Committee on Foreign Affairs*, February 2018, 40.
[3] Much of the information presented in this section is drawn from my own experience working in Tel Afar and IDP camps South of Mosul from 2017 - 2018, through interviews, focus group discussions, community security forums, and surveys conducted therein.

be discussed, and concluding with a presentation of ongoing initiatives for reconciliation. Throughout, particular attention will be paid to the ways in which reconciliation can be informed Iraq's history and the complex relationships between tribe, sect, and state.

Finally, the paper concludes with a discussion of the implications of these barriers for the security and stability of Iraq as a whole, and possible ways to move towards justice and reconciliation for all affected parties.

Literature Review

The aftermath of armed conflict brings with it not only damage to physical infrastructure, but damage to the social fabric of the affected community. Yet while the causes, practices, and effects of war have been deeply studied for centuries, the concept and process of post-war reconciliation only emerged as a specific area of interest in peace studies in the late 90s.[4] Since then, the process of reconciliation has been widely recognised as a key element in maintaining a lasting peace by addressing the underlying dynamics and grievances that led to the conflict, which, when left unchecked, often lead to a resurgence of violence. Indeed, a study conducted by Wu and Yang found that in societies with effective reconciliation processes, cyclical violence is interrupted, and peace is lasting.[5]

However, the challenge remains in understanding what reconciliation is, and how it can be achieved. As Bloomfield and Barnes note, while reconciliation is a desirable goal to be achieved, it is first and foremost a long-term, broad, and deep process that requires a society to redesign the relationships that bind them.[6] Bar-Siman-Tov further states that "reconciliation, then, goes beyond conflict resolution and addresses the cognitive and emotional barriers to normalization and stabilization of peace relations.[7]" This process tends to be articulated around ideas of legal justice, social justice, memory, truth, healing, human rights protection, reparation, and forgiveness, among others.[8]

Scholars such as Long and Brecke (2003), Bar-Siman-Tov (2004), and Tang (2011) have identified six key factors that contribute to a sustainable reconciliation process. First, the process must be inclusive. Reconciliation must involve everyone, not just those who suffered or inflicted suffering,

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[4] Yaacov Bar-Siman-Tov, *From Conflict Resolution to Reconciliation* (Oxford University Press, 2004).
[5] Chengqiu Wu and Fan Yang, "Reconciliation and Peace Building in International Relations: An Empirical Analysis of Five Cases," *Chinese Political Science Review* 1, no. 4 (December 1, 2016): 645–69, https://doi.org/10.1007/s41111-016-0046-7.
[6] David Bloomfield, Teresa Barnes, and Luc Huyse, *Reconciliation After Violent Conflict*, Handbook Series (International Institute for Democracy and Electoral Assistance, 2003).
[7] Bar-Siman-Tov, *From Conflict Resolution to Reconciliation*.
[8] Charles Mulinda Kabwete, "Towards Justice and Reconciliation in Post-Conflict Countries," *African Journal on Conflict Resolution*, January 2018, https://www.accord.org.za/ajcr-issues/towards-justice-and-reconciliation-in-post-conflict-countries/.

because the attitudes, beliefs, and behaviours that create conditions for violent conflict spread much more generally through a community. Second, it is a multi-layered process that must occur at the individual and community levels.[9] Doing so requires a deep understanding of the various (and often intersecting) interests and experiences across society that shape, help, or hinder the reconciliation process, such as gender, ethnicity, or class. This is closely related to the third element; a localised process led by the community itself, and not imposed from the outside.[10] This is crucial to ensure the particularities and nuances of the local context are considered. Fourth, the process must contain an element of justice and accountability. Moreover, the avenues for accountability must be perceived as just by all elements of society, whether victim or perpetrator.[11] The fifth element is the development of a common and agreed upon national narrative that resists the temptation to demonize the perpetrators. Finally, participation of any kind in the reconciliation process must be voluntary on the part of individuals and communities.[12]

Regarding the process itself, Bloomfield and Barnes identified three stages with two caveats; the process is not a linear one, and relapse into violent conflict remains a real possibility any time. In the first stage, fear must be replaced by non-violent coexistence. This step must begin by establishing a safe environment where people may look for alternatives to revenge or violence (e.g. through institutions or courts) and renewed communication within communities between victims and perpetrators. Stage two is a shift to building confidence and trust. It involves a recognition of the humanity in each person, through which one is able to distinguish the sinner from the sin, distinguish degrees of guilt among perpetrators, disaggregate the individual and the community, and ultimately "respect the rights of those one detests." Finally, the third stage is moving towards empathy. Bloomfield and Barnes highlight the role truth-telling commissions can play during this stage in establishing a common narrative, building common interests (such as economic ties or emphasising roles/identities that cross former lines of division like gender, religion, or region), and, eventually, forgiveness.[13]

Iraq has a long history of conflict, including the Iran-Iraq war, the first and second Gulf Wars, the US invasion, and, most recently, ISIS. As Revkin notes, failure to achieve any meaningful form of reconciliation following any conflict in the last 40 years has contributed to cyclical violence, unresolved ethnic and sectarian tensions, and a continuation of the underlying grievances that triggered previous

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[9] Bloomfield, Barnes, and Huyse, *Reconciliation After Violent Conflict*.
[10] Shiping Tang, "Reconciliation and the Remaking of Anarchy," *World Politics* 63, no. 4 (October 2011): 711–49, https://doi.org/10.1017/S0043887111000219.
[11] Bloomfield, Barnes, and Huyse, *Reconciliation After Violent Conflict*.
[12] William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution* (MIT Press, 2003).
[13] Bloomfield, Barnes, and Huyse, *Reconciliation After Violent Conflict*.

conflicts.[14] Furthermore, attempts at reconciliation have been further hindered by foreign involvement and initiatives that failed to adequately understand the peculiarities of the Iraqi context, notably the complex interrelationship between tribe, sect, and state.

Today, Iraqi society appears to be in stages one and two, with differences across society that can be understood with relation to the lived experience various groups had throughout the conflict. For example, a key aspect of stage one is restraint from exacting individual revenge. Extrajudicial punishment and revenge killings remain relatively common, particularly in areas that experienced high levels of violence. Furthermore, the harsh prosecution of persons affiliated with ISIS under Iraq's counter-terrorism laws often fails to distinguish between crimes, degree of involvement, and the extent to which coercion played a part in the commission of crimes. Finally, the heavy use of collective punishment and stigmatisation belies a failure to distinguish between the individual and the community. To that end, I have identified five key barriers to post-conflict reconciliation in Iraq that hinder progression through the three stages: deep flaws in the justice system, collective punishment, barriers to return, extrajudicial punishment, and a weak state with an ineffective bureaucracy. These barriers will be discussed through an examination of the case study of Tel Afar district, in the Ninewa governorate.

Case Study: Tel Afar, Ninewa

Context and Demographics

Since the fall of Saddam Hussein in 2003, the district of Tel Afar[15] in the Ninewa Governorate has witnessed cyclical sectarian violence. Located West of Mosul on the border with Syria, Tel Afar is one of the most ethnically and religiously diverse districts in Iraq. Although most of the district are Turkman, it also houses Arabs, Kurds, Yazidis, and Shabak, both Sunni and Shia.

The Tel Afar district has a history of sectarian violence and extremism dating back to the fall of Saddam Hussein in 2003. Prior to Saddam Hussein's fall, Sunni Turkmen were privileged over their Shia counterparts for positions of power within the government. Once the power balance shifted and Shia factions began to take control of formerly Sunni government positions, sectarian tensions began to escalate. Between 2005 and 2006, reports of harassment, torture, extra-judicial killings, and sectarian-motivated property destruction led many Sunni Turkmen to support Al Qaeda in the subsequent

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[14] Mara Redlich Revkin, "The Limits of Punishment: Transitional Justice and Violence Extremism in Iraq," *Institute for Integrated Transitions*, May 2018, https://i.unu.edu/media/cpr.unu.edu/attachment/3127/2-LoP-Iraq-final.pdf.

[15] Note that Tel Afar is the name of the city (*madinah*), the district (*qada'*), and the sub-district (*nahia*). The district of Tel Afar contains four sub-districts, Rabia, Zummar, Al Ayadiya, and Tel Afar.

insurgency. After Fallujah, Tel Afar witnessed the second largest US counter-insurgency operation against Al Qaeda.[16]

Sectarian tensions fostered during the pre- and post-Saddam eras exacerbated and created social cohesion issues grounded on ethnicity and tribe. While the Turkmen dominate in Tel Afar City, other ethnic groups (particularly Kurds and Arabs) tend to live in villages on the periphery of the city and district. For example, most Kurds in Tel Afar live in the Northern sub-district of Zummar, bordering Iraqi Kurdistan. Kurds in Zummar have tended to align more with the Kurdistan Regional Government (KRG) than the Iraqi Federal Government, and eagerly welcomed advancing Peshmerga forces in the fight against ISIS.[17] In response to perceived Kurdish disloyalty, predominantly Turkmen authorities in Tel Afar increasingly marginalized Kurdish participation in the government. Thus, a strong urban/rural divide that closely aligns with ethnicity exists in Tel Afar.

Finally, it is important to understand the intersection of tribe, sect, and ethnicity in Tel Afar. While tribes remain relatively insular regarding inter-marriage between different ethnicities (particularly amongst the Kurds), it is not uncommon for a tribe to have both Sunni and Shia members. Tel Afar City has a long history of Sunni-Shia intermarriage between tribes and clans, particularly prior to 2003. It is important to remember that the sectarianism witnessed today is a relatively recent product of history, born during the Saddam Hussein era and cultivated by extremist rhetoric. An understanding of this history is crucial to interpret the inter and intra tribal conflict witnessed today and avoid essentializing arguments that explain the conflict as simply part of a centuries-old Sunni/Shia divide.

ISIS Occupation, Displacement, and the Liberation Operation

ISIS first conquered Tel Afar sub-district on 16 June 2014. The city was one of the first to fall in Ninewa after just two days of battle, largely due to support from former Baathist and Al Qaeda affiliated Sunni residents. Out of 200,000 residents, an estimated 40,000 families (mostly Shia) fled when ISIS occupied the city. These families mostly displaced to the Leylan and Yahyawa IDP camps in Kirkuk, Kirkuk city (due to preexisting ties with the Turkman population of Kirkuk), or Turkey.[18]

The remaining sub-districts of Ayadiya, Zummar, and Rabiaa fell in the beginning of August 2014. In October of 2014, the Peshmerga Forces of the KRG managed to retake Zummar and the northern part of Al Ayadiya sub-district. The Peshmerga established a front line past the Kurdish villages in

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[16] Dave van Zoonen and Khogir Wirya, "Turkmen in Tal Afar: Perceptions of Reconciliation and Conflict" (Middle East Research Institute, July 2017).

[17] Peshmerga forces were pushed back from Zummar following the 2017 Kurdish Independence Referendum and the area is now under Federal Iraqi control, as stipulated in the Iraqi Constitution.

[18] REACH, "Iraq: What Is Happening in Areas of Return? REACH Findings from Telafar," REACH Impact Initiative, May 16, 2018, https://www.reach-initiative.org/what-we-do/news/iraq-what-is-happening-in-areas-of-return-reach-findings-from-telafar/.

Qubuc, stopping short of the Arab villages slightly further South. Arab residents of villages near the front line expressed their belief that placement of the front line was an intentional choice by the Peshmerga, because they viewed the Arab villagers as ISIS-sympathizers and refused to take responsibility for their security.[19] Villagers further reported being blocked from entering Kurdish-controlled territory at the front line when attempting to flee. While the KRG claims the front-line placement was a result of geography and an inability to advance further, [20] only one Arab villager interviewed expressed belief of the official narrative. This dispute has contributed to nascent Arab/Kurd resentment, becoming almost folkloric amongst Arab villages (we heard the claim repeated in villages several kilometers away) and deeply hindering the potential for reconciliation.

In the three years that ISIS occupied Tel Afar district, the area gained notoriety. Tel Afar produced several of the group's high-ranking militants and became known for its brutal treatment of the Shia population and its infamous slave market for Yazidi women and girls kidnapped from nearby Sinjar – one of the largest such markets in ISIS-controlled territory.[21]

Over the course of the Mosul offensive in 2017, ISIS was pushed from East Mosul, to West Mosul, and finally along the main highway connecting Mosul to the Syrian border. After its defeat in Mosul on 17 July 2017, ISIS began the 70-kilometre retreat to Tel Afar. On 31 August, after just 11 days of fighting (compared to 9 months to liberate Mosul), Tel Afar district was declared liberated.[22]

Ayadiya town was the last piece of territory held by ISIS in Ninewa governorate and the site of the final liberation battle. Col Kareem al-Lami described breaching the militants' first line of defence in Ayadiya as like opening "the gates of hell."[23] The town witnessed intense shelling as ISIS militants occupied homes, and three years after the battle the town remains heavily destroyed and still contaminated with booby traps and IEDs. At the end of the battle, Peshmerga forces executed up to 400 ISIS fighters who were detained in Sahil Al Maliha village in Al Ayadiya.[24]

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[19] In an interview, the mayor of a Sunni Arab village (village name withheld for confidentiality) on the other side of the Peshmerga front line said that the positioning of the front line was a result of an agreement between the Peshmerga and ISIS fighters According to him, following this agreement (date unknown) there were no further skirmishes or confrontations that occurred along the front line. He and other mayors and citizens interviewed in neighboring villages repeated similar accounts, often expressing their resentment at "being left behind to die because we are Arabs, and not Kurds." I was unable to corroborate this story with independent sources.

[20] Dastan (Peshmerga Captain, Khazir CP). Interview by author. February 2019.

[21] Alice Su, "After ISIS, Iraq Is Still Broken," The Atlantic, August 2, 2018, https://www.theatlantic.com/international/archive/2018/08/mosul-reconciliation-isis/566420/.

[22] Tim Arango, "ISIS Loses Another City to U.S.-Backed Iraqi Forces," *The New York Times*, August 31, 2017, sec. World, https://www.nytimes.com/2017/08/31/world/asia/iraq-isis-tal-afar-abadi.html.

[23] "Iraq Forces IS out of Nineveh Province," *BBC News*, August 31, 2017, sec. Middle East, https://www.bbc.com/news/world-middle-east-41111521.

[24] Human Rights Watch, "Kurdistan Regional Government: Allegations of Mass Executions," Human Rights Watch, February 8, 2018, https://www.hrw.org/news/2018/02/08/kurdistan-regional-government-allegations-mass-executions.

The second wave of displacement occurred before and during the liberation occupation. Prior to the battle to liberate Tel Afar, between 14 and 22 August 2017, an estimated 20,000 people fled Tel Afar district.[25] The majority of people who displaced during this time fled to the South Mosul camps,[26] along with smaller numbers fleeing to Syria (Al Hol camp) and Turkey. During this wave of displacement, there were multiple reports of mass detention of men, women, and children without legal basis, as well as enforced disappearances.[27]

Today, the area remains relatively stable, except for the occasional skirmish or counter-terrorism operation. Tel Afar is under joint control of the ISF, intelligence, National Security, local police, the Hussein Brigade of the PMU, and a Sunni tribal PMU, entirely administered by Federal Iraqi authorities.

Barriers to Post-ISIS Reconciliation in Tel Afar

As in any conflict, there are a myriad of reasons that hinder reconciliation and justice in Tel Afar. This section will discuss five key interrelated barriers to reconciliation (deep flaws in the justice system, collective punishment, barriers to return, extrajudicial punishment, and a weak state with an ineffective bureaucracy) and the ways in which they manifest in Tel Afar.

Barriers to Return

Today, approximately 80,000 – 100,000 people from Tel Afar remain displaced – most of whom are Sunni Arabs or Sunni Turkmen.[28] There exist deep fault lines dividing displaced persons and returnees, in addition to fault lines within the returnee community. The first people to return were mostly Shias living in the Kirkuk governorate, who fled in the first wave of 2014. Yet following this initial wave, returns slowly dwindled. Since those who fled in 2017 had lived under ISIS (and were predominantly Sunni), the general perception was that they were affiliated to ISIS. Although this may be true for some, the reasons for staying during ISIS's occupation are varied, ranging from fear to an inability to afford the cost of displacement and ISIS's prohibitions on movement. Nevertheless, residents of the South Mosul camps – particularly Sunnis – have been stigmatized as being affiliated to ISIS. This perception has been further compounded by their protracted displacement, leading those living in Tel Afar to believe their failure to return is evidence of their guilt.

While some do not return for fear of retaliation over their (perceived or actual) affiliation with ISIS, lack of financial resources, destroyed homes, and bureaucratic delays in obtaining the security clearance required to pass through the many checkpoints between the camps and Tel Afar are a few other

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[25] "Iraq Forces IS out of Nineveh Province."
[26] This includes Jedaa 1 through 6, Hamam Al Alil 1 and 2, Hajj Ali, Nimrud, and Salamiah camps.
[27] Belkis Wille, "Iraq/KRG: 1,400 Women, Children From ISIS Areas Detained," Human Rights Watch, September 20, 2017, https://www.hrw.org/news/2017/09/20/iraq/krg-1400-women-children-isis-areas-detained.
[28] REACH, "Iraq: What Is Happening in Areas of Return? REACH Findings from Telafar."

reasons cited by IDPs in the camps.[29] Obtaining security clearance can be a complex process, particularly for families with members whose whereabouts are unknown or are in detention. Despite multiple reports by human rights actors regarding the inaccuracy and inefficacy of trials and grounds for detention on terrorism charges, the general assumption is that those who are detained or missing are guilty. Furthermore, in many cases (as in Tel Afar) Iraqi intelligence works closely with local militias and community/tribal leaders for information.

For example, Al Ayadiya town (20 km North of Tel Afar city, capital of Al Ayadiya sub-district) is dominated by the Al Qassab tribe, and the community is strongly organized along clan lines. In a conversation with the head of a powerful clan, he expressed; "we know exactly who joined ISIS and who did not, because they are our neighbors and cousins. It is the same families who joined Al Qaeda, and they were not shy about their membership." Al Ayadiya town has three mosques, and according to him, the divide in the community between those who took extreme versus moderate stances manifested itself in the mosques. According to the head of the clan, "the sheikhs of those [ISIS-affiliated] clans began preaching things we thought were dangerous, and the whole clan followed their teachings. They are all guilty, and we will not allow anyone from those clans to return."[30] He has cooperated closely with ISF, intelligence, and the PMU in Tel Afar, and some displaced in the camp believe this to be the primary reason for denied security clearance.[31]

Collective Punishment

The facilitation of large scale and sustainable returns is a necessary precondition to reconciliation. Furthermore, the heavy reliance on clan and sect-based perceived affiliation raises the larger question of collective punishment. While many Western observers are quick to condemn and point out the illegality of collective punishment,[32] it is best understood through the lens of tribalism in Iraq. Baathist policies to revive tribalism in Iraq coupled with a weak state post-2006 has opened space for tribal justice in Iraq. Given the kin-based nature of tribes, it is not uncommon for a son to be responsible for the crimes of his father. Although generally tribal justice has dissipated over the years, its principles are still found to trickle up into state justice mechanisms.[33]

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[29] As stated during multiple interviews, focus group discussions, and community forums held between August 2018 and August 2019 in Jedaah 1 – 6, Hamam Al Alil, Nimrud, and Hajj Ali IDP camps.

[30] Al Qassab Tribal Sheikh. Interview with author. March 2019.

[31] As stated during multiple interviews, focus group discussions, and community forums held between August 2018 and August 2019 in Jedaah 1 – 6, Hamam Al Alil, Nimrud, and Hajj Ali IDP camps.

[32] According to Article 33 in the Fourth Geneva Convention, "no protected person may be punished for an offense he or she has not personally committed."

[33] Another manifestation of tribal justice was found in statements by South Mosul IDPs, who stated that according to tribal law their displacement must last for a period of five years as punishment (exile) before they will be allowed to return home.

To illustrate this dynamic, we can look to the issue of disavowal (or *bara'ah*), whereby an individually is officially denounced or disavowed by his relatives, witnessed by the tribe. Historically, disavowal has been fairly common practice amongst Iraqi tribes. The first reports of its use in Iraq regarding relatives of ISIS is believed to be November 2017 in Anbar province[34]. Since then, it has slowly seeped into the state courts, but without any centralized or official structure or procedure surrounding how it should be done. Various reports from across the country show disavowal being done before the tribal sheikh, the formal court, and/or a committee (comprised of tribal leaders, judges, and/or security actors).

In Tel Afar district, disavowal occurs on an ad hoc basis. Community members we spoke with reported different procedures, with varying degrees of success. For example, one widow of an ISIS member reported no difficulties in completing the disavowal process and was able to successfully return to Tel Afar. On the other hand, one man whose son had joined ISIS reported obtaining the disavowal paper and security clearance only to be rejected and turned away by a PMU checkpoint when he tried to return to Tel Afar.[35]

Flawed Justice System and Extrajudicial Punishment

Many others refuse to complete the disavowal process for fear that doing so is in effect a confession of the guilt of their family member. Given the relatively high reports of false accusations, this fear is not ungrounded. False accusations sometimes occur as a result of similar names falsely attributing guilt to the wrong person. In such cases, administrative procedures exist through which a person may clear his name.[36] However, false accusations also occur intentionally as a form of revenge for grudges or pre-conflict disputes on the individual and tribal level. In Tel Afar, false accusations have fostered fear, particularly amongst the displaced community. We met three men who were falsely accused and managed to clear their names, and all three expressed resentment at the fact that their accusers were never held accountable.

Given the state of the Iraqi justice system, particularly for people being charged under its counter-terrorism legislation, this fear is entirely reasonable. Over 20,000 people have been detained in Iraq on terrorism-related charges, and at least 3,130 have been sentenced to death, including juveniles as young as 16.[37] As Revkin notes, "the rapid pace of these trials – some as brief as 10 minutes with a conviction rate

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[34] Revkin, "The Limits of Punishment: Transitional Justice and Violence Extremism in Iraq."

[35] Interviews conducted by the author in Tel Afar and Jedaah 6 IDP camp. April 2019.

[36] This involves going to a National Security office, and cross-referencing your name, birthday, birthplace, and *kunia* with the counter-terrorism database. Following clearance, you are presented with a document verifying you have a similar name, and you should be let go. However, differences in databases and decision-making structures among security actors does not guarantee universal recognition of this paper. One man reported repeating the process 3 times for each different security service.

[37] Revkin, "The Limits of Punishment: Transitional Justice and Violence Extremism in Iraq."

of around 98 percent – has raised concerns about due process."[38] Given the intense stigma surrounding persons with perceived affiliation, lawyers have faced death threats, harassment, and attacks for defending these cases – even from the state itself. As a result. many lawyers are unwilling to take such cases, even if there are grounds to believe the person was falsely accused. For the victims, this effectively robs them of the right to an adequate defence, and potentially their lives.[39]

As Revkin further notes, "in light of evidence that state-perpetrated injustice – including the economic marginalization and mass incarceration of Sunnis – was a causal factor in the initial emergence of IS, Iraqi authorities risk perpetuating the same grievances that have fueled extremism in Iraq is the punishments they impose are perceived as unfair or disproportionate to the crimes committed."[40]

Others choose to bypass the justice system all together, and instead exact personal revenge. Typically, this takes one of three forms; physical attacks, intimidation, or murder; banishment or forbidding return; or forced evictions.[41] While extrajudicial punishment in Tel Afar remained individual, and not on a systematic level,[42] it has been reported in other areas. For example, tribes have issued lists demanding they be barred from returning, and in Salah ad-Din, al-Anbar, and Ninewa, "residents suspected of having ties to ISIS have received 'night letters' warning them to leave by a certain deadline or else be expelled by force."[43]

Weak State and Ineffective Bureaucracy

Even for those not subjected to collective punishment, the process to obtain the necessary civil documentation required to live a normal life can be complex. The Iraqi government is notorious for its bureaucracy, and preexisting problems in accessing civil documentation. In order to obtain basic services (like education and healthcare) and humanitarian assistance, Iraqis are required to present a nationality certificate, civil ID card, and a housing and food ration card.[44] For single women and widows in particular, accessing such documentation is a challenge.

These problems were compounded by the peculiar nature of ISIS's occupation. During its occupation, ISIS filled the role of state by continuing to issue its own versions of birth, marriage, and

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[38] Revkin.
[39] Wille, "Iraq/KRG: 1,400 Women, Children From ISIS Areas Detained."
[40] Revkin, "The Limits of Punishment: Transitional Justice and Violence Extremism in Iraq."
[41] Special Rapporteur on extrajudicial, summary or arbitrary executions, "End of Visit Statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her Visit to Iraq," OHCHR, November 24, 2017, https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22452&LangID=E.
[42] This is in large part due to the efforts of civil society and community organisation. This will be further discussed in the next section, under the "Al Ayadiya Peace Agreement".
[43] UNHCR, "Tribal Conflict Resolution in Iraq" (UNHCR, January 15, 2018), http://www.refworld.org/pdfid/5a66f84f4.pdf.
[44] Julia St. Thomas King and Dennis Ardis, "Identity Crisis? Documentation for the Displaced in Iraq," Humanitarian Practice Network, October 2015, https://odihpn.org/magazine/identity-crisis-documentation-for-the-displaced-in-iraq/.

death certificates, as well as deeds to houses and businesses. Following liberation, the Iraqi state was presented with the dual challenge of verifying and converting ISIS-issued documentation and replacing documentation that was lost during the conflict or displacement.

Displaced residents of Tel Afar express their frustration over the Catch-22 of obtaining documents. In Tel Afar, people must apply for documentation in person at the district courthouse. For an IDP to reach the courthouse, it requires a means of transport and crossing various checkpoints run by the ISF, PMU, local police, and intelligence – which cannot be done without documents, and is often left to the discretion of the officer in charge. For Sunni Arab men and single women, crossing checkpoints without documentation exposes them to arbitrary arrest, detention, and harassment among other protection concerns.

While in many ways this can be viewed as the failure of a weak state, many IDPs in particular report to view this as another form of collective punishment and control used by the state to restrict the freedom of movement of people they perceive to be security risks. Such perceptions dangerously erode the already damaged credibility of and trust in the state. As one man in the Jedaa 6 IDP camp in Qayyara said, "the state says they want reconciliation, but why should I believe them when they won't give me my *hawiya* and they keep me trapped in this camp?"

Reconciliation Initiatives

Prospects for reconciliation remain fraught with internal and external challenges, and it is clearly not an easy task. Nevertheless, several initiatives have been undertaken by the government, civil society, and the international community to move towards reconciliation in Tel Afar.

Al Ayadiya Peace Agreement

In August 2018, an Iraqi NGO, Sanad, in cooperation with Iraq's National Reconciliation Committee facilitated the negotiation and adoption of a peace agreement in Al Ayadiya titled the "Peaceful Coexistence Pact of Honour for the Tribes of Al Ayadiya Sub-District." The agreement was signed by over 90 tribal and community leaders, and addresses a range of issues including returns, commitment to the rule of law and the supremacy of state law over tribal law, collective punishment, civil-security cooperation, education and awareness raising, and false accusations.[45]

Since then, tribal leaders, government officials, community members, women, and youth have been involved in the monitoring and implementation of the peace agreement through the development of an action plan, reporting mechanisms in the event of violations, and the formation of a Local Peace

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[45] Sanad, "Iraq: Announcement of Peaceful Coexistence Pact of Honor for the Tribes in Al - Ayadiyah Sub - District - Iraq," ReliefWeb, August 10, 2018, https://reliefweb.int/report/iraq/iraq-announcement-peaceful-coexistence-pact-honor-tribes-al-ayadiyah-sub-district.

Committee and a Tribal Council to oversee compliance with the terms of the agreement. While progress has been relatively slow, there have been several promising steps made. For example, the Tribal Council was able to successfully advocate with security actors to prevent the eviction of 11 families with perceived affiliation to ISIS from Al Ayadiya town. The Council was further able to clear the names of seven falsely accused people's names from security databases.

The success of the Al Ayadiya peace agreement sparked negotiations for a similar agreement that would cover the entire Tel Afar district, although talks are ongoing. However, the process has been slow as residents of Tel Afar are wary of return of people whom they fear to be affiliated with ISIS.

Interfaith Dialogue

In response to the role imams played in fostering extremism, a committee of Sheikhs was formed in Tel Afar to oversee and approve the selection of imams, and to harmonize the sermons delivered by the *khatib* to be ones of peace and reconciliation. This has happened as part of a broader Iraqi initiative of interfaith dialogue, co-sponsored by the National Reconciliation Committee and the Ministry of Religious Affairs.

Education and Awareness Raising

Finally, and perhaps most difficult, reconciliation requires a massive psychological transformation at the individual and community levels. To do so will necessitate a coordinated approach to education and healing by the state, the tribes, religious leaders, and community members. At the state level, greater oversight and standardization in school curriculum, as well as the introduction of peace education, could help bridge divides. This is particularly true for Tel Afar, given geographic segregation by sect and ethnicity. Previously, schools in Tel Afar were largely segregated by sect. In early 2019, teachers petitioned for an initiative to reallocate pupils so that schools were more mixed. As the principle of an elementary school told us, "in the beginning it was very difficult. Shia children would shout and fight with the Sunni children and call them *ibn al-daeshy* [son of an ISIS member]. We worked with NGOs to give our teachers training in peaceful conflict resolution, and we had to intervene a lot. We would bring in the parents and encourage them to teach their children not to hate. Things are still tense sometimes, but it has calmed down a lot."[46]

Conclusion

Despite these first steps, there is a long way to go. The barriers to reconciliation discussed in this paper are a few examples, though many more remain including: reconstruction of infrastructure and private property destroyed during the war; compensation; provision of and increased access to basic

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[46] Badia (elementary school principal). Interview by the author. July 2019.

services like education, and healthcare; providing opportunities for livelihoods and economic growth, and preventing the worsening of poverty; corruption in the government diminishing its efficacy and trustworthiness; a lack of Sunni participation in security forces; foreign intervention and meddling at the expense of Iraq's national interests; and low participation of women in political, economic, and civic life.

Without a doubt, a failure to reconcile and address the grievances that underlie the conflicts will lead to a repeat of history and a continuation of the cycle of violence. ISIS arose in an environment of unresolved ethno-sectarian disputes and was able to reactivate these disputes to serve their own goals. The blanket stigmatisation of individuals with any perceived affiliation to ISIS further stokes these embers, by fostering resentment in those stigmatised and hatred in those who stigmatise. Such internal divisions make Iraq vulnerable to foreign and internal actors who seek to continue the exploitations of these divides for their own benefit. Finally, an estimated $88.2 billion will be required to rebuild Iraq.[47] Reconciliation provides the opportunity for shared economic partnerships and interests that cross traditional dividing lines, thus promoting economic growth, inter-community relationships, and contributing to the likelihood of a lasting peace.

For the reconciliation process to be successful no matter what form it takes, it must be informed by the history, intergenerational trauma, and cyclical violence of the lived Iraqi experience at the individual and collective level. Crucial to this step is the recognition that crimes were committed by both sides in the conflict, and that nobody is immune to accountability. Reconciliation must go hand in hand with justice for victims through free and fair trials. Second, it must promote women's participation in governance, security, and peace. Third, central authorities in Baghdad should promote a national reconciliation agenda that is operationalised through localised, bottom-up initiatives tailored to the specificities of each community. Fourth, it is important for the international community to support the reconciliation process without owning the process. Part of what trust ISIS into power was their transnational ideology of global jihad that inspired an estimated 24,000 to 30,000 foreigners to travel to Iraq and Syria, take up arms, and live in the self-styled caliphate.[48] The international community must recognize the role it played in the conflict and suffering experienced in Iraq, and contribute to reconciliation on Iraqi's terms. Finally, reconciliation must acknowledge the emotional impact conflict the conflict has had and respond with a coordinated effort to provide Iraqis with the resources needed to heal individually and collectively.

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[47] Yasser Al Zayyat, "$88.2 Billion Price Tag for Rebuilding Iraq after Islamic State War," CNBC, February 12, 2018, https://www.cnbc.com/2018/02/12/88-point-2-billion-us-dollar-price-tag-for-rebuilding-iraq-after-islamic-state-war.html.
[48] UNSC, "Le Conseil de Sécurité Tenu Au Fait Du Pouvoir de Nuisance d'un Daech, Certes Affaibli, et Des Défis Posés Par Les Combattants Terroristes Étrangers," United Nations Security Council, August 27, 2019, https://www.un.org/press/fr/2019/cs13931.doc.htm.

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