

# Northern Iraq

*Security situation and the  
situation for internally displaced  
persons (IDPs) in the disputed  
areas, incl. possibility to enter  
and access the Kurdistan Region  
of Iraq (KRI)*

**Report based on interviews in Erbil and  
Sulaimania**



Ministry of Immigration  
and Integration

The Danish  
Immigration Service



**LANDINFO**

Country of Origin Information Centre

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## Disclaimer

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This report was written according to the EASO COI Report Methodology.<sup>1</sup> The report is based on approved minutes from meetings with carefully selected sources. Statements from sources are used in the report and all statements are referenced.

This report is not, and does not purport to be a detailed or comprehensive survey of all aspects of the issues addressed in the report and should be weighed against other available country of origin information on the security situation and the situation for internally displaced persons (IDP) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI).

The report at hand does not include any policy recommendations or analysis. The information in the report does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

This report differs from other Landinfo products, as Landinfo does not usually publish reports solely based on meeting records. Landinfo's policy is to include analysis based on both interviews and other sources. An exception is made in this case as the report is a result of a common fact-finding mission.

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<sup>1</sup> European Union: European Asylum Support Office (EASO), EASO Country of Origin Information report methodology, 10 July 2012. <http://www.refworld.org/docid/4ffc33d32.html>

## Introduction and methodology

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The report at hand is the product of a joint mission conducted by Landinfo, Norwegian Directorate of Immigration (UDI) and the Country of Origin Information Division, Danish Immigration Service (DIS) to Erbil and Sulaimania, Kurdistan Region of Iraq, (KRI) from 22 to 30 April 2018. In the planning phase of the mission, contacts were established with relevant sources who confirmed their availability on the given dates of the mission.

The purpose of the mission was to collect updated information on three issues recurring in cases regarding Iraqi asylum seekers in Denmark:

- The security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to access and reside in KRI
- Women and men in honour-related conflicts
- Issuance of the new ID card

The present report focuses on the security situation in areas previously under ISIS' control, particularly in Kirkuk and Mosul, the profile of people who are targeted by different armed groups, the situation for internally displaced persons (IDPs) in the disputed areas, the prevalence of forced return of IDPs to the disputed areas, possible restrictions on voluntary returns, and finally on the possibility to access and reside in KRI.

The terms of reference (ToR) for the mission were drawn up jointly by DIS and Landinfo, in consultation with the Secretariat of the Danish Refugee Appeals Board as well as an advisory group on COI ('Referencegruppen').<sup>2</sup> ToR included at the end of the report (Appendix 2).

In the scope of compiling this report, the delegation consulted 19 interlocutors, comprising international organisations, NGOs, authorities in the Kurdistan Regional Government (KRG), an analyst, and a diplomatic representation. One source was interviewed in Bruxelles. Another interview was conducted via Skype. Written sources are used as a supplement to the meeting records.

The sources interviewed were selected by the delegation based on the expertise, merit and role of each source relevant to the mission. All sources were consulted in Erbil or Sulaimania, KRI. It should be noted that a source wished to split the meeting records into two parts for the sake of internal policies; in one part of the meeting record the source is anonymous and in the other part the same source is referenced by name; for this reason 20 meeting records are included in Appendix 1.

The interviewed sources were asked how reference might be made to them in the report. Ten out of 20 meeting records are anonymised in varying degrees for the sake of discretion and upholding tolerable working conditions, as well as for personal safety. All sources are referenced in the report according to their own request.

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<sup>2</sup> The group consists of Danish Refugee Council, Amnesty International in Denmark, Danish Institute for Human Rights, Dignity, representatives of two Christian organizations ("Europamissionen" and "Åbne Døre"), the National Commissioner of Police and the Danish Bar and Law Society (representing asylum lawyers).

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The sources consulted were informed about the purpose of the mission and that their statements would be included in a public report. The minutes from the meetings with the sources were forwarded to them for approval, giving them a chance to amend, comment or correct their statements. All sources but the Directorate of Nationality and Civil Status and Director General Sami Hallal Hussein, KRG Ministry of the Interior have confirmed their statements.

The report is a synthesis of the sources' statements relevant to the ToR, and thus does not include all details and nuances of each statement. In the report, care has been taken to present the views of the sources as accurately and transparently as possible. All sources' statements are found in their full extent in Appendix 1 of this report. During the interview sources highlighted issues that are not addressed in ToR. Since these issues could be relevant to refugee status determination; they are included in Appendix 1, but they are not addressed in the synthesis.

For the sake of reader-friendliness, transparency and accuracy, paragraphs in the meeting minutes in Appendix 1 have been given consecutive numbers, which are used in the report when referring to the statements of the sources in the footnotes. The intention hereby is to make it easier to find the exact place of a statement in the meeting minutes.

The Norwegian Embassy in Amman provided valuable assistance in the planning and execution phases of the mission.

The research and editing of this report was finalised by 12 October 2018.

The report is available on the websites of DIS and Landinfo, thus available to all stakeholders in the refugee status determination process as well as to the general public.



## Abbreviations and definitions used in the report

Asayish	Security service in KRI.	The KDP and PUK maintain separate security and intelligence services, the KDP's Asayish and Parastin, and the PUK's Asayish and Zanyari, respectively. <sup>3</sup>
BDM	Bureau of Displacement and Migration	An agency under KRI's Ministry of Interior where IDPs living in KRI must register. The abbreviation 'BoDM' is also used. <sup>4</sup>
COI	Country of Origin Information	Information on countries from which asylum seekers originate relevant for decision-makers in the field of asylum. <sup>5</sup>
DIS	Danish Immigration Service	
HPE	Ezidkhan Protection Force	A Yazidi militia based in Sinjar. Presently, two major militias are controlling Sinjar – the HPE (Kurmanji acronym for Ezidkhan Protection Forces) and the YBS. <sup>6</sup>
IDP	internally displaced person	IDPs stay within their own country and remain under the protection of its government, even if that government is the reason for their displacement. They often move to areas where it is difficult for us to deliver humanitarian assistance and as a result, these people are among the most vulnerable in the world. <sup>7</sup>
IOM	International Organization for Migration	International Organization for Migration (IOM) Iraq has been operating in Iraq since 2003, providing migration related assistance ranging from humanitarian assistance targeting refugees from Syria and Internally Displaced Persons (IDP) to provision of technical assistance for the government counterparts. <sup>8</sup>
IQD	Iraqi Dinar	The currency of Iraq
ISF	Iraqi Security Forces	The Iraqi Security Forces (ISF) is the main security actor in Iraq. It consists of many different branches. The main force amongst ISF is the Iraqi Army who is a subject of the Iraqi Ministry of Defence. Other important actors within the ISF are the Federal and Local Police under the Iraqi Ministry of Interior. <sup>9</sup>
ISIS	Islamic State of Iraq and Syria	Also commonly referred to as Islamic state or by use of the acronyms ISI [Islamic State in Iraq], ISIS [Islamic State in Iraq and Syria], ISIL [Islamic State in Iraq and the Levant] and DAESH [Arabic acronym for: 'al-dawla al-

<sup>3</sup> USDOS – US Department of State: Country Report on Human Rights Practices 2017 - Iraq, 20 April 2018  
<https://www.ecoi.net/en/document/1430110.html> (accessed on 3 October 2018)

<sup>4</sup> Danish Immigration Service and the Danish Refugee Council: The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015. <https://www.nyidanmark.dk/NR/ronlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

<sup>5</sup> EASO COI Guidelines, 2012

<sup>6</sup> Appendix 1: An International NGO working in Iraq: 12

<sup>7</sup> UNHCR: <http://www.unhcr.org/internally-displaced-people.html>

<sup>8</sup> Appendix 1: IOM

<sup>9</sup> For further references to the composition of the ISF, see Kirkuk Now: 210-212

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		islamiyya fii-il-i'raaq wa-ash-shaam' meaning 'Islamic State in Iraq and Syria/the Levant'] <sup>10</sup>
ISW	Institute for the Study of War	The Institute for the Study of War (ISW) advances an informed understanding of military affairs through reliable research, trusted analysis, and innovative education. <sup>11</sup>
JCC	Joint Crisis Coordination Centre	Agency under the Ministry of the Interior, KRG, Kurdistan Regional Government. JCC is a lead institution for coordination and management, of all phases of crisis and disaster. <sup>12</sup>
KPD	Kurdistan Democratic Party	One out of two dominating political parties and governing powers in KRI. KDP is governing Dohuk and Erbil Governorates. <sup>13</sup>
KRG	Kurdistan Regional Government	Autonomy rule of Kurdistan Region of Iraq, which includes Dohuk, Erbil and Sulaimania Governorates. <sup>14</sup>
KRI	Kurdistan Region of Iraq	Area, including Dohuk, Erbil and Sulaimania Governorates under autonomy rule by KRG.
Mol	Ministry of the Interior	In this report referring to the Mol of KRG.
Mukhtar	The lowest level of formal administration within a certain area of Iraq	UNHCR explained that a mukhtar represents the lowest level of formal administration within a certain area of Iraq. The mukhtar is typically the person who people contact to solve everyday problems. [...] Mukhtars are appointed by KRI authorities. They are not elected. Very often they are former security officials and they are often retired or close to retirement age. <sup>15</sup>
NGO	non-governmental organisation	In this report referring to actors who are not affiliated with any government.
PKK	Kurdistan Workers Party	The Kurdistan Workers' Party (Partiya Karkerên Kurdistan, PKK) was established in 1978 aiming to create an independent Kurdish state in Turkey. The PKK has been designated a terrorist organization by some

<sup>10</sup> Danish Immigration Service and the Danish Refugee Council: The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015. <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

<sup>11</sup> Institute for the Study of War: <http://iswresearch.blogspot.com/p/who-we-are.html>

<sup>12</sup> Appendix 1: JCC

<sup>13</sup> Danish Immigration Service and the Danish Refugee Council: The Kurdistan Region of Iraq (KRI) Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015. <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

<sup>14</sup> Kurdistan Regional Government <http://cabinet.gov.krd/p/page.aspx?l=12&s=030000&r=314&p=390&h=1>

<sup>15</sup> Danish Immigration Service and the Danish Refugee Council: The Kurdistan Region of Iraq (KRI) Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015. <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

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		states and organizations, including Turkey, the European Union (EU), the US, and Canada. <sup>16</sup>
PMU	Popular Mobilisation Units	Also known as Popular Mobilization Forces (in Arabic: 'al-Hashd al-Shaabi'), the present structure of the armed militias in Iraq, PMUs was formed in June 2014 to counter ISIS' offensive towards Baghdad. The PMUs have approx. 120,000. The militia groups within the PMUs are different from each other, both in size, influence, independence from other (state) actors and the government of Iraq. There were eight major Iraqi Shia groups within the PMUs. <sup>17</sup>
PUK	Patriotic Union of Kurdistan	One out of two dominating political parties and governing powers in KRI. PUK is governing Sulaimania Governorate. <sup>18</sup>
SVEST	Suicide Vest	An upper-body garment packed with explosives that are connected to a detonator, as worn by a suicide bomber. <sup>19</sup>
ToR	Terms of Reference	The scope and limitations of an activity or area of knowledge. (See appendix 2)
UDI	Norwegian Directorate of Immigration	
UNHCR	United Nations High Commissioner for Refugees	UNHCR, the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people. <sup>20</sup>
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs	OCHA is the part of the United Nations Secretariat responsible for bringing together humanitarian actors to ensure a coherent response to emergencies. OCHA also ensures there is a framework within which each actor can contribute to the overall response effort. <sup>21</sup>
USD	United States Dollar	The currency of USA
VBIED	vehicle-borne improvised explosive device	Car bomb
YBS	Sinjar Resistance Unit	A Yazidi militia. The Sinjar Resistance Units is considered to be a part of PKK was mentioned in this respect. The local name of this force is YBŞ. <sup>22</sup>

<sup>16</sup> IRB – Immigration and Refugee Board of Canada: Turkey: The Kurdistan Workers' Party (PKK), including areas of operation and targets, methods of recruitment and activities; state response [TUR104075.E], 15 June 2012  
<https://www.ecoi.net/en/document/1120335.html> (accessed on 11 October 2018)

<sup>17</sup> Appendix 1, An Iraq Analyst 34-43

<sup>18</sup> Danish Immigration Service and the Danish Refugee Council: The Kurdistan Region of Iraq (KRI) Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015. <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

<sup>19</sup> Oxford Dictionaries: [https://en.oxforddictionaries.com/definition/us/suicide\\_vest](https://en.oxforddictionaries.com/definition/us/suicide_vest)

<sup>20</sup> UNHCR: <http://www.unhcr.org/about-us.html>

<sup>21</sup> UN OCHA : <https://www.unocha.org/about-us/who-we-are>

<sup>22</sup> Appendix 1, Kirkuk Now: 2015

## Executive summary

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The Islamic State of Iraq and Syria (ISIS) does not control any geographical area in Iraq, including Kirkuk and Ninewa Governorates. However, according to Institute for the Study of War (ISW), ISIS has control zones in Salah al-Din north of Baiji. There are ISIS sleeper cells in Kirkuk and Mosul and in the surrounding villages. ISIS insurgents are concentrated in remote areas near the Iraq-Syria border and in the Badoush-area between Tel Afar and Mosul as well as in Hawija in Kirkuk Governorate and the Hamreen mountains extending over Diyala, Kirkuk and Salah al-Din Governorates. Furthermore, ISIS has established a support-zone along the Iraqi-Iranian border, including in Kurdistan Region of Iraq (KRI).

Primary targets of ISIS are the Iraqi Security Forces (ISF) and the armed militias with the collective name, the Popular Mobilisation Units (PMUs), and to some extent also government officials.

In Ninewa Governorate, ISF seems to be the strongest security actor, but they do not control other armed actors.

On 16 October 2017, ISF and the PMUs took over Kirkuk city as a response of the Kurdish referendum on independence. Meanwhile the PMUs have left Kirkuk City due to many complaints on the militias' human rights violations.

The primary profile that is targeted by all security actors is people who are suspected to have some sort of affiliation with ISIS. They are at risk of being arrested, abused, refused the possibility to return to their area of origin, to have their documents confiscated, and to have their social services limited. People who lived under ISIS' control suffer more from discrimination and abuses. There are designated camps for family members of former ISIS-members.

Returns of internally displaced persons (IDP) to Kirkuk and Ninewa Governorates take place, whilst some IDPs are unable to return to their area of origin. Very few IDPs have returned to Sinjar district and the western part of Mosul. Iraqis who were internally displaced due to the conflict with ISIS must go through heavy clearance procedures in order to reach their area of origin. Other obstacles for return are the sectarian division of the PMUs<sup>23</sup>, conflict remnants, the lack of demining and reconstruction in the areas of origin of the IDPs, lack of civil administration, property conflicts, lack of basic services, and lack of ID documents.

Secondary displacement is an increasing problem. This happens to IDPs who returned to their place of origin, but for various reasons could not settle there, and instead ended up being displaced again. Some IDPs in secondary displacement try to go back to the communities that first hosted them, or the camp they had stayed in, but if this is not possible, they end up in a third place.

On the prevalence of forced return of IDPs to disputed areas, the sources did not record any forceful return from the KRI to the liberated areas of Iraq recently. Neither is there any known information on newly arrived IDPs being forced into camps.

Regarding the possibility for Iraqi citizens to gain access to Kurdistan Region of Iraq (KRI), the situation has improved, although, there are no policies on this issue, and the procedures are subject to change. With

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<sup>23</sup> For further information on the sectarian division of the PMUs, reference is made to section 1.2.2. Targeting by the PMUs

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regard to the possibility to gain residency in KRI, there are no legal norms and rules, but according to one international source, the sponsorship requirement has been lifted for many cases. However, there are still groups that are required to have a sponsor to get residency in KRI. There are no policies, and procedures are subject to change. Conditions for residency among the three governorates of Erbil, Dohuk and Sulaimania vary considerably.

The significance of having a network in KRI for Iraqi returned asylum seekers was highlighted, especially for women.

## Background

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### Disputed territories in northern Iraq

The disputed territories are located in northern Iraq, primarily in Erbil governorate in the Kurdistan Region of Iraq (KRI) and in the Kirkuk, Diyala, Salah al-Din and Ninewa governorates in northern Iraq. The areas have been contested by the Kurdish and Iraqi sides since the fall of Saddam Hussein in 2003, when Kurdish forces gain control of territory outside the official recognised KRI.<sup>24</sup> The question of the future control of the disputed areas was written into the Iraqi Constitution, but it was never implemented.<sup>25</sup>

In 2014, when the insurgent group ISIS began its offensive, the Kurdish militias, the Peshmergas, took control of most of the disputed territories, incl. the important oil-fields in Kirkuk.<sup>26</sup>

As a consequence of a Kurdish referendum on independence on 25 September 2017, the Iraqi Security Forces (ISF) in cooperation with the Iraqi government militias, the Popular Mobilisation Units (PMUs) took control of most of the disputed areas on 16 and 17 October 2017.<sup>27</sup>

The Kurdish security forces have full control over the Kurdistan Region of Iraq (KRI). There are no Iraqi federal security forces that are operating inside the KRI.<sup>28</sup>

### Internal political split in the Kurdistan Region of Iraq

For many years, the Kurdistan Regional Government has faced an internal political split. The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) constitute the two dominating political parties and governing powers in the KRI. The two political parties govern along with the families of the Barzanis and the Talabanis.<sup>29</sup> The Kurdistan Democratic Party (KDP) governs the governorates of Dohuk and Erbil, while the Patriotic Union of Kurdistan (PUK) governs Sulaimania governorate.<sup>30</sup>

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<sup>24</sup> The semi-official boundaries of the Kurdistan Region in Iraq was established in 1991, when the Iraqi army established a ceasefire line, the so-called Green Line, after a Kurdish armed uprising. Sean Kane: Iraq's Disputed Territories, April 2011, United States Institute of Peace, <https://www.files.ethz.ch/isn/128591/PW69.pdf>; Institute for the Study of War, Thursday, October 19, 2017, Iraq and Iran compel Kurdish withdrawal from Kirkuk, <http://iswresearch.blogspot.dk/2017/10/iraq-and-iran-compel-kurdish-withdrawal.html>; Iraq: Issues in the 115th Congress, updated October 4, 2018, , p. 11, <https://fas.org/sgp/crs/mideast/R45096.pdf>

<sup>25</sup> International Crisis Group: Oil and Borders: How to Fix Iraq's Kurdish Crisis, Briefing No. 55, October 2017, <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/55-settling-iraqi-kurdistan-boundaries-will-help-defuse-post-referendum-tensions>

<sup>26</sup> An international humanitarian NGO: 108

<sup>27</sup> Institute for the Study of War, Thursday, October 19, 2017, Iraq and Iran compel Kurdish withdrawal from Kirkuk, <http://iswresearch.blogspot.dk/2017/10/iraq-and-iran-compel-kurdish-withdrawal.html>

<sup>28</sup> A Human Rights Activist: 380; IOM: 336 + 338; An International NGO working in Iraq: 28

<sup>29</sup> The two political parties were established by the prominent Kurdish political figures Massoud Barzani, KDP and Jalal Talabani, PUK. Even though Massoud Barzani resigned and Jalal Talabani recently died, their families still continue to play a dominant role in Kurdish politics.

Danish Immigration Service & Danish Refugee Council: The Kurdistan Region of Iraq (KRI): Access, Possibility of Protection, Security and Humanitarian Situation, Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, April 2016, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

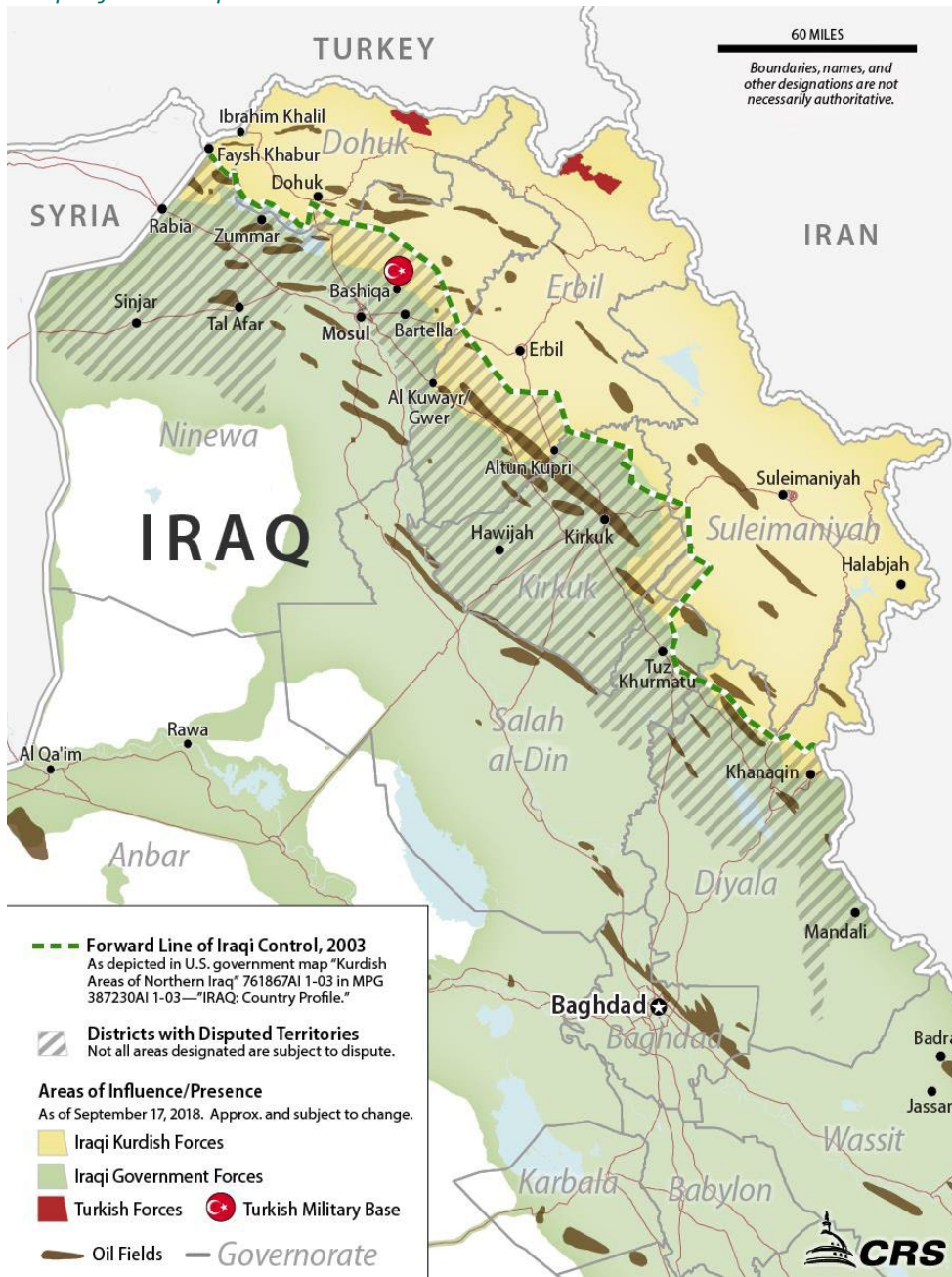
<sup>30</sup> An Iraq Analyst: 75



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It is stipulated in the Iraqi Constitution that the Kurdistan Regional Government can have its own internal security forces. There are 14 joint infantry brigades and two support brigades under the KRG’s Ministry of Peshmerga Affairs. However, the KDP and PUK control several additional militia forces, generally referred as the Peshmerga 70s and 80s brigades. The KDP and the PUK also have their separate security and intelligence services; for KDP - the Asayish and the Parastin; for PUK – the Asayish and the Zanyari.<sup>31</sup>

*Map of the disputed territories*



Source: Congressional Research Service using ArcGIS, IHS Markit Conflict Monitor, U.S. government, and United Nations data, in: Iraq: Issues in the 115th Congress, updated October 4, 2018, <https://fas.org/sgp/crs/mideast/R45096.pdf>

<sup>31</sup> USDOS – US Department of State: Country Report on Human Rights Practices 2017 - Iraq, 20 April 2018 <https://www.ecoi.net/en/document/1430110.html>

## 1. Security situation

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### 1.1. Security situation in areas previously controlled by ISIS, particularly in Mosul and Kirkuk Governorates

#### 1.1.2. Security situation in Kirkuk Governorate

The population in Kirkuk is a mixture of Sunni Arabs and Turkmens, Kurds and Kaka'is.<sup>32</sup> In general, there is a tense situation in Kirkuk, which is caused by the diverse ethnic population. The ethnic groups do not trust each other and some of them, as for instance the Kurds and the Arabs, have had many years, in which they have been in conflict with each other.<sup>33</sup>

In 2014, the Kurds took full control of Kirkuk City and the eastern part of the governorate in wake of the ISIS invasion.<sup>34</sup>

#### ISF's and PMU's takeover of Kirkuk, October 2017

On 16 October 2016 the Iraqi Security Forces (ISF) and the armed militias with the collective name, Popular Mobilisation Units (PMUs), took control of most of Kirkuk Governorate from the Kurdish Peshmerga forces. The takeover of the city was a consequence of the Kurdish referendum on independence that was held on 25 September 2017.<sup>35</sup>

Following the ISF's and PMUs' takeover of the governorate 148,000-150,000 people initially fled the area.<sup>36</sup> The Kurdish authority Joint Crisis Coordination Centre (JCC) noted that more than 200,000 fled the disputed areas and were displaced to KRI.<sup>37</sup> The majority of people fleeing were ethnic Kurds from Kirkuk and Tuz Khurmatu.<sup>38</sup>

More than a majority of the people who fled in October 2017 have returned to their area of origin in Kirkuk.<sup>39</sup> Two sources noted that many have returned.<sup>40</sup> The local NGO Kirkuk Now stated as the only source that most of the people fleeing Kirkuk have not yet returned.<sup>41</sup> US Consulate in Erbil pointed to the fact that most have returned to Kirkuk, but only a few people have returned to the city Tuz Khurmatu, which is located in Salah al Din province.<sup>42</sup> The Kurdish JCC noted than 148,000 have not yet returned.<sup>43</sup>

The persons who did not return to Kirkuk were closely associated with the former rule in the period of 2014-2017 in Kirkuk, i.e. members and close associates of the Kurdish political party, Kurdistan Democratic

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<sup>32</sup> An Iraq Analyst: 33; Norwegian Refugee Council: 179

<sup>33</sup> Norwegian Refugee Council: 179; UN OCHA: 88; An Iraq Analyst: 68; An international humanitarian NGO: 119

<sup>34</sup> A Human Rights Activist: 371

<sup>35</sup> BBC: Iraqi Kurds decisively back independence in referendum, 27. September 2017 <https://www.bbc.com/news/world-middle-east-41419633>

<sup>36</sup> A specialist working with human rights in Iraq: 197-198; An international humanitarian NGO: 133-135; A Human Rights Activist: 371-373; Kirkuk Now: 207-209; US Consulate, Erbil: 258-259

<sup>37</sup> JCC: 261

<sup>38</sup> A specialist working with human rights in Iraq: 197-198; A Human Rights Activist: 371-373

<sup>39</sup> A specialist working with human rights in Iraq: 197-198; A Human Rights Activist: 371-373; US Consulate, Erbil: 258-259

<sup>40</sup> An international humanitarian NGO: 133; An International NGO working in Iraq: 19

<sup>41</sup> Kirkuk Now

<sup>42</sup> US Consulate, Erbil: 258

<sup>43</sup> JCC: 261



Party (KDP) and employees of the Kurdish security service, the Asayish.<sup>44</sup> A Human Rights Activist noted that the Iraqi government issued arrest warrants against people connected to the leader of KDP, Barzani. Furthermore, there were reports of Kurds, who lived in Arab neighbourhoods in Kirkuk City and Kurds living in Tuz Khurmatu, who were forced to leave and that some houses and shops were burned down or destroyed by the PMUs. Most of the reports of the incidents were not made public to the main stream news.<sup>45</sup> Kirkuk Now likewise mentioned reports about burned or destroyed houses and that the current leaders of Kirkuk have more strict policies against KDP-members, because they do not want them to return.<sup>46</sup>

The other major political party in the KRI, Patriotic Union of Kurdistan (PUK) was not exposed to the same degree of persecution as KDP, and members of PUK have returned to both Kirkuk City and Tuz Khurmatu.<sup>47</sup>

### Area control in Kirkuk Governorate

The general situation in Kirkuk Governorate is characterised as both fragile and complex.<sup>48</sup>

The PMUs have left Kirkuk City.<sup>49</sup> The Iraqi Prime Minister ordered the retreat of the PMUs, because there were many complaints about the militias' human rights violations.<sup>50</sup> The local police and the Counter-Terrorism Units, both considered a part of the ISF, are currently controlling Kirkuk city.<sup>51</sup> In general, there were fewer check-points around Kirkuk compared to October 2017, and they were controlled by the ISF.

The PMUs are controlling the suburbs and surrounding villages outside Kirkuk city<sup>52</sup>, including Tuz Khurmatu.<sup>53</sup> They conduct their own security screening, thus deciding who is allowed entry to the city.<sup>54</sup>

### ISIS' capacity to commit violence in Kirkuk Governorate

ISIS does not control any geographical area in Kirkuk governorate anymore.<sup>55</sup> However, there are pockets of ISIS fighters around the governorate, especially in Hawija in Kirkuk Governorate and in the Hamreen Mountains extending over Diyala, Kirkuk and Salah al-Din Governorates and the group is relatively more active in the governorate compared to other parts of Iraq.<sup>56</sup> According to Institute for the Study of War (ISW), ISIS is waging an effective campaign to re-establish durable support zones across the governorate and deny the rehabilitation of communities liberated in 2017. Until recently, ISIS' activities have been

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<sup>44</sup> Kirkuk Now: 208; A Human Rights Activist: 372; US Consulate, Erbil: 259; A specialist working with human rights in Iraq: 197; An International NGO working in Iraq: 19; IOM: 331

<sup>45</sup> A Human Rights Activist: 371

<sup>46</sup> Kirkuk Now: 208

<sup>47</sup> Kirkuk Now: 209; A specialist working with human rights in Iraq: 197

<sup>48</sup> JCC: 263; A Human Rights Activist: 373

<sup>49</sup> IOM: 333, Kirkuk Now: 202; A Human Rights Activist: 372; A International NGO working in Iraq: 23

<sup>50</sup> IOM

<sup>51</sup> Kirkuk Now: 202

<sup>52</sup> IOM: 333, Kirkuk Now: 202, A Human Rights Activist: 372

<sup>53</sup> A Human Rights Activist

<sup>54</sup> An international humanitarian NGO: 133

<sup>55</sup> Kirkuk Now: 199

<sup>56</sup> IOM: 334; Kirkuk Now: 199; JCC: 263; International non-governmental organisation working in the Kurdistan Region: 301; International NGO working in Iraq: 18

For further information ISIS' activities in Kirkuk Governorate, reference is made to section 1.2.1 Targeting by ISIS as well as to Appendix 1: International NGO working in Iraq: 18-24; Kirkuk Now: 199-201; IOM: 334-335; JCC: 263 ; International non-governmental organisation working in the Kurdistan Region: 301; Mol, KRK: 362

limited to small arms attacks, targeted assassinations and suicide bombings (by vests - SVESTs), but ISIS is steadily scaling up the rate of these attacks.<sup>57</sup>

### Security incidents in Kirkuk Governorate

It is the perception of the sources that the security situation, in general, has improved after the Iraqi Security Forces (ISF) took over most of Kirkuk Governorate in October 2017. Under the previous rule by the Kurds there were more frequent attacks committed by ISIS directed at the Arab community. After the change of control, the opinion is that the Iraqi police are less stringent towards the civilian population than the Kurdish authorities.<sup>58</sup>

In general, there are still many security incidents in Kirkuk City and the level of violence, including assassinations, bombs (vehicle-borne improvised explosive (VBIED) in the city is relatively high, but the situation is somehow improving.<sup>59</sup>

It is difficult to assess who is behind the violence. Some of the violence is caused by organised crime, while some of it can have political connotations, and finally some of it can be a combination of both.<sup>60</sup> There are many different groups and conventional and unconventional actors operating in- and outside Kirkuk City.<sup>61</sup> There are no real differences among the ethnic groups when it comes to violence, and criminal activities seem arbitrary and everybody can be a victim.<sup>62</sup>

However, the relations among the ethnic groups are strained, which is the root cause of the violence in Kirkuk.<sup>63</sup> There is a lot of distrust among the different ethnic groups and violent attacks based on hatred and revenge takes place frequently.<sup>64</sup>

All ethnic or religious groups are allowed into the city. One source said that for unknown reasons the Turkmens seem more targeted than the other ethnic groups.<sup>65</sup>

#### 1.1.3. Security situation in Ninewa Governorate

Ninewa governorate is traditionally dominated by Sunni Arabs. However, there is still a strong presence of minorities, such as Yezidis and Christians.<sup>66 67</sup>

### Area control in Ninewa Governorate

The Iraqi Security Forces (ISF) seem to be the strongest security actor in the area but they are still relatively weak and do not have control over all armed actors. The control of Ninewa Governorate is divided amongst

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<sup>57</sup> Brandon Wallace and Jennifer Cafarella: "ISIS's Second Resurgence", Institute for the Study of War (ISW), 2. October 2018, <http://iswresearch.blogspot.com/2018/10/isiss-second-resurgence.html>

<sup>58</sup> An international NGO working in Iraq: 19

<sup>59</sup> An international NGO working in Iraq: 22; A Human Rights Activist: 373

<sup>60</sup> An international NGO working in Iraq: 22; A Human Rights Activist: 373

<sup>61</sup> An international NGO working in Iraq: 22

<sup>62</sup> A Human Rights Activist: 373

<sup>63</sup> An international humanitarian NGO: 133-135; A Human Rights Activist: 371-373; an international NGO working in Iraq: 19

<sup>64</sup> A Human Rights Activist: 373

<sup>65</sup> An international NGO working in Iraq: 24

<sup>66</sup> An Iraq Analyst: 33

<sup>67</sup> For information on security for different ethnic groups in Ninewa, reference is made to Appendix 1: UN OCHA: 86; A specialist working for a human rights organisation in Iraq: 186; US Consulate, Erbil: 230; International NGO working in Iraq: 6 + 8

different security actors:<sup>68</sup> The ISF is controlling the southern part and northern parts of the governorate, while various PMUs are controlling the eastern part of Ninewa.<sup>69</sup>

Since February 2018 the governorate has been divided into three control sectors or spheres of influence. Mosul city is controlled by the local police. The outskirts of Mosul are controlled by various PMUs which are both Shia and local militias. The rest of the governorate is controlled by the Iraqi army.<sup>70</sup>

Most of Sinjar district was liberated from ISIS already in 2014. However, there have not been any returns to the area due to unpredictable political and security-related reasons.<sup>71</sup> In addition, there is a large degree of distrust between the Yezidi population and the Kurdish population in the area.<sup>72</sup>

Currently, the two security actors that are controlling most of the Sinjar district are the Ezidkhan Protection Force (HPE) and the Sinjar Resistance Unit (YBS). HPE was originally unaffiliated, thus trying to avoid being associated with Kurdistan Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), Kurdistan Workers Party (PKK) and the Iraqi Security Forces (ISF). The militia seems to work within the quite open PMU system. The HPE does not seem to be the largest armed group, but it secures its legitimacy by having a leading role in protecting some of the shrines.<sup>73</sup> The YBS is widely seen as PKK-affiliated.<sup>74</sup>

KDP is not present in the area anymore, which has led to a reduction in the conflict activity in the area.<sup>75</sup>

### **ISIS' capacity to commit violence in Ninewa Governorate**

ISIS does not control any area in Ninewa Governorate anymore.<sup>76</sup> The group is probably concentrated in more remote areas close to the Iraq-Syria border and in the Badoush area between Mosul and Tel Afar.<sup>77</sup>

Furthermore, ISIS has still some active sleeping cells in Ninewa that are active during the night carrying out explosions, killings, assassinations and attacks on a regularly basis.<sup>78</sup> One source said that ISIS has sleeping cells in Mosul and surrounding villages.<sup>79</sup>

However, the assessment is that there is very little activity conducted by ISIS. In general, it is difficult for these cells to carry out attacks in these areas, maybe except for the western part of the city.<sup>80</sup>

### ***ISIS' capacity to commit violence in Mosul***

Mosul is divided in a western and an eastern side of the river Tigris. The western side was retaken from ISIS as the last part of the city and was completely destroyed. The eastern side did not see that much destruction.<sup>81</sup>

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<sup>68</sup> International NGO working in Iraq: 7; UN OCHA: 81

<sup>69</sup> Kirkuk Now: 210

<sup>70</sup> For further information on the control of different areas, see Appendix 1: Kirkuk Now: 210-212

<sup>71</sup> Kirkuk Now: 215; An Iraq Analyst: 73

<sup>72</sup> An Iraq Analyst: 73

<sup>73</sup> International NGO working in Iraq: 12

<sup>74</sup> International NGO working in Iraq: 12; Kirkuk Now: 215

<sup>75</sup> International NGO working in Iraq: 12-13

<sup>76</sup> International NGO working in Iraq 5; Iraq Analyst 69

<sup>77</sup> International NGO working in Iraq 5; A Human Rights Activist: 368

<sup>78</sup> JCC: 263; International non-governmental organization operating in the Kurdistan Region: 301; An Iraq Analyst: 69,

<sup>79</sup> A Human Rights Activist: 368

<sup>80</sup> International NGO working in Iraq: 106; A Human Rights Activist: 368

The population of Mosul was approx. 1.8 million before ISIS took control in June 2014. In the spring of 2018 approx. one million people were living in the city.<sup>82</sup>

There were many security incidents in the city, and somehow the situation deteriorated before the parliamentary elections in May 2018. However, different military agencies were deployed to the city which has improved the security situation significantly.<sup>83</sup>

The perpetrators of the violence are the multiple armed groups that are present as well as ISIS remnants cells.<sup>84</sup> One source highlighted that the security incidents were somewhat arbitrary and mostly a result of organised criminal activities. The criminal groups consist of former members of armed groups. Sometimes it seems that PMU-members are providing security at day and operates as criminals at night.<sup>85</sup>

The abuses often target members of families related to former ISIS-members who are considered ‘complicit by association.’<sup>86</sup> However, lately mukhtars have also been targeted.<sup>87</sup> On one side, the violence can be caused by the PMUs and local militias, who want to show force because the authorities are not in full control.<sup>88</sup> On the other side, there has been a specific example where two mukhtars were killed after giving testimonies in court against former ISIS members. The perpetrators were allegedly hired by the families of the former ISIS-members.<sup>89</sup>

#### *1.1.4. Security situation in Salah al-Din*

Both Salah al-Din and Diyala<sup>90</sup> are important governorates located between Baghdad and the important oil fields in the north of Iraq. Salah al-Din is dominated by Sunni Arabs, although Tuz Khurmatu district has many Turkmen towns and villages, while Diyala is more ethnically mixed.<sup>91</sup>

The security situation in Salah al-Din Governorate is characterised by a substantive proliferation of militias and armed groups that are not under government control. The presence of the PMUs can also consist of representation offices in the major towns. The areas controlled by various militias are often divided along ethnic lines. The PMUs have both area control and control of strategically important checkpoints. One source mentioned that a car journey that usually would take one hour, now takes four hours due to the checkpoints.<sup>92</sup>

#### **ISIS’ capacity to commit violence in Salah al-Din**

In general, ISIS is weak and is not controlling any area anymore in the governorate. The substantial presence of PMUs limits the operation capabilities of ISIS. However, there are still pockets of ISIS fighters

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<sup>81</sup> International NGO working in Iraq: 14; An Iraq Analyst: 72; Kirkuk Now: 213; An international humanitarian NGO: 106

<sup>82</sup> UN OCHA: 83

<sup>83</sup> UN OCHA: 82; US Consulate, Erbil: 243

<sup>84</sup> UN OCHA: 82

<sup>85</sup> International NGO working in Iraq: 15

<sup>86</sup> UN OCHA: 82

<sup>87</sup> International NGO working in Iraq: 16; A specialist working for a human rights organisation in Iraq: 183

<sup>88</sup> International NGO working in Iraq: 16

<sup>89</sup> A specialist working for a human rights organisation in Iraq: 183

<sup>90</sup> For further information on the security situation in Diyala Governorate, incl. ISIS’ capacity to commit violence, reference is made to Appendix 1: An international NGO working in Iraq: 26-27; Kirkuk Now: 199-206; A Human Rights Activist: 369

<sup>91</sup> An Iraq Analyst: 33

<sup>92</sup> JCC: 263; An Iraq Analyst: 67. Further information on the security situation in Salah al-Din Governorate can be found in Appendix 1: An Iraq Analyst: 76-77; Kirkuk Now: 199-206

and sleeping cells and similar to Kirkuk Governorate they operate during the night.<sup>93</sup> According to Institute for the Study of War (ISW), ISIS has control zones where the members of the group freely can move across at night time and it is actively waging attacks to expand its freedom of movement during daytime.<sup>94</sup>

There have been several incidents which the government has blamed ISIS-affiliated insurgent groups for. ISIS has taken the blame for some incidents, such as an attack killing 27 PMU members.<sup>95</sup> On 11 March 2018 a car with four family members was attacked. Furthermore, several truck drivers have been kidnapped for ransom. However, despite the authorities automatically blame ISIS-elements, it is often not clear who the perpetrators of these incidents are, because there are numerous armed groups present with different agendas that may be behind these attacks.<sup>96</sup>

### *1.1.5 Dynamics between PMUs and ISF*

#### **Integration of the PMUs into the Iraqi Army**

Since the establishment of the PMUs in the wake of the ISIS offensive in 2014, several attempts to integrate the PMUs into the Iraqi Army have been made. Even though there has been made a political decision about the integration of the forces, there is no indication that this will happen in a foreseeable future. The reason is that the PMUs have become an integrated part of the Iraqi daily life with a strong political and social role.<sup>97</sup>

#### **Relations between PMUs and ISF**

On an overall level, the relations between ISF and the PMUs are generally good. The two forces fought side-by-side on the battlefield in the fight against ISIS. The Iraqi government prefers the ISF to be the guarantor of stability and security instead of the PMUs, until normal law enforcement and civil authorities have been re-established.<sup>98</sup>

However, the PMUs often have the upper hand in the liberated and disputed areas in that sense that they can commit violations without consequences.<sup>99</sup> As an example, a source stated that the governor of Kirkuk would not be able to challenge the PMUs.<sup>100</sup> Several PMUs are supported by the important political parties in Baghdad which is more important than to have the support of the government that has limited space to manoeuvre with regard to the militias.<sup>101</sup>

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<sup>93</sup> An Iraq Analyst: 67; Kirkuk Now: 199; An international non-governmental organization operating in the Kurdistan Region: 301; A Human Rights Activist: 369

<sup>94</sup> Brandon Wallace and Jennifer Cafarella: "ISIS's Second Resurgence", Institute for the Study of War (ISW), 2. October 2018, <http://iswresearch.blogspot.com/2018/10/isis-second-resurgence.html>

<sup>95</sup> Kirkuk Now: 201 + <http://kirkuknow.com/kurdish/?p=67738> & <http://kirkuknow.com/english/?p=22042>

<sup>96</sup> Kirkuk Now: 200

<sup>97</sup> An Iraq Analyst: 47

<sup>98</sup> An Iraq Analyst: 48

<sup>99</sup> A Human Rights Activist: 366; A specialist working with human rights in Iraq: 185; IOM: 336-338; JCC: 263

<sup>100</sup> A specialist working with human rights in Iraq: 197

<sup>101</sup> A Human Rights Activist: 366

## 1.2. Profiles of persons targeted by security actors

In general, it can be difficult to set up specific profiles of targeted persons in Iraq. On one hand, the historical tensions between the Iraqi Sunni and Shia groups still exist. On the other hand, there is also tension among other sectarian groups, such as the Arabs vs. Kurds, minorities vs. other minorities etc.<sup>102</sup>

The primary profile that is targeted by all security actors is people, who are suspected to have some kind of affiliation with ISIS, who may face impediments and limitations, such as arrests, abuses, refusals to return to the areas of origin, confiscation of documents, limitations of social services etc. There have been examples of collective punishments of larger groups of people who were accused of ISIS-affiliations.<sup>103</sup>

People, who lived in areas under ISIS' control, seem to suffer more from discrimination and abuses than people who lived outside of ISIS' control. In the public perception, there is no distinction between the people who were collaborating with ISIS and people who lived under ISIS' rule.<sup>104</sup> One source mentioned that a person could risk persecution if that person, for instance, was just playing football with members of ISIS.<sup>105</sup> People with direct or indirect family relation to an ISIS-member are also targeted. This primarily affects women and children, whose husbands, fathers or brothers were members of ISIS and are either killed or detained. But also people whose name or the name of their more distant family members is similar to that of an ISIS suspect can raise serious suspicion.<sup>106</sup>

The consequences for these ISIS family members are often very serious: The ISIS-wives, i.e. women who were married to ISIS-members are detained in special camps without prospects of re-entry to the Iraqi community and without freedom of movement outside the camps.<sup>107</sup> Moreover, one source stated that because of the nature of ISIS as a Sunni-extremist organisation, the majority of the population considers Sunni Arabs as potentially affiliated with the terror group.<sup>108</sup> Another source noted that there is a great fear of retaliation attacks among the Sunni Arab population who do not trust the security actors because a majority of them are controlled by Iraqi Shias.<sup>109</sup> However, one source noted that the situation for the Iraqi Sunnis is much better than it was in 2015 and in 2005-2006 during the sectarian civil war. The government has made an effort of not being too tough on the Sunni minority.<sup>110</sup>

### 1.2.1 Targeting by ISIS

#### Priority and capacity of ISIS

As of December 2017, ISIS did not control any territory anymore.<sup>111</sup>

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<sup>102</sup> An international humanitarian NGO 107; US Consulate, Erbil 238

<sup>103</sup> An international humanitarian NGO: 109; An International NGO working in Iraq: 10; Norwegian Refugee Council: 168-170; US Consulate: 240

<sup>104</sup> International NGO working in Iraq: 10; Norwegian Refugee Council: 164

<sup>105</sup> Norwegian Refugee Council: 164

<sup>106</sup> US Consulate: 240-241; Norwegian Refugee Council: 173; Kirkuk Now: 204

<sup>107</sup> US Consulate: 242; Norwegian Refugee Council: 173; For further information on the conditions for ISIS-wives, reference is made to section 2.2.2 Designated camps for family members of former ISIS-members as well as to Appendix 1: US Consulate: 242; Kirkuk Now: 204 and 206

<sup>108</sup> An international humanitarian NGO: 109

<sup>109</sup> Kirkuk Now: 203

<sup>110</sup> An Iraqi Analyst 66

<sup>111</sup> Kirkuk Now: 199; International NGO working in Iraq: 7; UN OCHA: 81

## NORTHERN IRAQ – SECURITY SITUATION AND THE SITUATION FOR INTERNALLY DISPLACED PERSONS (IDPS) IN THE DISPUTED AREAS, INCL. POSSIBILITY TO ENTER AND ACCESS THE KURDISTAN REGION OF IRAQ (KRI)

After its military defeat and loss of territory control, ISIS has evolved to be a more ordinary insurgent group in a more traditional sense.<sup>112</sup> The group is especially concentrated in places such as the Hamreen Mountains and Hawija, Kirkuk Governorate, but also in Diyala and Ninewa Governorates as well as in the border area between Iraq and Syria.<sup>113</sup>

According to Institute for the Study of War (ISW), ISIS has also established a support zone along the Iraqi-Iranian border that it is used as a base for operations into Iran. ISIS remnants (including the Kurdish Salafi-Jihadist group Ansar al-Islam) have maintained a support zone in the Halabja Mountains in KRI since late 2016. The same source notes that local Kurdish forces have detained numerous alleged cells in Sulaimania Governorate in Northern Iraq since January 2018.<sup>114</sup>

ISIS probably still has a centralised command, but on the operative level the activities have been delegated to local groups who more or less acts in the name of ISIS.<sup>115</sup> In some cases ISIS has sleeper cells of members who hide among the civil population.<sup>116</sup> According to a UN report there is an estimate that an approximate number of 20,000 to 30,000 ISIS members are present in Iraq and Syria.<sup>117</sup>

The group often use scary tactics where the members drive into villages at night time to demonstrate the powerlessness of the authorities and the ISF and to show that the group still exists.<sup>118</sup>

The level of violence shows that ISIS still has the capacity to carry out attacks, but on a smaller scale compared to when the group controlled vast territory in the northern Iraq. The authorities often blame ISIS when attacks take place. And in some cases, ISIS does take the blame for the attacks. However, it is not always ISIS who is responsible for the violence.<sup>119</sup>

### Profile of persons targeted by ISIS

The primary targets of ISIS are the security forces (ISF) and the Popular Mobilisation Units (PMU) and to some extent government officials.<sup>120</sup>

However, for the purpose of creating chaos in the Iraqi society other actors such as civilians or people collaborating with the security actors or the authorities can also be targets for ISIS. There have been incidents where civilians have been killed or kidnapped at fake checkpoints.<sup>121</sup> One source said that such

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<sup>112</sup> An International NGO working in Iraq: 1; A Specialist working for a human rights organisation: 182

<sup>113</sup> A Specialist working for a human rights organisation: 182; An Iraq Analyst: 74; An International NGO working in Iraq: 1 + 25; JCC: 263; A Human Rights Activist: 368; IOM: 334

<sup>114</sup> Brandon Wallace and Jennifer Cafarella: "ISIS's Second Resurgence", Institute for the Study of War (ISW), 2. October 2018, <http://iswresearch.blogspot.com/2018/10/isiss-second-resurgence.html>

<sup>115</sup> International NGO working in Iraq: 1

<sup>116</sup> JCC: 263; A Human Rights Activist: 368; IOM: 334

<sup>117</sup> UN Security Council, Distr.: General, S/2018/705, 27 July 2018, <http://undocs.org/S/2018/705>

*"2. Many ISIL fighters, planners and senior doctrinal, security and military commanders have been killed in the fighting, and many fighters and other personnel have left the immediate conflict zone. Many, however, remain in Iraq and the Syrian Arab Republic, some still fully engaged militarily and others hiding out in sympathetic communities and urban areas."*

*"3. Some Member States estimate the total current ISIL membership in Iraq and the Syrian Arab Republic to be between 20,000 and 30,000 individuals, roughly equally distributed between the two countries. Among these is still a significant component of the many thousands of active foreign terrorist fighters."*

<sup>118</sup> A Specialist working for a human rights organisation: 182; An Iraq Analyst: 74; JCC: 263; A Human Rights Activist: 368; Norwegian Refugee Council: 176; Mol, KRG, Sami J. Hussein: 362

<sup>119</sup> Kirkuk Now: 200-201; A Human Rights Activist: 370; IOM: 334; An International NGO working in Iraq: 25

<sup>120</sup> Iraq Analyst: 74; Human Rights Activist: 370; IOM: 334; International NGO working in Iraq: 25; Kirkuk Now: 199

<sup>121</sup> IOM: 334; Kirkuk Now: 201; A Specialist working for a human rights organisation: 181



## NORTHERN IRAQ – SECURITY SITUATION AND THE SITUATION FOR INTERNALLY DISPLACED PERSONS (IDPS) IN THE DISPUTED AREAS, INCL. POSSIBILITY TO ENTER AND ACCESS THE KURDISTAN REGION OF IRAQ (KRI)

incidents can either be a deliberate act of terror against civilians or that the victims were accidentally civilians and then ISIS afterwards tries to disguise it as members of PMUs. However, for ISIS the line between civilians and armed security actors is often blurry.<sup>122</sup>

Furthermore, ISIS groups are also targeting their attacks against tribal leaders. In Mosul two mukhtars were killed in the first half of 2018.<sup>123</sup>

### Targeting in Kurdish controlled areas

One source said that there are no reports that ISIS is present in the Kurdistan Region of Iraq (KRI). According to one source interviewed in April 2018, there were no insurgencies in the KRI carried out by any armed actor such as ISIS.<sup>124</sup> However, in July 2018 it was reported that an attack on the government building in Erbil took place, and that ISIS is the suspected perpetrator.<sup>125</sup>

#### 1.2.2 Targeting by the Popular Mobilisation Units (PMU)

The present structure of the PMUs was formed in June 2014 to counter ISIS' offensive. However, the PMUs consist of several different militias and armed groups of which some were established already in 2003.<sup>126</sup>

#### Priority and capacity of the PMUs

A low estimate of the total size of the PMUs is that they at least have 120,000 members.<sup>127</sup>

The PMUs consist of many different militias, out of which the majority are Shia militias. There are Shia militias that are supported by Iran, whilst others have a more internal nationalist agenda. There are also Shia militias who have been driven by the Syrian war and have been fighting in Syria.<sup>128</sup>

The ethnic and religious minorities do also have their own PMUs, such as Turkmen, Christian, Yezidi and Shabak PMUs etc. There are some Sunni PMUs that consist of 17,000-25,000 members. Most of them were established in late 2014 in alliance with the Iraqi government to fight ISIS.<sup>129</sup>

The recruitment to the PMUs is entirely on a voluntary basis. Many join the PMUs for economic reasons, because the salaries are attractive, compared to the rest of Iraq.<sup>130</sup>

The PMUs are very influential and they are popular among the majority of the population for their effort to defeat ISIS; they are active in promoting themselves through PR campaigns and media coverage; and they are closely linked to the most important political parties in Baghdad.<sup>131</sup>

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<sup>122</sup> Kirkuk Now: 201

<sup>123</sup> A Specialist working for a human rights organisation: 181 + 183

<sup>124</sup> An international non-governmental organization operating on the Kurdistan Region: 301 ; A Human Rights Activist: 380

<sup>125</sup> Reuters, July 23, 2018, Security forces end attack on Erbil governorate by suspected Islamic State militants

<https://www.reuters.com/article/us-iraq-kurds-attack/security-forces-end-attack-on-erbil-governorate-by-suspected-islamic-state-militants-idUSKBN1KD0ME>

Earlier security incidents that took place in KRI were the bomb attacks at the governor's office in November 2014 and at the US Consulate in April 2015.104 (The Kurdistan Region of Iraq (KRI), Access, Possibility of Protection, Security and Humanitarian Situation, April 2016, page 32-33: <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofiraq11042016.pdf>)

<sup>126</sup> An Iraq Analyst: 34

<sup>127</sup> An Iraq Analyst: 35

<sup>128</sup> An Iraq Analyst: 35-43. For a list of Shia militias given by the same source, reference is made to Appendix 1.

<sup>129</sup> An Iraq Analyst: 44; A specialist working for a human rights organisation: 186

<sup>130</sup> An Iraq Analyst: 45



However, the unclear hierarchy of the PMUs is seen as a major challenge.<sup>132</sup> The PMUs are officially a subject of the Ministry of Interior of Iraq (MoI), but not all PMUs are reporting to the MoI and the government does not control all armed actors.<sup>133</sup>

### Profile of persons targeted by PMUs

The PMUs are primarily targeting persons, who are suspected of being affiliated with ISIS or family members to those.<sup>134</sup> These are most often Sunni Arab young men, but, in general, other Sunni Arabs and Sunni Turkmens also suffer from a form of collective abuses, killings, discriminations etc. The PMU are often reacting in retaliation for ISIS-incidents.<sup>135</sup> One source said that the PMUs have the capacity to target whom they want.<sup>136</sup> They have very good intelligence capabilities that reach out to most of the Iraqi society.<sup>137</sup>

The PMUs can target political or economic opponents, regardless of their religious or ethnic background.<sup>138</sup>

After October 2017, there were reports on PMU violations against the Kurdish population in Kirkuk and Tuz Khurmatu. The targeted Kurds were mostly members of the political party KDP and the Asayish.<sup>139</sup>

### Targeting in Kurdish controlled areas

The PMUs are not targeting people in the KRI. It is considered unlikely that the PMUs conduct such actions as it is not a priority for them, and they do not have the capacity to operate in KRI.<sup>140</sup>

## 1.2.3 Targeting by the Iraqi Security Forces (ISF)

### Priority and capacity by ISF

The Iraqi Security Forces (ISF) are the main security actor in Iraq. It consists of many different branches. The main force amongst ISF is the Iraqi Army that is subject to by the Iraqi Ministry of Defence. Other important actors within the ISF are the Federal and Local Police under the Iraqi Ministry of Interior.<sup>141</sup>

The Iraqi Army has generally tried to improve its image after it suffered heavily from the defeat to ISIS in 2014 because of desertion and corruption.<sup>142</sup> The same is true for the Federal Police who has been through a rehabilitation process to overcome its bad reputation caused by corruption, nepotism and human rights violations. One source noted that the Federal Police has become more disciplined and better trained.<sup>143</sup>

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<sup>131</sup> An Iraqi Analyst: 49; A Human Rights Activist: 366

<sup>132</sup> An international NGO working in Iraq: 3

<sup>133</sup> UN OCHA: 81

<sup>134</sup> A specialist working for a human rights organisation: 185; An international NGO working in Iraq: 3

<sup>135</sup> An international NGO working in Iraq: 3; US Consulate, Erbil: 239; A Human Rights Activist: 366; An Iraq Analyst: 52

<sup>136</sup> A specialist working for a human rights organisation: 185

<sup>137</sup> An Iraq Analyst: 58

<sup>138</sup> An Iraq Analyst: 51-53 + 68

<sup>139</sup> A Human Rights Activist: 371 – See further information in chapter 1.1.2.

<sup>140</sup> An International NGO working in Iraq: 28; A Specialist working for a human rights organization: 187; IOM: 336 + 338; A Human Rights Activist: 380

<sup>141</sup> For further references to the composition of the ISF, see Kirkuk Now: 210-212

<sup>142</sup> An Iraq Analyst: 70

<sup>143</sup> An Iraq Analyst: 71

One source mentioned that, in general, there is a perception that the ISF are doing a much better job than expected. They have become more professional and better paid.<sup>144</sup>

The ISF are voluntary forces and there is no draft.<sup>145</sup>

### Profile of persons targeted by ISF

There are few reports about human rights violations committed by the ISF. According to an Iraq Analyst, one would have to look for a long time to find serious human rights abuses committed by the Iraqi Army and the police. Both actors work hard in order to avoid any violations.<sup>146</sup>

As an example, the Iraqi Prime Minister was forced to call out the PMUs and insert the ISF in Kirkuk after the Iraqi Government took over control of the city in October 2017.<sup>147</sup>

The primary target of ISF is people who are suspected of being affiliated with ISIS which often are Sunni Arab males in their early 20s. They are often captured at checkpoints or during house searches. However, the threshold for the need of evidence for arresting an ISIS-suspect is usually quite low. Often it would be enough for an arrest, if a person designates another person as an ISIS-affiliate.<sup>148</sup> In a report published by Human Rights Watch in September 2018, it was documented that ISF detained a number of men and a few boys during the period of April 2014 and October 2017 who forcibly disappeared.<sup>149</sup>

### Targeting in Kurdish controlled areas

The Kurdish security forces have full control over the Kurdistan Region of Iraq (KRI). There are no Iraqi federal security forces that are operating inside the KRI. There is some military cooperation between the Kurdish Peshmerga and the ISF but not within KRI. It is not a priority for the ISF to target people in the Kurdish areas.<sup>150</sup>

#### 1.2.4 Targeting by the Kurdish Peshmerga

The Kurdistan Region of Iraq (KRI) is divided between the two major political parties KDP, the Kurdistan Democratic Party, who controls Erbil and Dohuk and the PUK, Patriotic Union of Kurdistan, who controls Sulaimania.<sup>151</sup>

Both parties have their own security force, the Peshmerga and the security police, the Asayish, and its own intelligence service, the Zanyari (PUK) and the Parastin (KDP).<sup>152</sup>

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<sup>144</sup> An international NGO working in Iraq: 4

<sup>145</sup> An Iraq Analyst: 65

<sup>146</sup> An Iraq Analyst: 70-71

<sup>147</sup> For further see: 1.1.2. Security situation in Kirkuk Governorate

<sup>148</sup> A Specialist working for a human rights organisation: 189

<sup>149</sup> Human Rights Watch, September 27, 2018, "Life Without a Father is Meaningless", Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017: <https://www.hrw.org/report/2018/09/27/life-without-father-meaningless/arbitrary-arrests-and-enforced-disappearances-iraq>

<sup>150</sup> A Human Rights Activist: 380; IOM: 336 + 338; An International NGO working in Iraq: 28

<sup>151</sup> An Iraq Analyst: 75; A Human Rights Activist: 374

<sup>152</sup> USDOS – US Department of State: Country Report on Human Rights Practices 2017 - Iraq, 20 April 2018

<https://www.ecoi.net/en/document/1430110.html>; Security Forces of the Kurdistan Regional Government, 2009, Chapman, D. P., <https://ntrl.ntis.gov/NTRL/dashboard/searchResults/titleDetail/ADA510826.xhtml>

### Profile of persons targeted by the peshmerga

The Kurdish security actors are targeting political and societal opposition in the KRI. Human rights advocates, activists, journalists and protesting civil servants are being targeted when they display criticism of the political leadership. The latest example of this was in March and April 2018 when public servants protested the lack of wages and increasing poverty. The demonstrations were violently suppressed by armed members of the political parties and the Asayish. Furthermore, more than four journalists have been killed in the region.<sup>153</sup>

The security forces in the KRI are also targeting suspected ISIS affiliates who are often Sunni Arabs.<sup>154</sup>

### Targeting outside Kurdish controlled areas

The Kurdish security forces, both the Peshmerga and the Asayish, are no longer present in the disputed areas or the rest of Iraq.<sup>155</sup>

One source noted that this is also the primary reason why no individuals are being targeted by the Kurdish forces in the disputed areas or in the rest of Iraq anymore since October 2017.<sup>156</sup> Another source stated that KDP has financed armed groups, who have tried to target ISF in the north-eastern Kirkuk. However, it was poorly organised, but it was a factor of instability. Any incidents have been low-scale and only occurred in the north-eastern Kirkuk.<sup>157</sup>

## 2. Situation for internally displaced persons (IDPs)

### 2.1 IDPs in the KRI and the disputed areas

There are more than 700,000 internally displaced persons (IDPs) in the Kurdistan Region of Iraq (KRI).<sup>158</sup> Between 150,000 – 200,000 IDPs arrived in the KRI after the Iraqi Security Forces took control of most of the disputed areas in October 2017. They were predominantly Kurds (approx. 110,000 persons), but also Christians, Yazidis and other minorities arrived, according to the Kurdish authorities.<sup>159</sup>

Most of the IDPs live in private settings, including in rental apartments, with families or friends in host communities.<sup>160</sup> Some IDPs live in designated IDP-camps that are controlled by many different actors, such as the Kurdish authorities, international aid organisations and local and international NGOs.<sup>161</sup>

<sup>153</sup> A Human Rights Activist: 374-375; An International NGO working in Iraq: 29; UN Source in Erbil; UN OCHA: 92

<sup>154</sup> UN OCHA: 90 + 92; A Specialist working for a human rights organization: 193-195;

<sup>155</sup> A Specialist working for a human rights organisation: 196; IOM: 336

<sup>156</sup> A Specialist working for a human rights organisation: 193

<sup>157</sup> An international NGO working in Iraq: 20

<sup>158</sup> IOM Iraq, July 2018, displacement tracking matrix, dtm round 100, page 5,

[http://iraqdtm.iom.int/LastDTMRound/Round100\\_Report\\_English\\_2018\\_July\\_31\\_IOM\\_DTM.pdf](http://iraqdtm.iom.int/LastDTMRound/Round100_Report_English_2018_July_31_IOM_DTM.pdf). Joint Crisis Coordination Centre (JCC): 260 referred to a high number of IDPs and Syrian refugees in KRI. According to UNHCR, January 2018 247,057 Syrian refugees are registered in KRI: <https://reliefweb.int/report/iraq/unhcr-iraq-factsheet-january-2018>

<sup>159</sup> JCC: 261

<sup>160</sup> IOM Iraq, July 2018, displacement tracking matrix, dtm round 100, page 4,

[http://iraqdtm.iom.int/LastDTMRound/Round100\\_Report\\_English\\_2018\\_July\\_31\\_IOM\\_DTM.pdf](http://iraqdtm.iom.int/LastDTMRound/Round100_Report_English_2018_July_31_IOM_DTM.pdf). JCC: 261; International Organization, Erbil Coordination Office: 397

<sup>161</sup> JCC: 261; International Organization, Erbil Coordination Office: 397

The Kurdistan Region of Iraq (KRI) and the liberated areas are suffering from a severe economic crisis with few jobs available, lack of livelihood opportunities and increased commodity prices, including rental prices.<sup>162</sup>

There is a lack of federal and international funding, including humanitarian assistance. There are problems with funding for all supporting activities to rebuild the areas after the defeat of ISIS.<sup>163</sup>

## 2.2. Restrictions on voluntary return to disputed areas

The general situation for IDPs varies from region to region. The five governorates Ninewa, Kirkuk, Anbar, Salah Al-Din and Baghdad have established Return Committees that discuss and plan the principled returns of the IDPs as well as the camp consolidation and closure.<sup>164</sup>

On the whole, voluntary returns of IDPs to the liberated areas are happening and ongoing. Depending on where IDPs originate from, approximately 10 % or less of the IDPs are reportedly willing to return or wish to return at this point. The number of IDPs returning to their area of origin has slowed down and is decreasing, according to the statistics collected by the Bureau of Displacement and Migration (BDM).<sup>165</sup>

As a consequence, there are many IDPs who still are in displacement. There are many obstacles to return and there are also some groups who are still not able to return at all.<sup>166</sup>

### 2.2.1 Clearance procedures and freedom of movement for returning IDPs

#### Procedure for security clearances for returning IDPs

Every IDP who wishes to navigate from one place to another needs security clearances:

- Firstly, if an IDP wants to return to his/her area of origin or just want to make a short visit to check on the properties, the conditions etc. the person must first achieve permission from the local communities in the place of displacement. This means that if the IDP lives in a camp, the local camp management must grant the person permission to leave. The camp management can issue a One-Day Access Card in order for the IDP to leave the camp. However, in this case the person must hand over his/her ID-documents and in some cases their phones to the camp management.<sup>167</sup>
- Secondly, the local security actors in the area of displacement must grant the IDP permission to leave.
- Thirdly, the local security actors on the road from the area of displacement to the area of origin must grant permission to pass through.

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<sup>162</sup> International Organization, Erbil Coordination Office: 397; Norwegian Refugee Council: 145

<sup>163</sup> International Organization, Erbil Coordination Office: 397; UN OCHA: 79; Norwegian Refugee Council: 140

<sup>164</sup> An international humanitarian NGO: 99; UN OCHA: 79

<sup>165</sup> International Organization, Sulaymaniyah Field Office: 414; UN OCHA: 79; International Organization, Erbil Coordination Office: 411

<sup>166</sup> An international humanitarian NGO: 99; UN OCHA: 79; US Consulate, Erbil: 230; International Organization, Erbil Coordination Office: 411;

<sup>167</sup> IOM: 311, US Consulate Erbil: 231

- Finally, the local security actors and the local communities, for instance head of civil administration, i.e. the mukhtars, must grant permission for the IDPs to return to the area of origin.<sup>168</sup>

The procedure to obtain permission is that the IDP's name is checked through a security database, which contains names of known and suspected terrorist profiles.<sup>169</sup> Every security actor has their own, independent security database, which means that when IDPs travel from one place to another, they will be checked in several different databases.<sup>170</sup> In case the IDPs pass the clearance in the databases, they must register themselves as returnees and are then allowed to travel back to their area of origin.<sup>171</sup>

There are many cases of IDPs who are allowed to leave their area of displacement, but are not allowed to return to their area of origin. In this regard, local mukhtars and sheikhs play an important role, and if they vouch for a person, he/she will obtain permission to return.<sup>172</sup>

In some cases, the local communities do not want certain individuals or families to return. For instance, there are specific areas of Kirkuk and Mosul where IDPs or group of IDPs are not able to return to. There can also be local tribal dynamics that can determine whether a person obtains an approval. With regards to Sunni Arabs, it is often only those who clearly show support of the local leadership, who are able to return.<sup>173</sup>

### Freedom of movement for returning IDPs

In addition to the above-mentioned security clearance procedures, there are some restrictions on the freedom of movement. The Kurdish authorities stated that there is full freedom of movement for the IDPs to leave the camps; however, there are some vulnerable groups such as single women or victims of sexual crimes who have limitations on protection provided to them.<sup>174</sup>

Another source said that in the Kurdish controlled IDP-camps the freedom of movement has been more limited compared to camps under Iraqi government control. In some cases mobile phones and/or ID-documents have been taken from the IDPs. Without an ID-card, they are not able to travel outside the camps due to the frequent appearances of checkpoints.<sup>175</sup>

On the possibility to travel between the retaken areas and other parts of Iraq, in general, it is relatively easy. There is a lot of traffic between KRI and Mosul and KRI and Kirkuk.<sup>176</sup> On the road from Mosul to Sinjar, traveling is more difficult since there are approximately 30 checkpoints, each manned by different groups and the level of control and unpredictability varies from each group.<sup>177</sup>

<sup>168</sup> IOM: 311; An international humanitarian: 113-115; Norwegian Refugee Council: 155; Kirkuk Now 205; US Consulate, Erbil: 231; International Organization, Erbil Coordination Office: 408; UN OCHA: 79

<sup>169</sup> IOM: 311; An international humanitarian NGO: 102-103 + 113; Norwegian Refugee Council: 155; Kirkuk Now 205; International Organization, Erbil Coordination Office: 408

<sup>170</sup> An international humanitarian NGO: 102-103 + 113+115; Norwegian Refugee Council: 155; US Consulate, Erbil: 232; International Organization, Erbil Coordination Office: 408

<sup>171</sup> IOM: 312

<sup>172</sup> US Consulate, Erbil: 231; Norwegian Refugee Council: 155; An international humanitarian NGO: 102

<sup>173</sup> UN OCHA: 79; An international humanitarian NGO: 102; Norwegian Refugee Council: 155-156;

<sup>174</sup> JCC: 276

<sup>175</sup> Norwegian Refugee Council: 142

<sup>176</sup> Norwegian Refugee Council: 158

<sup>177</sup> US Consulate, Erbil: 232

## 2.2.2 Security related obstacles for IDPs wishing to return

### Sectarian division of PMUs

At present, whether an IDP can return to the area of origin depends largely on which militia controls the area. When IDPs return, they predominantly look at which militia or sectarian group who controls the area. The communities look for protection by their own people, which means that Sunni Arabs want a Sunni militia; Christians want a Christian militia to protect them etc. For instance, if a Christian group controls an area, IDPs from other religious groups would be concerned to live there, which results in segregated villages.<sup>178</sup>

### IDPs with perceived ISIS-affiliation

The main purpose of passing the security clearance is to prove that the person is not affiliated in any way with ISIS. If a person does not pass the security screening, the person will be denied return and turned over to the judiciary and detained.<sup>179</sup> In this respect, Human Rights Watch published a report in September 2018 documenting cases of men and boys being detained and forcibly disappeared.<sup>180</sup>

There are many factors that can raise reasonable or perceived suspicion of ISIS-affiliation:

Many IDPs do not take the risk passing the security check, simply because their name is identical to a person on the wanted lists. This put them in risk of detention and/or abuses from the security actors.<sup>181</sup>

The more time a person has spent away from an area of origin, the more suspicion it can raise in the sense that the reason why the person cannot go back, is perceived ISIS-affiliation.<sup>182</sup> The same is true for people who fled at the same time, ISIS was defeated.<sup>183</sup> Furthermore, people who tend to prefer to stay in the IDP-camps are also increasingly stigmatised, because there is an underlying notion that they probably cannot return, due to allegations of being affiliated with ISIS. However, there are no laws in Iraq that regulate having lived under ISIS control.<sup>184</sup>

A source commented that a person who has lived for a period of time in areas that were controlled by ISIS would experience more scrutinising security procedures before being allowed to return. In general, the society lacks understanding of people who could not flee ISIS. The surrounding communities do not understand that people who lived under ISIS' control had to survive. Instead, these people are subjected to collective punishment.<sup>185</sup>

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<sup>178</sup> US Consulate, Erbil: 230; International Organization, Sulaymaniyah Field Office: 415

<sup>179</sup> Kirkuk Now: 205-206

<sup>180</sup> Human Rights Watch, September 27, 2018, "Life Without a Father is Meaningless", Arbitrary Arrests and Enforced Disappearances in Iraq 2014-2017: <https://www.hrw.org/report/2018/09/27/life-without-father-meaningless/arbitrary-arrests-and-enforced-disappearances-iraq>

<sup>181</sup> International Organization, Erbil Coordination Office: 408; An international humanitarian NGO: 114

<sup>182</sup> Norwegian Refugee Council: 156

<sup>183</sup> US Consulate 241

<sup>184</sup> Norwegian Refugee Council 171-172

<sup>185</sup> Norwegian Refugee Council: 157

If the targeted person is not detained, they are often placed in camps set up for them, because no one will rent them accommodation.<sup>186</sup>

### Designated camps for family members of former ISIS-members

There are designated camps for family members of former ISIS-members.<sup>187</sup> Often the locations of these camps are unknown because of fear of retaliation from the victims of ISIS-crimes.<sup>188</sup>

The conditions for the wives and children of ISIS-fighters are very tough. In general, they are stigmatised and isolated from the rest of the society. They are banned from returning to their area of origin; they are exposed to harassment, threats and abuses; they are unable to obtain civil documents, thus not able to function in the Iraqi society and they are often disowned and/or treated as socially outcasts.<sup>189</sup>

Female-headed households are met with the same treatment. They are also not allowed to re-enter their home community, because they are often met with allegations of being an ISIS-widow. Many live in camps with significant limitation on their freedom of movement. Often, they are not allowed to leave the camps. There are two such camps outside Mosul, two or three more elsewhere in Ninewa Governorate, in addition to many more in Syria.<sup>190</sup>

### Conflict remnants

A very important obstacle for IDPs to return is that many areas are still characterised by widespread destruction as a result of the war.<sup>191</sup>

Many cities, villages and neighbourhoods are highly contaminated. Explosives and other war remnants are found in private homes and public buildings, such as schools, hospitals and administration buildings etc.<sup>192</sup>

A severe danger to the IDPs' lives, is the frequent occurrence of booby traps located in private houses, playgrounds and important public infrastructure. Some of the explosives have been deliberately placed to attract attention, which is why families and children often suffer the most.<sup>193</sup> The clearance process was halted when the administration changed in the disputed territories.<sup>194</sup>

### 2.2.3 Lack of civil administration

In general, there is a severe lack of basic services in the liberated areas. However, some forms of structures are coming back. The functioning of local civil administrations differs from area to area. In some areas they

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<sup>186</sup> Kirkuk Now: 205

<sup>187</sup> Norwegian Refugee Council: 173; Kirkuk Now: 206

<sup>188</sup> Kirkuk Now: 206

<sup>189</sup> Kirkuk Now: 206; Norwegian Refugee Council: 173; US Consulate, Erbil: 242

<sup>190</sup> Norwegian Refugee Council: 173-174

<sup>191</sup> JCC: 264; US Consulate, Erbil: 234

<sup>192</sup> Norwegian Refugee Council: 139+144; US Consulate, Erbil: 234; UN OCHA: 79; JCC 266; An international humanitarian NGO: 100-101

<sup>193</sup> Norwegian Refugee Council: 144; A Human Rights Activist: 386 An international humanitarian NGO: 101; UN OCHA: 79; US Consulate, Erbil: 234. For further information on destruction, reference is made to Appendix 1: Norwegian Refugee Council: 144; JCC: 266; US Consulate, Erbil: 234; Belkis Wille, Human Rights Watch: 254

<sup>194</sup> For information on demining and reconstruction, reference is made to Appendix 1: An international humanitarian NGO: 101; US Consulate, Erbil: 234; Belkis Wille, Human Rights Watch: 254; JCC: 267



are functioning, while in other areas they are destroyed or only slowly being restored.<sup>195</sup> Many of the mukhtars have returned, and in some areas a form of court system has been re-established.<sup>196</sup>

The social safety net for particularly vulnerable groups is not functioning, because it is underfunded. The Iraqi parliament approves the funding of the social security net, but the process of funding has been stalled until after the parliamentary elections in May 2018. Because of this, many vulnerable groups, such as disabled people, widows etc. remain in poverty.<sup>197</sup>

### Property conflicts

A main problem in the liberated areas after the defeat of ISIS is the huge amount of property conflicts. Many houses have been sold at a very low cost and many of the returnees fear that they will be thrown out of their houses again.<sup>198</sup>

In this regard, there is no functioning reconciliation system in place. Furthermore, many houses are destroyed. The administrations have formed compensation committees that are supposed to handle question of compensation of damaged properties. The owners can then file claim to the courts. However, many families are hesitant to reconstruct their houses before their claims have been processed, since it might disentitle them to a compensation for their property. So far, no funds have been allocated to the committees, which is why no compensation has yet been paid.<sup>199</sup>

#### 2.2.4. Lack of basic services

Many IDPs do not return to their areas of origin, because on a broad scale there is a severe lack of basic services.<sup>200</sup> Much of the infrastructure in the areas has been destroyed. There is a lack of water supplies and food. Furthermore, the sanitary situation is not adequate.<sup>201</sup>

### Lack of schools

An important factor for many IDP-families is the lack of functioning schools and educational services. It has been estimated that more the 1.2 million children have missed school for a longer period. Some children have missed more than two years in school. This raises the risk that the children will not be able to enrol again. Furthermore, there are only very few strategies in place so far to offer additional pedagogical support.<sup>202</sup>

#### 2.2.5. Lack of ID-documents

A major obstacle for IDPs to return is that many people are lacking identification documents or other basic, important documents that enable them to function in the Iraqi society.<sup>203</sup>

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<sup>195</sup> An international humanitarian NGO: 120

<sup>196</sup> US Consulate, Erbil: 235

<sup>197</sup> An international humanitarian NGO: 124

<sup>198</sup> Belkis Wille, Human Rights Watch: 356

<sup>199</sup> An international humanitarian NGO: 125; UN OCHA: 79; US Consulate, Erbil: 235

<sup>200</sup> Norwegian Refugee Council: 139 + 146; US Consulate, Erbil: 235; UN OCHA: 79; Kirkuk Now: 218; International Organization, Erbil Coordination Office: 413;

<sup>201</sup> Kirkuk Now: 218; International Organization, Erbil Coordination Office: 413

<sup>202</sup> Norwegian Refugee Council: 139 + 146-147; International Organization, Sulaymaniyah Field Office: 415

<sup>203</sup> International Organization, Erbil Coordination Office: 407; An international humanitarian: 104; Kirkuk Now: 219; US Consulate, Erbil: 242



The problem is that they either lost their documents, or they were issued documentation such as birth, marriage, death certificates by ISIS.<sup>204</sup>

In order for the IDPs to return, they must have ID-documents that are issued in the areas of origin. If they have lost their ID-documentation, they must travel back to the area of origin to have them re-issued. However, without documents it is very difficult to travel anywhere and pass the checkpoints, because people without documents more often face arbitrary arrests and detentions.<sup>205</sup>

Documents issued by ISIS are not recognised by the Iraqi authorities and must be replaced. This has consequences for people who were either born or married in areas under ISIS' control and for relatives to people who died, who cannot register these events. Children who were born under ISIS face problems being recognised as Iraqi citizens, thus risking being rendered stateless. These children would not be able to attend school either. It will take several years for the Iraqi courts to give them a legal status in Iraq.<sup>206</sup>

### *2.2.6 Geographical restrictions of returns*<sup>207</sup>

#### **Restrictions of return to Kirkuk**

When the Iraqi government forces and the PMUs took control of Kirkuk in October 2017, a large number of people were displaced.<sup>208</sup> The sources differed in their views on how many of these IDPs have returned to Kirkuk: Some Kurdish and KRI-based sources stated that a large majority of these are still not able to return to Kirkuk and still live displaced in the KRI.<sup>209</sup> Other sources report that most of the IDPs, who were displaced in October 2017, have returned to Kirkuk.<sup>210</sup> With regard to return to Tuz Khurmatu one source said that only a few IDPs returned, while another source stated that 49 percent of the Kurdish families have not gone back, due to the lack of services and the lack of security.<sup>211</sup>

Other IDPs are returning to Kirkuk. They are mostly Arab IDPs who have stayed in camps outside Kirkuk and in the KRI who are returning.<sup>212</sup>

#### **Restrictions on return to Ninewa**

Ninewa is the biggest area of displacement in Iraq. There are more than 700,000 IDPs in the province out of which 350,000 lives in IDP-camps.<sup>213</sup>

There are still some camps outside Mosul that receive new arrivals of IDPs. These IDPs are people from the western part of Mosul who were forced out by the PMUs, and people who were forcefully evicted from the eastern part of the city by the ISF. Most of them are Sunni Arabs.<sup>214</sup>

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<sup>204</sup> International Organization, Erbil Coordination Office: 407; An international humanitarian: 104

<sup>205</sup> International Organization, Erbil Coordination Office: 407; An international humanitarian NGO: 104; Kirkuk Now: 214

<sup>206</sup> International Organization, Erbil Coordination Office: 407; An international humanitarian NGO: 104; Kirkuk Now: 219

<sup>207</sup> Reference is made to Section 2.2.7 Geographical engineering

<sup>208</sup> JCC: 261; Kirkuk Now 207; An international non-governmental organization operating in the Kurdistan Region: 299, US Consulate, Erbil: 258; IOM: 331-332; A specialist working for a human rights organization in Iraq: 197

<sup>209</sup> JCC: 261; Kirkuk Now 207; An international non-governmental organization operating in the Kurdistan Region: 299

<sup>210</sup> US Consulate, Erbil: 258; IOM: 331-332; A specialist working for a human rights organization in Iraq: 197. For further reading on Kirkuk: reference is made to section 1.1.2 on ISF's and PMU's takeover of Kirkuk, October 2017

<sup>211</sup> US Consulate, Erbil: 258, An international non-governmental organization operating in the Kurdistan Region: 299

<sup>212</sup> Kirkuk Now: 222-223

<sup>213</sup> UN OCHA: 80

### *Restrictions on return to Sinjar*

Very few IDPs have returned to Sinjar, including some few Yezidis. This is primarily caused by the unstable security situation and the presence of many different security actors in the area.<sup>215</sup>

One source stated that the KRG prevents return of IDPs to Sinjar. Since the KRG control the movement out of KRI, where most Yezidis from Sinjar live in displacement, the KRG perceived as the KDP have full control over freedom of movement. The source also mentioned that the prevention of return also is done through pressure and incentives, which work because of limited shelter options.<sup>216</sup>

### *Restrictions on return to Mosul*

The population in Mosul was approximately 1.8 million people before ISIS took control in June 2014. By spring 2018, the population is around one million people in the city.<sup>217</sup>

It is fairly easy for Arabs to travel to Mosul. But they will have to pass numerous checkpoints along the road, which requires due documents and security clearances.<sup>218</sup>

In general, returns of IDPs to Mosul are taking place.<sup>219</sup> However, the western part of the city is still completely destroyed and almost no one returns to this part of the city. Because of the destruction, there is a lack of housing. Furthermore, there are still many dead bodies in the ruins and the cleaning process have been halted several times because of risk of viruses and other diseases.<sup>220</sup>

Some people have settled in the eastern part of Mosul, which was not destroyed to the same extent as the western side. Some public services have begun working again, including some schools. Even though the reconstruction process lacks support and financing, this part of the city has revitalised. This has led to the settlement of a number of IDPs to Mosul, who originally were not from there, in search of livelihood. Among the returnees are also the former Kurdish inhabitants, who have found it easier to return to Mosul than to Kirkuk, because the Kurds never had the control of Mosul, and thereby there are no previous grudges or scores to settle.<sup>221</sup>

### *2.2.7 Geographical engineering<sup>222</sup>*

There is a significant number of Sunni Arab IDPs who have not been allowed to return from the KRI to their area of origin by the Kurdish authorities. These IDPs originate from villages in the disputed territories that the KRG do not want to populate with other ethnicities, but the Kurdish population. This has been the case in the villages Hasansham and Khazir. These villages are predominantly empty and damaged. However,

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<sup>214</sup> An international humanitarian NGO: 105. Further information on arrival of IDPs in camps in Ninewa can be found in Appendix 1:

An international humanitarian NGO: 105

<sup>215</sup> Kirkuk Now: 215; US Consulate, Erbil: 244

<sup>216</sup> International NGO working in Iraq: 12

<sup>217</sup> UN OCHA: 83

<sup>218</sup> Norwegian Refugee Council: 175

<sup>219</sup> Norwegian Refugee Council: 175; An international humanitarian NGO: 106; Kirkuk Now: 213; International NGO working in Iraq: 14; UN OCHA: 85

<sup>220</sup> Norwegian Refugee Council: 175; An international humanitarian NGO: 106; Kirkuk Now: 213

<sup>221</sup> Norwegian Refugee Council: 175; An international humanitarian NGO: 106; Kirkuk Now: 213; International NGO working in Iraq: 14

<sup>222</sup> Reference is made to Section 2.2.6 on Geographical restrictions on return

close to the villages are large camps run by the KRG. The residents have not been able to obtain security clearances to leave the camps and thereby return to the villages.<sup>223</sup>

The attempt to prevent Sunni Arabs from returning to areas under KRG control has also been observed in Sinjar. In late 2017 and early 2018, Christians from Sinjar did also report that the Kurdish authorities prevented them from returning to their villages.<sup>224</sup>

The Kurdish political party KDP has been blamed for offering incentives not to return. The Christians blamed the KDP, accusing them of only allowing people loyal to the party to return to areas under KDP control.<sup>225</sup>

### 2.2.8 Secondary displacement

Even though some people are able to return and resettle in the liberated areas, there is also a significantly number of people, who realise that they are not able to resettle, after they have tried to return. These people end up in secondary displacement.<sup>226</sup>

The surveys of IDPs leaving camps in order to return to their homes indicate that people often end up in secondary displacement. This is not only IDPs who spontaneously return, but also families who have been in their area of origin for a few months.<sup>227</sup> The people who return and end up in secondary displacement are often Sunni Arabs.<sup>228</sup>

Many returns can be characterised as so-called ‘go-and-see visits’ which means that the families send one or more members – often the head of the household – back to the area of origin to check on the general situation and the condition of their properties, while the rest of the families remain in the camps, or in the host communities awaiting the situation.<sup>229</sup>

There are no valid data on how many people end up in secondary displacement. Some sources mention that approximately 4,500 people have returned this year to the KRI after trying to resettle in Mosul.<sup>230</sup> A Kurdish government source stated that since January 2018 more than 10,000 people returned to camps in KRI from Mosul.<sup>231</sup> Another source states that more than 30 % of the IDPs who tried to resettle in the liberated areas, may have returned or tried to return to the camps.<sup>232</sup>

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<sup>223</sup> Belkis Wille, Human Rights Watch: 346

<sup>224</sup> An international NGO working in Iraq: 12; Belkis Wille, Human Rights Watch: 346 + 351-352. Reference is made to Section 2.2.6 on Geographical restrictions on return

<sup>225</sup> An international NGO working in Iraq: 12; Belkis Wille, Human Rights Watch: 346 + 351-352

<sup>226</sup> Norwegian Refugee Council: 159-162; An international humanitarian NGO: 131-132; Belkis Wille, Human Rights Watch: 348-350; International Organization, Sulaymaniyah Field Office: 418; IOM: 313; US Consulate, Erbil: 236-237; An international non-governmental organization operating in the Kurdistan Region: 298; A Human Rights Activist: 388; JCC: 269-271; UN OCHA: 79 + 85; International Organization, Erbil Coordination Office: 411; Kirkuk Now: 214

<sup>227</sup> An international humanitarian NGO: 131

<sup>228</sup> Norwegian Refugee Council: 162; Belkis Wille, Human Rights Watch: 349; UN OCHA: 85, An international humanitarian NGO 106

<sup>229</sup> An international humanitarian NGO: 132; International Organization, Erbil Coordination Off.: 411; JCC: 271; US Consulate, Erbil:

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<sup>230</sup> UN OCHA: 85; Kirkuk Now: 214

<sup>231</sup> JCC: 269

<sup>232</sup> Norwegian Refugee Council: 161

The IDPs in secondary displacement either stay close to the area of origin or try to return to the camps or host communities, they originally came from.<sup>233</sup>

## 2.3. Prevalence of forced return of IDPs to disputed areas

### 2.3.1 Forced returns from the KRI

The sources did not record any forceful returns from the KRI to the liberated areas of Iraq recently.<sup>234</sup>

After the Kurdish referendum on independence in September 2017, approximately 100 Sunni Arabs were forcefully evicted from camps in Debaga to camps outside Makhmour within Erbil Governorate in the KRI. However, the eviction was related to the tense security situation after the referendum, because the Kurdish authorities feared that the PMUs would use the areas near Makhmour as a base for invasion.<sup>235</sup>

In 2017, 46 Arab IDPs, most of them from Anbar Governorate, were ordered to leave KRI by the Asayish, because they were considered a security concern due to family relations to members of ISIS. However, after intervention from humanitarian actors, they were allowed to return to Sulaimania.<sup>236</sup>

### 2.3.2. Pressure by the KRG for IDPs to return

The KRG practices less coercion on IDPs to return compared to local authorities in other parts of Iraq. However, the pressure on IDPs to return to their area of origin has increased ahead of the parliamentary elections in May 2018.<sup>237</sup>

There are reported cases of IDPs living in urban areas in KRI who have problems renewing their registration in the KRI. When their registration ended, the authorities denied prolonging it, giving the message that the person cannot stay in the KRI anymore.<sup>238</sup>

Furthermore, in the spring of 2018, the KRG planned to close all IDP camps by the end of 2018. Some were already closed resulting in overcrowding of some of the remaining camps. However, over the summer, the situation improved, because of an active return process.<sup>239</sup>

In general, the Kurdish authorities have raised awareness campaigns that facilitate expectations of IDPs to return.<sup>240</sup>

### 2.3.3 Pressure from Iraqi Government on IDPs in KRI

In the beginning of 2018, the Iraqi Ministry of Education took the decision to stop financing Arabic Schools in the IDP camps in the KRI from the start of September 2018. Instead, the money was to be allocated to

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<sup>233</sup> US Consulate, Erbil: 237; International Organization, Sulaymaniyah Field Office: 418. For information on deregistering of IDPs leaving the IDP camps and procedures to re-enter the camps, reference is made to Appendix 1: International Organization, Erbil Coordination Office: 411; Norwegian Refugee Council: 161; A Human Rights Activist: 388; International Organization, Sulaymaniyah Field Office: 418

<sup>234</sup> International Organization, Erbil Coordination Office: 405; An International non-governmental organization operating in the Kurdistan Region: 296; US Consulate, Erbil: 253; Belkis Wille, Human Rights Watch: 345; An international humanitarian NGO: 128; Norwegian Refugee Council: 151; A Human Rights Activist: 382; Kirkuk Now: 220

<sup>235</sup> US Consulate, Erbil: 253

<sup>236</sup> International Organization, Sulaymaniyah Field Office: 417

<sup>237</sup> International Organization, Erbil Coordination Office: 405

<sup>238</sup> International Organization, Erbil Coordination Office: 409; A Human Rights Activist: 303

<sup>239</sup> International Organization, Erbil Coordination Office: 404. The meeting with the source took place on 22 April 2018. In an email received from the same source on 3 September 2018, information on developments that took place during the following months was added to the meeting note.

<sup>240</sup> A Human Rights Activist: 303; Kirkuk Now: 220

the reconstruction of infrastructure in the liberated areas, such as schools, bridges, hospitals and roads. This move would have affected more than 160,000 children who would not be able to attend school, because they would probably have closed.<sup>241</sup>

However, after strong advocacy the federal Ministry of Education decided that they do not want to enforce this order, thus allowing the Arabic schools in the IDP camps in the KRI to continue.<sup>242</sup>

The decision of closing the schools in the first place originated from the Iraqi government in Baghdad who wants to pressure the IDPs to return to Iraq to work and rebuild the liberated areas.<sup>243</sup> The government wants to stop the funding of salaries to IDPs who do not return, and more specifically, teachers and nurses have been coerced to return to their areas of origin.<sup>244</sup>

The pressure on IDPs to return increased before the parliamentary elections in May 2018.<sup>245</sup> However, after deciding to allow voting in camps, this became less of a priority for the Iraqi government.<sup>246</sup>

There have been examples of IDPs who have been forced to return to the liberated areas by camp management or security forces in areas controlled by the Iraqi government such as Anbar, Salah al-Din and Kirkuk Governorate.<sup>247</sup>

The Iraqi government has established a Return Commission to facilitate the return process. However, the commission has solely focus on closing camps, not improving the conditions in the re-taken areas.<sup>248</sup>

#### *2.3.4 Are IDPs forced to go to camps?*

In general, there is very little new displacement into camps. The latest example was when ISF retook Hawija. Females and children were confined to camps, while males underwent screening in an unknown location. The focus now is 'camp consolidation', which implies continued effort on return, and gradual concentration in selected locations of those who cannot or will not return.<sup>249</sup>

## 3. Access and residence

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### 3.1. Access to Kurdistan Region of Iraq (KRI)

The situation regarding access to the KRI has improved.<sup>250</sup> However, there are no legal norms, laws or formal policies; the rules and procedures are subject to frequent changes depending on security and political developments.<sup>251</sup>

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<sup>241</sup> Norwegian Refugee Council: 148; US Consulate, Erbil: 255-256; JCC: 277

<sup>242</sup> US Consulate, Erbil: 255

<sup>243</sup> US Consulate, Erbil: 256; Norwegian Refugee Council: 148; JCC: 277

<sup>244</sup> US Consulate, Erbil: 257; International Organization, Sulaymaniyah Field Office: 417; JCC 278; Norwegian Refugee Council: 149;

<sup>245</sup> UN OCHA: 78; International Organization, Erbil Coordination Office: 405

<sup>246</sup> UN OCHA: 78

<sup>247</sup> Norwegian Refugee Council: 151; An international humanitarian NGO: 126

<sup>248</sup> An international humanitarian NGO: 129

<sup>249</sup> Norwegian Refugee Council: 154

<sup>250</sup> An international humanitarian NGO: 137; IOM 305; International Organization, Erbil Coordination Office: 395; Directorate of Nationality and Civil Status: 423-424

<sup>251</sup> International Organization, Erbil Coordination Office: 395; An international humanitarian NGO: 137

### 3.1.1. Procedure for access to KRI

Sources said that IDPs can now gain access to KRI, provided that they can show ID-documents. In many cases a sponsor is no longer needed in order to access KRI.<sup>252</sup> Every person, who crosses the border, will have to present themselves at the local Asayish' office within 48 hours as a routine.. Upon entry at the checkpoint, the name and ID-documents are checked up against a database, and a residence permit for one month is granted.<sup>253</sup>

#### Sponsorship requirement eased

The sponsorship requirement was eased or entirely discontinued after Mosul was retaken from ISIS. However, some persons continued to be required to present a sponsor on a case-by-case basis, for instance, single female headed households who were unable to explain the absence of their husbands, or single men and women with no families.<sup>254</sup> In addition, young, single Sunni Arab men had been denied access or had difficulties in gaining access to KRI, depending on their relations.<sup>255</sup>

The fact that some IDPs are denied entry to the KRI tends to be related to security considerations. The emphasis on the security concerns have reportedly resulted in the detention of certain individuals with heightened security concerns in the past.<sup>256</sup>

#### Entry through airports

When an Iraqi citizen returns on a voluntary basis via the airports in Erbil or Sulaimania, the person can present a passport.<sup>257</sup> In case there is no exit stamp in the passport, the returnee will be questioned. There is no procedure according to which extent he or she will be questioned, hence the questioning depends on the security officer at the airport. Returnees, who do not have an exit stamp in their passport, will in a few cases be sent to Baghdad to be checked. The KRG authorities have been given access to the database of the Iraqi federal government. International Organization for Migration (IOM) stated that it is impossible to leave Iraq without an exit stamp in the passport. All passports are stamped upon exit both at the airports and at the land border crossing. At the same time everyone must give fingerprints upon exit from Iraq.<sup>258</sup>

In case the passport is lost, it is possible to present a laissez-passer issued by an Iraqi embassy in Europe, together with an ID document.<sup>259</sup> Returnees who present a laissez-passer rather than a passport will go through a more thorough check at the airport. When returning to KRI, people who are originally from KRI will be allowed to access KRI by solely presenting a laissez-passer. Christians from Erbil will only be asked a few questions, whereas returnees from Mosul will be asked more questions. Every Iraqi citizen who returns via the airports in KRI will be allowed to stay in KRI for three days. However, an extension of this three-day residence permit might be difficult to obtain. Visitors, for instance, Iraqis on holiday, will be granted a visa for two weeks. Recently, no one has been detained at the airports of KRI.<sup>260</sup>

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<sup>252</sup> IOM: 305; KRG Ministry of the Interior: 363; International Organization, Erbil Coordination Office: 396

<sup>253</sup> JCC: 279; IOM 305 + 399; KRG Ministry of the Interior: 363

<sup>254</sup> International Organization, Erbil Coordination Office: 396

<sup>255</sup> OCHA 91; An international humanitarian NGO 136-137; A Human Rights Activist: 392

<sup>256</sup> International Organization, Erbil Coordination Office: 401

<sup>257</sup> IOM 322; Erbil International Airport: 357

<sup>258</sup> IOM: 322

<sup>259</sup> IOM: 324; Erbil International Airport: 357

<sup>260</sup> IOM: 324-329

### Entry to Erbil Governorate

With regard to rules and regulations on access to Erbil Governorate for IDPs, a source said that IDPs intending to access Erbil have to go through security procedures which do not fall under any law. Furthermore, they are subject to constant change, depending on the security and political situation in the area. Since 2015 the possibility for accessing Erbil has changed, in the sense that no sponsor is needed regardless of the person's ethnic/religious background. IDPs need to go through a security screening at the checkpoint at the border between Erbil and Central- and Southern Iraq in order to gain access to KRI. The authorities at the checkpoints at the land border or at the airport will do a name cross check. Kurds and Christians will not be screened.<sup>261</sup>

Female-headed households of ISIS-fighters are not being given access to Erbil Governorate. However, entry is decided on a case-by-case basis.

On entry to Sulaimania Governorate, permission from Asayish is needed.<sup>262</sup>

#### 3.1.2. Access for mixed couples

It was considered that couples that are mixed Arab and Kurdish will not have difficulties gaining access to Erbil. However, the source has not seen such cases.<sup>263</sup> A source said that such marriages are very rare, especially in the northern Iraq where the sectarian and ethnic tensions are high.<sup>264</sup> Another source said that mixed couples may be stigmatised both by other Arabs and Kurds.<sup>265</sup>

### 3.2. Residency in KRI

There are no legal norms or rules, but according to one international source with good insight in the KRG's practice of entry regulations for IDPs and other Iraqis, the sponsorship requirements have been lifted for many cases. However, there are still groups that are required to have a sponsor to get residency in KRI. The procedures are, however, subject to frequent changes, and are often applied differently on a case-by-case basis.<sup>266</sup>

Conditions for residency among the three governorates Dohuk, Erbil and Sulaimania may vary considerably.<sup>267</sup>

Despite the lack of legal norms, sources had the impression that sponsorship requirement applies to people who wish to obtain a residence permit in the KRI.<sup>268</sup> The demand for sponsorship also applies for Christians and Turkmens. The Christian church would reportedly often be the sponsor for Christians.<sup>269</sup> In general, the camps will be a sponsor for the IDP, but if the camp has deregistered a person, this person would have to go through the registration procedures again.<sup>270</sup>

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<sup>261</sup> An International non-governmental organization operating in the Kurdistan Region: 283-285 and 289

<sup>262</sup> International Organization, Sulaymaniyah Field Office: 419

<sup>263</sup> An international non-governmental organisation operating in the Kurdistan Region: 290

<sup>264</sup> A Human Rights Activist: 393

<sup>265</sup> International Organization, Erbil Coordination Office: 403

<sup>266</sup> IOM: 310; International Organization, Erbil Coordination Office: 398

<sup>267</sup> International Organization, Sulaymaniyah Field Office: 419; An International non-governmental organization operating in the Kurdistan Region: 283

<sup>268</sup> IOM: 310; International Organization, Erbil Coordination Office: 398

<sup>269</sup> IOM: 310; International Organization, Erbil Coordination Office: 398-399

<sup>270</sup> International Organization, Erbil Coordination Office: 398-399



If a person enters the KRI via the airport, the person will have to approach the Asayish office within 48 hours in order to register.<sup>271</sup> As already stated in section 3.1.1, every Iraqi citizen who returns via the airports in KRI will be allowed to stay in KRI for three days. However, an extension of this three-day residence permit might be difficult to obtain.

For Iraqis who originate from Anbar, Ninewa, Salah al-Din and Diyala it is now easier to get a residence permit to KRI, depending on their ID documents. In case there is no exit stamp in their passport, they will be asked questions. Single men must visit Asayish to get an extension for one month.<sup>272</sup> Another source said that it is very difficult for any Arabs (Sunni or Shia) to get residency. There are many steps you have to go through in order to obtain residency. For Arabs, particularly young single men, it will be very difficult to obtain it. The Kurdish Intelligence Service, the Asayish, needs to approve all residencies, rental contract etc., which is a major blockage.<sup>273</sup>

The initial entry permit issued to a displaced family or individual can be replaced by a residence permit from the local Asayish office in the neighbourhood where they plan to live. A confirmation letter from the mukhtar/district council is needed in order to obtain the residence permit, which is initially valid for one month. A residence permit is renewable for a period of six months and then a further twelve months.<sup>274</sup> Applications should be lodged at the local Asayish Office. A residence permit is required for Arab, Turkmen and other minority IDPs.<sup>275</sup>

### Residence permit in Erbil

A residence permit is required for Arabs, Turkmen and other minorities in internal displacement.<sup>276</sup> Turkmen IDPs will be able to settle in Erbil, provided that they are part of a household.<sup>277</sup>

Since 2016 no sponsorship is required in order to get a residence permit in Erbil. Kurds and Christians never need a sponsorship in order to stay in Erbil, nor will they be asked to apply for a residence permit.<sup>278</sup>

If a family wishes to apply for a residence permit, a confirmation letter from the mukhtar is needed. A residence permit is renewable for six months and then further twelve months. Applications should be submitted at the local Asayish Office.<sup>279</sup>

In some cases, for instance single women who cannot provide justification for absence of their husbands (such as divorce certificate, death certificate etc.), and single men and women who come to Erbil with no families, they might be required to provide a sponsor. However, it is also decided on a case by case basis.<sup>280</sup>

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<sup>271</sup> International Organization, Erbil Coordination Office: 399

<sup>272</sup> IOM: 326, incl. footnote

<sup>273</sup> An international humanitarian: 138

<sup>274</sup> IOM: 310; International Organization, Erbil Coordination Office: 399

<sup>275</sup> International Organization, Erbil Coordination Office: 399

<sup>276</sup> An International non-governmental organization operating in the Kurdistan Region: 288

<sup>277</sup> An International non-governmental organization operating in the Kurdistan Region: 290

<sup>278</sup> An International non-governmental organization operating in the Kurdistan Region: 288

<sup>279</sup> An International non-governmental organization operating in the Kurdistan Region: 288

<sup>280</sup> An International non-governmental organization operating in the Kurdistan Region: 288



### Kurds and other ethnicities from Kirkuk

Kurds from Kirkuk do not need to change their residence status, and require no special documents to enter KRI. In general, Kurdish populations, regardless of where in Iraq they come from, do not need special permissions of any kind in KRI.<sup>281</sup> Neither will other ethnic minorities, including Yazidis, Shabaks, and Christians from areas outside KRI have issues with obtaining residency. Turkmen from Kirkuk do not have residency problems either, which also applies to Turkmen from Tel Afar who previously did have difficulties obtaining residency permit.<sup>282</sup>

It is impossible for Kurds who are registered in Kirkuk to change registration to Erbil without paying bribes and having the right contacts. It is a challenge for Kurds registered elsewhere to renew important identity documents, because they have to return to their governorate of origin, to have the documents issued.<sup>283</sup>

During the takeover of Kirkuk by the Iraqi security forces in October 2017, Kurds from Kirkuk were given access to Erbil and they were not requested a residence permit. Sunni as well as Shia Arabs need a residence permit to stay in Erbil.<sup>284</sup>

Regarding Kurds from the rest of Iraq, a source said that they can enter and reside in KRI without any problems. They do not need a residence permit. However, they cannot change residence status. The same source said that every person entering the KRI to reside must have a sponsor, except Kurds.<sup>285</sup>

### 3.3. Significance of network for returnees

Kurdish authorities stated that rejected asylum applicants returning to Iraq would have difficulties in returning, if they do not have a network to support them. Especially single women would be exposed. There is no space in shelters, because they also suffer from lack of funding.<sup>286</sup>

For returnees in general, IOM emphasised that in the integration process the support from the community is vital at three levels:

- Firstly, the individual support is important in the sense that it is easier to reintegrate if you have good relations with your family. For returnees without family, the reintegration will be difficult due to the high living costs.
- Secondly, the community's capacity to absorb is a central element for the reintegration.
- The infrastructure is the third important factor in the sense that there are often very little opportunities in the rural areas. IOM further explained that most of the returnees go to the rural areas of Sulaimania, Halabja and Rania. No returns are recommended to Ninewa, Anbar, Salah al-Din and Diyala.<sup>287</sup>

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<sup>281</sup> An International non-governmental organization operating in the Kurdistan Region: 291

<sup>282</sup> An International non-governmental organization operating in the Kurdistan Region: 291

<sup>283</sup> A Human Rights Activist: 209 and 390; International Organization, Sulaimania Field Office: 422

<sup>284</sup> An International non-governmental organisation operating in the Kurdistan Region: 287

<sup>285</sup> A Human Rights Activist: 390

<sup>286</sup> JCC: 282

<sup>287</sup> IOM: 315-320

## Appendix 1: Notes from the meetings

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### An international NGO working in Iraq

25 April 2018

#### Security Situation in the former ISIS-controlled areas:

1. According to the source, ISIS is weak; they are not controlling any area anymore. However, ISIS is not necessarily weak as an insurgent group; they still have activities, but on a small scale. Even though ISIS still has a centralised command, the group has 'outsourced' some of its operational activities to individuals, who act in the name of ISIS. The source highlighted that Diyala was an example of this; groups claiming ISIS affiliation in Diyala may or may not be affiliated with IS operationally; it can be hard to tell in individual instances. Some individuals may be active on behalf of ISIS. However, it is not everybody who claims to be operating on behalf of ISIS-operative, who actually is so.
2. There were many armed groups that resisted ISIS in the areas that were controlled by ISIS. Despite effective ISIS-intelligence capabilities, many of them remained and still exist, but their motives are unclear. However, it is unclear what the goals of these groups are; it does not seem like that they have a common goal, which affects the security situation.
3. The source noted that the unclear hierarchy of the Popular Mobilisation Units (PMU) is seen upon as a challenge. However, they still have much territory under their control; and the Iraqi Security Forces (ISF) is not near to take over those areas. The PMUs are reacting strongly to family members of ISIS-members and to people, perceived as ISIS-members and their families as well. Abuses happen and there is a degree of collective punishment against the groups of population where ISIS drew its support.
4. According to the source, the perception is that the ISF is doing a much better job than expected. They are more professional and better paid, which seem to be important factors regarding the approach towards the civilian population, who, in general, is tired of war. Both the Iraqi Army and the Iraqi National Police are better viewed upon than the PMUs, why the withdrawal of the PMUs in some areas has been popular.

#### The security situation in the Ninewa Governorate

5. According to the source, ISIS does not have foothold in the province anymore; the group is probably stronger in the Badoush area between Mosul and Tal Afar.
6. The Iraqi government still allows activities of the Kurdish political parties. The two main Kurdish parties, KDP and PUK, still have open offices in Ninewa. But the presence is smaller than before the

referendum and change of control in October 2017, and especially the KDP is suffering of their destructive policies.

7. The source noted that the ISF seems to be the strongest security actor in the province, but they are still quite weak. The Sunni-based PMU called 'al-Hashd al-Watani' have some support in Mosul. It was said to have been supported by Turkey, but is now left on its own.
8. Many Christian PMUs are in conflict with each other. According to the source, some of the Christians are aligned with KRG, including the 'Ninewa Plains Unit' that is connected with KDP; others have close relations with Baghdad, including the 'Babylon Brigade'; while others are independent. The source stated that people are not getting hurt and that it seemed that the worst enemy of the Christians are between themselves.
9. The source noted that the IDPs overall are safe in the Ninewa Province, despite arrests by PMUs. The conditions in the camps are poor; and there are problems issuing identification documents. Lack of identification documents often leads to the conclusion that the person must have lived in the areas that were under ISIS' control.
10. In general, people who lived under ISIS' control suffer from discrimination and abuses. However, the abuses are not systematic, more random. The source added that ISFs reputation is better than that of PMU, but they are both committing harassment and there are examples on collective punishment on both sides. The examples of harassment by ISF and PMUs seem to be increasing in number. It is quite regular for either of them to detain individuals suspected of IS affiliation or their families without due process. They will also apply other kinds of social pressure, such as limiting access to services.
11. There have been a small number of clashes between ISF and PMU, but small in numbers.

### ***Sinjar***

12. According to the source, both ISIS and the KDP are out of the picture in Sinjar. This has led to a reduction in conflict activity in the area. The Turkish-Kurdish militia PKK is still present in Sinjar, even though officially they left. Presently, two major militias are controlling the area – the HPE (Kurmanji acronym for Ezidkhan Protection Forces) and the YBS. HPE were originally unaffiliated, avoiding PKK, PUK, KDP, and the Iraqi security forces, but now seem to work within the quite open PMU system. They do not appear to be the largest group and it seems like their legitimacy is mostly predicated on their leading role in protecting some of the shrine. The leader made a brief alliance with KDP at one point, but it was superficial and desperate. YBS is seen as PKK-affiliated. The Iraqi government seems more relaxed in the area. They do not seem to oppose PKK presence but want to secure open trade routes. However, the source noted that KRG prevents people from returning to Sinjar. KRG is stopping people from returning to Sinjar. This is really the KDP and it is done through lots of pressure and incentives, which work because of limited shelter options. Also, at the end of the day, KDP has complete control over freedom of movement.

13. PKK has been accused of kidnapping and forced recruitment in the area. However, according to the source, the accusations appear to be originating from the KDP. The KDP are still unpopular in the area and is projected as the main spoiler in the area and they are perceived to be ready to create a humanitarian crisis in order to stay in power.

### **Mosul**

14. Most IDPs return to East Mosul that was not as destroyed to the same extent as the western part of the city. Among the returnees are also the former Kurdish inhabitants. It is easier for the Kurds to return to Mosul than to Kirkuk, because the Kurds never had control of Mosul as they had with Kirkuk.
15. The source highlighted that the security incidents was somewhat arbitrary and were mostly a result of organised criminal activities. The formal security actors do not have full control of the city. The criminal groups consist of former members of the armed groups. In some cases it looks like that members of the PMUs can be security actors by day and criminals by night. The members of the PMUs are not paid much and their level of education is often less than other security actors such as the ISF.
16. However, as an ongoing theme the security incidents can also target prominent figures and the mukhtars. This could also be a consequence of the will of the PMUs and local militias to show force because the authorities are not in control. The source added that no mukhtars were killed.
17. With regard to activity by ISIS in Mosul, the source assessed that there is very little activity left by ISIS. In addition, it is improbable that ISIS is still capable of making profit on criminal activity in Mosul.

### **The security situation in Kirkuk Governorate**

#### **Kirkuk**

18. According to the source, Kirkuk has a different dynamics compared to other Iraqi cities. There have been many security incidents, some of them have been visible attacks by remnants of ISIS.
19. The perception is that the security situation is better after the ISF took control of Kirkuk in October 2017. Under the previous Kurdish rule there were ISIS attacks, the Arab community was targeted. After the change of control, the opinion is that the Iraqi police are less stringent towards the civilian population. The source stated that many refugees have returned, including many of the people who fled in October 2017. The people who have not come back are core members of KDP and the Kurdish security forces.
20. The source noted that KDP has financed armed groups who have tried to target ISF in north-eastern Kirkuk. However, it has been poorly organised, but it was a factor for instability. Any incidents have been low-scale and only occurred in the north-eastern Kirkuk.

21. KDP has no longer influence in Kirkuk. PUK on the other hand withdrew from Kirkuk which is a sign of good relationship with the Iraqi federal government.
22. According to the source, there are many security incidents in the city, but at the same time there are many different groups or other unconventional actors operating in and outside Kirkuk. Some of the violence is probably organised crime, while some do have political connotations.
23. There are fewer checkpoints now than before October 2017; the checkpoints are controlled by the ISF. The PMUs are not operating within Kirkuk city.
24. There are no ethnic or religious groups who are not allowed into the city. However, the Turkmens are more targeted than other, but the reasons for this are unclear. Furthermore, some individuals affiliated with the former Kurdish administration and security apparatus are not returning, because they fear the reaction and/or revenge of the present authorities.

### **Hawija**

25. The security situation in Hawija is more volatile. There are a lot of different armed groups, including ISF who are responsible for many incidents. It is an area that is difficult to control. Therefore it is easy for ISIS-affiliated groups to operate, especially in the rural areas. There are pockets where ISIS is present. They are targeting mostly security forces. However, the character of the conflicts seems to be based on local dynamics and in some cases as retribution.

### **The security situation in Diyala Province**

26. The source noted that Diyala is a real hodgepodge. In sum: you have armed groups whose dynamics predate 2014 because ISIS never controlled the area long enough to influence the underlying trends. You also have protracted communal conflicts that are geographical, ethnic, and sectarian. Lastly, you have PMU competition over access to resources and rents.
27. According to the source, the PMUs allowed the PUK into Khanaqin and to keep Kifri and Kalar. This highlights the good relations between PUK and the political leadership in Baghdad.

### **The security situation in KRI**

28. The source considered it unlikely that ISF and PMU were able to target anyone on KRI controlled area.
29. The source stated that there are very small possibilities for the political opposition in KRI. A small group of persons in top of the political parties, KDP and PUK, can do anything they want without fearing sanctions etc. In general, the KDP and PUK are in control. If a person has a conflict with a powerful figure from these two parties or the Asayish, that person would be in trouble.
30. Asked if an employee of the Kurdish intelligence organisations Parastin and Zanyari left the organisations without permission could come back without being sanctioned, the source stated

that it was unlikely that anyone could leave the organisations without permission, and that a former employee would be sanctioned if he returned.

31. The source added that Iran may be able to target a person from the KDP-I.

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## An Iraq Analyst

Bruxelles, 3 May 2018

### Segregation of the Iraqi society

32. According to the Iraq analyst, after many years of sectarian conflict Iraq is now almost completely segregated. Southern Iraq is dominated by Iraqi Shias, while the western part and the areas north of Baghdad, including Ninewa and Salah al-Din are dominated by Iraqi Sunnis. Baghdad is segregated in a predominantly Shia eastern part of the city and a predominantly Sunni population in the western part.
33. The Kurdistan Region of Iraq (KRI) consists of 95 % of Kurds. There are some few mixed areas left, including the Disputed Territories. In Kirkuk the population is mixed between Sunni Arabs, Turkmen Sunnis, Kurds and Kaka'is. The population in Diyala is also mixed. In Ninewa, there are areas with Sunni Arabs, Yezidis (in Sinjar and Bashiqa) and Christians as the prominent ethnicities.

### Popular Mobilisation Units (PMUs)

34. The Iraq analyst noted that the present structure of the PMUs was formed in June 2014 to counter ISIS' offensive towards Baghdad. However, many of the different militias within the PMUs were formed already in 2003 and they also had a role in the Iraqi civil war in 2005-06.
35. The PMUs have approx. 120,000 members which, according to the source, is a low estimate from a government source. However, the militia groups within the PMUs are different from each other, both in size, influence, independence from other (state) actors and the government of Iraq.
36. The source stated that there were eight major Iraqi Shia groups within the PMUs:
  37. The Peace Brigades, formerly known as the Mehdi Army. This group was formed in 2003 and had at a time up to 60,000 members, but the present size is now approx. 30,000 members among whom many are deployed to the Shia shrine in Samarra
  38. Asaib Ahl al-Haq (League of the Righteous). This group split from the Mehdi Army in 2006 and consists of approx. 10,000 members. The group is very active both in politics and at the operational level, as it, according to the source, is much feared for its targeting of civilians.

39. Khata'ib Hezbollah, the Hezbollah Brigades is also a very active militia that is supported by Iran with, among other things, special military training. It consists of 3-5,000 members. It operates in secret ways in Diyala and in Southern Iraq, including Basra.
40. The Nujaba Movement, is an Iraqi Shia group, that has presence in Iraq, but it is mostly active in Syria
41. Imam Ali Brigades tries to be influential with a high number of members.
42. Badr Organisation was formed in Iran in the 1980s. The former head of Badr Brigade has become Minister of the Interior and thereby the organisation controls the local and federal police.
43. Abbas Combat Division & Ali Akhbar Division, two nationalist groups that focus on the Iraqi state and oppose foreign interference. They are both loyal to Grand Ayatollah Ali al-Sistani.

#### Sunni PMUs

44. Furthermore, the source elaborated that there were a significant number of Iraqi Sunni PMUs who consisted of approx. 17-25,000 members. These militias were formed already in late 2014 in alliance with the Iraqi government who needed their help to fight ISIS, especially in Sunni areas such as Anbar. When an area was liberated, the government would facilitate the formation of new local PMUs that could help provide for the security. Finally, some of the PMUs, such as, for instance, the Hezbollah Brigades and the Badr Organisation were recruiting Sunni Arab members to their militias. Some of these were former soldiers from Saddam Hussein's army who saw an opportunity to get a job.

#### Recruitment and desertion

45. At a general level, the source stated that recruitment to the PMUs was entirely on a voluntary level. Many joined the PMUs out of economic reasons, because they had no jobs. The PMUs could offer up to 500 USD/month which was an attractive salary.
46. Desertion was not that often seen in the PMUs in contrast to the Iraqi Army in 2014-15. However, the source noted that on one side if a junior or low-level member of the PMU deserted, this would likely have no consequence or retribution. The PMUs themselves would not care and the state would not have the capacity to act on low-level desertion. The source explained that he, for instance, had seen former low-level militia-members work as taxi drivers in Baghdad. On the other side, the source highlighted that if a high-level member or an intelligence officer would desert there would be repercussions. However, the source emphasised that he had not seen any cases of high-level desertion from the PMUs.



#### Attempt to integrate the PMUs in the Iraqi Security Forces (ISF)

47. There has been a political decision to integrate the PMUs in the Iraqi Security Forces (ISF). However, the source noted that this will not happen in a foreseeable future. Instead, the PMUs have become an integrated part of daily life in Iraq, where the militias have a political and social role. On one side, the source stated that people are proud of the PMUs, because of their role in the fight against and defeat of ISIS. People look upon the PMUs as the defenders of Baghdad, and this is also how the PMU consider themselves. But on the other side, the PMUs have competition among themselves. They fight for money and power and the line between legitimate political struggle and criminal activities has been crossed many times. The PMUs are targeting each other and there are civilian casualties, also among the Iraqi Shia population. Furthermore, the source noted that not all members of the militias are disciplined. There have been several cases of confiscating properties from minorities, especially Christians and Iraqi Sunnis.
48. The relations between the PMUs and the ISF are generally good. According to the source, the two parties fought side-by-side on the battlefield in the fight against ISIS. However, inside the cities in the liberated areas it can be very different. The source noted that the ISF want as much control as possible and that goes against the aims of the PMU. The source stated that a possible, but not yet seen, scenario could be the PMUs' targeting of army or police officers. The source emphasised the powerfulness of the PMU by exemplifying that the head of security of the Iraqi Prime Minister was killed by the PMUs, simply because he did not stop at a checkpoint.

#### PMUs empowered

49. According to the source, the PMUs feel much empowered after the defeat of ISIS. They feel that they were the ones who fought and defeated ISIS. They have weapons and they are part of central government structures. They have the support of the majority of the population. Furthermore, they have their own media such as TV- and radio stations, they are active on Twitter. They have been effective in running major PR campaigns and there are daily reminders of the role of the PMUs in the fight against ISIS.

#### Human rights violations by PMUs

50. There have been several stories about human rights violations committed by the PMUs. According to the source, there are five major profiles of victims of the PMUs.
51. Firstly, the PMUs are targeting their political opponents no matter their religious or ethnic background. The source stated that since the militias are now fighting for money, power and influence, they are attacking every rival, even other Shia militias.
52. Secondly, the PMUs are known for retaliation attacks. Every time there is a major terrorist attack, often committed by ISIS cells, the militias are responsible for retribution attacks, often targeting the Iraqi Sunni communities arbitrarily. This is also a modus operandi that is known to ISIS for which reason it plays on this reaction to stimulate its agenda about sectarian violence.

53. Thirdly, PMUs are targeting Iraqi civilian society activists and journalists. According to the source, this has very little coverage, but the attacks play an important role in silencing critics of the PMUs. Often, the armed Shia militia groups are kidnapping the activists as a scare tactics. Journalists can also be targeted, if their articles are both critical of the PMUs and gets a lot of publicity. The source mentioned an example from 2017 when 17 student activists from the communist party were kidnapped in Saadun in Baghdad, because of their activities. They were eventually released.
54. Fourthly, the PMUs are targeting people that show signs of deviating morality. This is mostly when people stand out the Shia social norms. The victims are from the LGBT community or among creative people who, for instance, dress differently. The source mentioned an internationally known case on Karar Nushi who was killed in Baghdad in 2017. In other cases, Christians and Yezidis are targeted, for instance, the Christians liquor stores. In many cases the targeting can have the support of the Shia community. However, the source noted that this happen less than before and that the Iraqi society is characterised by more openness than just some years ago. Furthermore, the Iraqi Shia militias often have more important goals and therefore they do not want to destroy the good reputation that they achieved by targeting their own ethnic population. The source also mentioned that between Hilla and Basra there are no official liquor stores. Alcohol is only sold clandestinely and it could get you killed. There are some liquor stores in Baghdad, but they have iron doors (in Saadun area, North Karrada). Some of these have been attacked by hand grenades. The motive behind such attacks can either be to kill or for the sake of money.
55. Finally, the PMUs have been targeting business owners. The reasoning behind this is that they want to make money why they extort the business owners.
56. Asked if random kidnapping of Sunnis by PMUs took place in Baghdad, the source replied that it is less frequent today, and that the PMUs need to protect their good reputation.
57. Asked whether people working for US or foreign military forces or organisations are targeted, the source noted that they are not targeted now, but that this could easily change. The PMUs have the capacity to find them all over Iraq, if they want to.
58. The source acknowledged that the PMUs have very good intelligence capacities. This was exemplified in Kirkuk in October 2017 when a young boy wrote a critical text about the Asaib Ahl al-Haq (AAH) on the internet. The militia tracked down the boy's home. However, the boy was not home, but the militia made his father disown him of the family. Afterwards, the AAH was proud about tracking down the boy.

## Role of the tribes

59. The source described the important role of the tribal system in Iraq. The source mentioned that more than 70 % identify themselves as tribe members. The name of the tribe is known by a person's last name.

60. Historically, the Iraqi population has lived with tribal norms and structures for many years. The tribes have an important social role in the society as a social and personal safety net.
61. The tribes are armed with weapons, incl. heavy weapons. The source noted that tribal violence is often the reason to conflict in the Iraqi society. If a member of a tribe kills a member of another tribe, even if it happens accidentally, the other tribe will target not only the perpetrator, but his tribe too. The solution is often only to pay ‘blood money’ as compensation. If compensation is not given, it will result in endless killing among the tribes.
62. If a member of a tribe do not obey the wish of his or hers own tribe, the result is almost always that the person will be either shot, ostracised or disowned and expelled from the person’s own tribe. If a person is punished by his or hers own tribe, the punishment can be denial of living in a certain city or province. Furthermore, the person might not be safe in the rest of the country. However, the source noted that a person fleeing from Basra could go to Baghdad, Anbar and KRI to be safe, but he could not go to another city in the southern regions. In such cases there is no possibility to seek protection by the authorities. Asked in what cases people are disowned by their tribes, the source replied that sometimes it happens for minor cases such as criticising someone on Facebook.
63. In a tribal conflict, religion and ethnic issues do not matter as much as it is a question of honour. However, in mixed areas when there are tribal feuds between two different religious or ethnic groups, for instance, a Shia tribe and a Sunni tribe, it is more difficult to resolve the conflict because of the political and/or religious complications such a conflict can have.
64. The source highlighted that ISIS understood and played on the tribal system in Iraq. ISIS deliberately tried to recruit some specific few senior members of a tribe, often social leaders who wanted more influence. This resulted that the whole tribe was implicated and this could devastate the tribe itself.

### ISF – recruitment and desertion

65. The source said that the Iraqi security forces are voluntary forces and that there is no draft which also applies to the Peshmerga and the PMUs. If a member of ISF deserts, the Iraqi state does not have the capacity to pursue such a person; no one is coming after the deserter. For members of the intelligence service in Iraq and KRI, it will not be easy to desert. The source did not know of any concrete cases.

### Situation of the Iraqi Sunnis

66. According to the source, the situation for the Iraqi Sunni population is much better now than it was in 2015 and in 2005-2006 during the sectarian civil war, even though it is not perfect. In general, the Iraqi government has made an effort not to be too tough on the Sunni minority. However, there is still violence as a consequence of tribal conflicts between Sunni and Shia tribes or as a consequence of that ISIS successfully has split Sunni tribes. This has resulted in retribution attacks

against tribes that are perceived to have been collaborated with ISIS. Another example is that Iraqi Sunnis from Mosul, Kirkuk and Tikrit can be denied entry to Baghdad.

### Security Situation in the liberated and disputed areas

67. The source noted that PMUs are still present in the areas that were liberated from ISIS. This regards Ninewa, Diyala, Salah Al-Din, Hawija and Kirkuk Governorates. The presence is not necessarily manifested in checkpoints and area control, but can consist of representation offices. In terms of which armed force controls a checkpoint, the source noted that the Peace brigade is controlling checkpoints in Samarra where they protect the Shia shrine. Between Baghdad and Tikrit the PMUs are controlling checkpoints. A car journey currently takes four hours due to the checkpoints on the road. Without the checkpoints the car ride would take one hour.
68. The source highlighted that local dynamics are often determining the character of the conflict and violence in the governorates. According to the source, it is too simple always to accuse the PMUs of violations. Sometimes the violence is caused by local conflicts between, for instance, PMUs belonging to ethnic minorities.
69. The biggest security challenges ahead is firstly ISIS-pockets still being active, even though they do not control any areas; secondly it will be a challenge that the PMUs are split and going after each other.

### Targeting of ISF

70. Asked about the level of targeting by the ISF and the Federal Police, the source replied that the ISF seriously tries to avoid any violations. The general concept is that the ISF wants to rebuild its image and reputation after it suffered from the defeat to ISIS in 2014 because of desertion and corruption. Asked if ISF have made violations, the source replied that one would be hard pressed to find examples of violations.
71. The same is true for the Federal Police. They have been through a rehabilitation process after a previous bad reputation of corruption, nepotism and violations. The Federal Police have become more disciplined and better trained. However, one important factor to this can also be that many officers are also members of the Badr-Organisation.

### **Ninewa**

72. The situation in Mosul is still complex. The eastern side of the city was quickly liberated from ISIS and did not see much destruction. However, the western side of Mosul is completely destroyed and the former population is not able to return.
73. Sinjar was liberated already in 2014, but people have not returned to the area, because it is still unsafe to return due to political reasons. The problem is that there is mistrust between the Yezidi population and the Kurdish population. Furthermore, the Turkish-Kurdish armed group, PKK, is present which affects the security situation.

### **Hawija**

74. Hawija was officially liberated as late as in October 2017, but ISIS was not really military defeated. The fighting and the destruction of the town were limited, because ISIS withdrew at a late stage of the conflict. The source stated that members of ISIS withdrew to more deserted areas, for instance in caves or tunnels in the mountain areas. Then at night-time the ISIS-groups are returning to the villages and are especially targeting the security forces and civilian people working for the government.

### **Kurdish Region of Iraq (KRI)**

75. The KRI is divided between the two major political parties; the KDP, who controls Erbil and Dohuk and the PUK, who controls Sulaimania. According to the source, the Kurdish authorities have been very serious in controlling the latest social protests of people demanding their salaries paid, improvement of the economic situation and combat corruption.

### **Salah al-Din Governorate**

76. Another example highlighted by the source is the Tuz Khurmatu village located near the Kirkuk-Baghdad road. The village is divided between a Shia, Sunni and a Turkmen population and the level of violence in this village is very high. The city has witnessed a lot of violence against the Kurds. The violence against Iraqi Kurds took place in the form of displacement of some Iraqi Kurdish families after October 16, 2017. However, also Tuz continues to be a sensitive case with conflicting reports.
77. The town Tikrit was occupied by ISIS in 2014, but cleared by ISF and PMUs in 2015. The town has been repopulated after the tribes in the area convened.

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**United Nations Office for the Coordination of Humanitarian Affairs (OCHA)**  
Susan le Roux, Deputy Head of Office, Erbil, Nasr Muflahi, Humanitarian Response Advisor) and The World Health Organisation (WHO), (Dr. Wael Hatahit and Dr. Fawad Khan)

**Erbil, 25 April 2018**

### **Situation for IDPs**

78. According to OCHA, there is a push from the government of Iraq for IDPs to return to areas of origin, humanitarians organisations, including OCHA, have advocated for a principled and dignified return process that in principle has been agreed by the government of Iraq. At the time the government of Iraq wanted IDPs to return to areas of origin ahead of the parliamentary elections in May 2018, this became less of a priority as voting was allowed in camps.

79. OCHA had observed many premature returns to the liberated and disputed areas and the situation in many areas is still not conducive for IDPs to return. In general, the areas are characterised by considerable destructions, contaminations of neighbourhoods, houses and public buildings of unexploded devices, booby traps etc. that pose an imminent threat to the lives of returnees. The security situation is not stable; there is a lack of basic services available. In some cases the local community present in the areas do not want certain individuals or families of those individuals to return. The five governorates Ninewa, Kirkuk, Anbar, Salah Al-Din and Baghdad have Return Committees that have been set up to discuss and plan the principled returns of the IDP's as well as the camp consolidation and closure, the committees members include UN, NGOs and Government stakeholders. The source emphasised that the biggest challenge for the humanitarian response is the lack of funding. The return of displaced families to their places of origin is ongoing; however, the return rate has started to slow down. Significant challenges and obstacles remain, including limited basic services, destroyed house, ERW contamination and limited economic opportunities, the absence of local tribal reconciliation and insecurity.

#### Ninewa/Mosul city

80. According to the source, Ninewa is the biggest area of displacement in Iraq; there are more than 700,000 IDPs in the province out of which 350,000 are located in IDP-camps.
81. The security poses a challenge in the governorate and the sectarian division poses a threat to the population. The Iraqi Security Forces (ISF) is present, but so is the Popular Mobilisation Units (PMU, in Arabic: Hashd al-Shaabi) who are not under the control of ISF. The PMUs are officially a subject to the Ministry of Interior of Iraq (MoI), but not all PMUs are reporting to the MoI. The government of Iraq does not have control over all armed actors. There are reports of PMUs committing abuses in IDP camps. The abuses have been reported on multiple occasions, Hammam al Alil in April 2017, also on several occasions throughout 2017 in Haj Ali and Jad'ah, as well as recently in 2018, there have also been incidents in Salah Al-Din.
82. The source stated that there were many security incidents in Mosul city and the situation did deteriorate at one point, since the meeting and as of now, security in Mosul has improved, with different military agencies being based there. There were multiple armed groups who had been responsible for abuses, as well as ISIS sleeping cells who pose a threat to the civilian population. The abuses or retaliation attacks are often target members of families related to ISIS who are considered 'complicit by association', for which reason the abuses go unpunished. The source added that the post-war situation is still in its initial phase in the sense that the government is still cleaning up after war.
83. The population of the city of Mosul was approx. 1,8 million before ISIS took control of the city in June 2014. The source estimated that approx. one million people live in Mosul in the spring of 2018.

84. There is an acute lack of basic services in Mosul. The source noted that, in particular, there is a lack of education for returning children.
85. According to the source, in the latest few months 4,500 people returned to the Kurdish Region of Iraq (KRI) after trying to settle in Eastern Mosul. OCHA stated that they had nowhere to stay in Mosul or that the living expenses were too high and many cannot afford to stay. The returnees, who mostly comprised of Sunni Arabs, were allowed into the Khazer IDP-camp in KRI. The source added that there is available space in the IDP-camps in KRI.
86. According to OCHA, many of the villages who previously had a diversity of minorities are now only populated with one minority. Often the minority, who returns to the village first, will be the only ethnic group present. Especially, Christians and Yezidis are sceptical about living with other ethnic groups. For instance, Christians do not return to villages where the Shabak population already have returned. The source further mentioned the situation in Tal Afar where the Shia Turkmens have returned, while the Sunni Turkmens are afraid to return out of fear of retaliation at being perceived as ISIS members or sympathisers and therefore stay in IDP camps. The source added that there is a large presence of PMUs in Tal Afar.

#### Kirkuk

87. According to OCHA, Kirkuk is one of the most challenged governorates in Iraq. The government of Iraq did not have full control over either the governorate or all the armed groups operating in the area, until recently, there have been several security operations in the later part of 2018 to secure areas in Kirkuk.
88. There has been a conflict between the Arab population and the Kurdish population for a long time. Unlike before when the Arabs were the targeted group, in the present situation, after the Kurdish independence referendum, armed actors target the Turkmen population of Kirkuk and Kurds connected to the Kurdish party KDP, this has since calmed down

#### Kurdistan Region of Iraq (KRI)

89. The referendum of independence in September 2017 has had a negative impact on the KRI. People are starting to think differently. As an example, OCHA mentioned that the youth population are losing faith that the situation will improve. The source also stated that people were getting more disillusioned of politics and the political actors.
90. Furthermore, the source noted that the economic crisis is hitting hard. The source stated that there was a paradox in the housing area where the rental prices for housing has decreased after the referendum: the people are paying less for renting an apartment or house; however, the prices for IDPs are the same as before. Furthermore, the IDPs are struggling with the sentiment in the host communities that the IDPs/refugees are taking the jobs from the Kurdish population. As a result, the source noted that there were forceful expulsions of especially young Sunni Arab men.<sup>288</sup> The

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<sup>288</sup> OCHA did not have further details in this, but referred to Human Rights Watch.



## NORTHERN IRAQ – SECURITY SITUATION AND THE SITUATION FOR INTERNALLY DISPLACED PERSONS (IDPS) IN THE DISPUTED AREAS, INCL. POSSIBILITY TO ENTER AND ACCESS THE KURDISTAN REGION OF IRAQ (KRI)

expulsions had a security pretext, but the source assessed that it was because the IDPs have been seen as a competitive workforce. As a reason for the assessment, the source noted that the KRG has encouraged international and local NGOs to hire solely Kurds. The source added that after the independence referendum, the pressure to hire only Kurds has been eased.

91. Asked if any Iraqis are being denied access to KRI, the source replied that young Arab men had been denied access.
92. According to the source, Syrian refugees, Arabs and even Kurds are to be considered vulnerable groups in KRI. The source elaborated that the Kurds can be considered vulnerable because the KRG via the federal government had not been paying salaries for a long time. The living costs are increasing at the same time.
93. The sectarian divide makes life difficult in Iraq. Minorities are also under pressure in the KRI. The source noted that the situation is not identical with the rest of Iraq, but Christians have a sentiment of being a minority. Christians in the past had, had the protection of the state and lived in defined areas in relative safety, the ISIS attack in 2014 has brought into question the safety of all minorities.
94. The source noted that, in general, there are no restrictions in returning from the area of displacement, but there are limitations in the areas of origin.

### Health care (meeting with representatives of the World Health Organisation (WHO) in Erbil at OCHA's office)

95. The World Health Organisation (WHO) stated that local health authorities are in charge of service provision for IDPs in and out of camps, WHO has provided support and is willing to fill in gaps as the provider of last resort.
96. WHO received funding from donors to support IDPs in IDP camps, but not to the local community. Inside the camps, primary and referral to secondary health care is provided. Tertiary health care is not included by any donor's agreement, thus cancer treatment, kidney transplants and treatment for hereditary diseases such as Thalassemia (blood disorder) it is not available.
97. WHO pointed out that according to the Federal Ministry of Health, medication is available in their own warehouses and the ministry is procuring medications based on the population needs. Local health authorities request medication through an internal process that differs from one governorate to another. WHO on the other hand is providing support to many of the health partners providing health care to IDPs. WHO provides medicines in kind to the partners in return partners provide WHO with the consumption data. Some stock outs were recorded due to delays in requesting medications WHO or due to delays in obtaining the required security clearances by the authorities. WHO received reports of shortage in some public hospitals, both with regards to medicines and services. On a second note, WHO is concerned about the irrational use of medication, this might lead to many risks including antimicrobial resistance. Currently, WHO together with Iraqi Red Crescent Society are implementing a project treated to quality of care in

the camps by applying a system of scorecards for the different IDP camps (use of red and green flags for the different services).

98. With regard to mental health, WHO stated that there are huge needs and the available services does not meet the demand. Mental health interventions is time and resource consuming and it requires qualified medical personnel who are properly trained to give this treatment. As an example of the shortage of treatment of mental disorders, WHO said that Anbar Governorate has psychiatrists only. It is worth it to mention that perception of mental health in Iraq has changed and the conflict has broken some taboos.

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## An international humanitarian NGO

*The source is an international humanitarian NGO working across both Kurdish and Federal Iraqi controlled areas of the country.*

24 April 2018

### Situation for IDPs in the disputed areas

#### Obstacles for return

99. According to the source, the general situation for IDPs in Iraq varies from region to region. Overall, returns are still happening, and the returning IDPs can get officially registered. But at the same time there is also still displacement occurring, as well as groups who are unable to return to their area of origin with multiple different reasons. In this regard the source highlighted that the main problems of concern are abuses and exploitation of IDPs, especially children and the general lack of identification documents for many displaced.
100. Many areas in the north of Iraq are still suffering from the remnants of the war against the armed group Islamic State (ISIS). The source noted that in particular the west side of Mosul and north of Mosul and other areas across the Ninewa Province where there were high scale military operations, there are still high numbers of contamination in the form of unexploded residues and other remnants of war.
101. Hazards of unexploded devices remain a security concern in almost all the retaken areas. One of the main reasons is that the high majority of clearance activities take place in public spaces, not in private houses. The mine clearance activities are affected by the change of administration from Kurdish to Iraqi in the disputed areas. Mine clearance actors were accredited by the KRG authorities. After the change of administration the actors have to await accreditation and registration from the Iraqi authorities. Clearance actions, including risk education etc. have been suspended for several months. This exposes the civilian population to an extreme risk when going back to their houses. It often happens that they will find booby traps, mines and other explosives in the property. According to the source, the IDPs nevertheless return to their area of origin. The

result has been that there have been many cases with families, including children, who suffered from serious injuries or death.

102. It is generally the source's impression that the IDPs are eager to return. However, many IDPs are not able to return, either because they cannot obtain a security clearance to return to their area of origin, or because they have not been granted permission by the authorities to leave their areas of displacement. There are specific areas of Kirkuk and Mosul where IDPs or groups of IDPs are not able to return.
103. The problem is that many IDPs cannot get a security clearance which is needed, both in order to leave the area of displacement and to return to the area of origin.<sup>289</sup>
104. According to the source, the question of documentation is a big issue. In order for IDPs to return, they must have their ID-documents from the area of origin. This means that if they lost their documents they must travel to the area of origin to have them re-issued. However, without documents it can be difficult to travel and pass the checkpoints on the way to the area of origin, because people without documents more often face arbitrary arrests and detentions.

#### IDPs in Mosul

105. There are still many camps south of Mosul who received new arrivals of IDPs. The profiles of people arriving are people from the western part of Mosul who were forced out by the PMUs and people forcefully evicted from the eastern part of Mosul by the ISF and moved into camps. There are multiple reasons why people are forced out, but the most common reason is that the camps are closing and people are evicted from the camps. This includes camps in Ninewa, but also in Salah al-Din and other governorates. There are also individual evictions happening where people were living displaced in secondary accommodation, and now the house-owners have returned and evicted the families living there. However, some IDPs also left Mosul voluntarily. In eastern Mosul they were living in informal settlements. Both groups of IDPs mostly consist of Sunni Arabs.
106. The western part of Mosul is completely destroyed and almost no one return to this part. Some people have settled in the eastern part of Mosul. Some schools and other public services are beginning to function. However, there are also people who voluntarily return to camps, because there they can find food, water and healthcare.

#### Targeting of Sunni Arabs

107. According the source, it is difficult to make generalisation on which profile is targeted. But the historical tensions between Sunni and Shia groups are well-known. However, other ethnic and sectarian groups have tensions with each other – the Arabs, the Kurds, the Yezidis etc.
108. The return of Sunni Arabs often depends on who the local authority and the local security actors are. For instance, it has become less complicated for Sunni Arabs to return to Kirkuk and

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<sup>289</sup> Reference is made to the sections 'Targeting profiles' and 'Security screening' in this meeting record.

other parts of the disputed areas. In 2014, the Kurdish forces took control over Kirkuk, but after the Kurdish referendum of independence they were forced out by the Iraqi forces.

109. The source noted that there are many problems with people and groups that are perceived to have affiliation with Islamic State. Because of the nature of ISIS as a Sunni-extremist organisation, the majority of the population considers Sunni Arabs as potentially affiliated with the terror group. In general, people perceived as potentially affiliated with Islamic State have strong impediments and limitations to return.
110. Furthermore, the longer people stayed under ISIS control, the more the persons are perceived to be considered an ISIS affiliate. The source noted that this perception is widespread in the Iraqi population. The source did not know of any concrete cases, but he had heard of cases of retribution in form of violence and destruction of houses and properties against people or families perceived to be ISIS-affiliate or their relatives. In general, there is a stigmatisation against supposed ISIS-affiliates all over Iraq from the population as well as the local authorities in terms of denial of services.
111. The source especially highlighted problems in Tal Afar and in Hawija that used to be ISIS stronghold. ISIS forced some families to stay under their control in order to send a signal to those who thought of fleeing. The people, who fled just before or at the same time ISIS was defeated, had to pay high sums to human smugglers besides risking their lives to escape ISIS territory. When they arrived at checkpoints belonging to ISF or the PMUs, they must likely suffered violence and abuses.
112. In addition, the source stated that Sunni Arabs that return to the disputed areas may still face problems in access to the area and access to services. In this regard, the source highlighted that it is a combination of the local authorities on Mukhtar-level and the armed security actors, who are present in the area, who take the decision on who is allowed to return.

#### Security screening as a requirement for return

113. Every returnee will have to go through security screenings in order to obtain permission to return. The person will be checked in security databases. There are varied and different kinds of security databases. Each security actor on the counter-terrorism level has its own independent database.
114. There are cases of arbitrary detentions. These cases are often caused by the fact that IDPs are found with identical names with persons in the databases. This results in denied security clearances and denied access to return to the area of origin.
115. Furthermore, obtaining a security clearance in the area of displacement does not necessarily allow the IDPs to return, because they are also dependent on obtaining a security clearance in the area of origin, which often is controlled by other armed security actors.

#### Dynamics between ISF and PMUs

116. In the northern Iraq, some areas are controlled exclusively by the ISF, while other areas are controlled mostly by the PMUs. In some areas there are mixed control. The level of control often depends on who were present when the area was retaken from the ISIS. The areas where the PMUs are predominantly present, the PMUs enjoys a lot of influence, while in areas where the ISF is more predominant, the level of influence of the PMUs are much lower.
117. There are incidents when there is a confrontation between the ISF and the PMUs. It happens often that returning IDPs walk into that conflict between the security actors, which pose a security risk for the IDPs.
118. According to the source, the Iraqi government prefers the ISF to be the guarantee of stability and security instead of the PMUs until normal law enforcement and civil authorities have been re-established. This is especially the case in areas where the actions of the PMUs included violations and abuses on parts of the civil population. In such areas the Iraqi government is under pressure to remove the PMUs of influence.
119. Another impediment of return is the sectarian division of the PMUs and their control of area accordingly. The minorities of Iraq are concentrated in many areas in Ninewa and Kirkuk provinces. The minorities often have their own PMU who control their area. In some cases the PMUs do not allow the return of other ethnic groups who previously lived in the area which gives causes to security concerns. Especially minority groups in Tuz Khurmatu and Salah al-Din feel threatened.

#### Civil administration

120. According to the source, the functioning of the civil administration depends on the area. In some areas the civil administration and social services are functioning, while in others it is destroyed or slowly restored.
121. As an example, in Kirkuk there is an interim Governor. A permanent governor will be settled after the country-wide parliamentary elections on May 12, 2018. Until a permanent governor is installed, there are many areas of uncertainties concerning the security situation as well as the functioning of many basic services. For instance, at present the security actors in Kirkuk, which comprise of the Iraqi Special Operations Forces under the Counter-Terrorism Service, the PMUs, the ISF and the Federal Police, are all operating in their particular areas of the city and the surroundings under a mandate given particularly to the organisation. After a permanent governor is restored, it will be uncertain who will control which areas and under which mandates.
122. The source is not that familiar with what specific levels of civil administration are functioning in Mosul, but it definitely depends on the area, whether it is the west or east or outside the city. As an example, the source mentioned that the Directorate of Water is functioning.

123. However, the Directorate of Civil ID-Documents is not functioning. The directorate is suffering from lack of funding and low capacity. For the civil population and especially for the returning IDPs the issuance of ID-documents is an important factor for protection. Under normal circumstances the issuance process would take six weeks to obtain new documents. But presently six weeks is the time it takes just to file a claim for a new ID-document.
124. A social safety net for particularly vulnerable groups is not functioning, because it is underfunded. The funding of the social security net is decided in the Iraqi Parliament, and the process has been stalled until at least the other side of the parliamentary elections. Because of the underfunding, many vulnerable groups, such as handicaps, widows etc. remain in poverty. The source added that the World Bank is training 1,200 social workers to assist IDPs to return to their houses.
125. Regarding houses and land property, the source noted that many houses are destroyed. The administrations have formed compensation committees that handle the question of compensation of damaged property. The concept is that owners of properties that are destroyed can file their claim to the courts. This implies that many families are hesitant to reconstruct their houses, since it might disentitle them to a compensation for their house. However, there has not been any allocation of funds from the budget to the committees which is why no compensation has been paid so far.

#### Prevalence of forced returns

126. Since the re-taking of the Ninewa province, IDPs originating from these areas have been pressurised to return to their area of origin. The source mentioned that IDPs from the Southern Iraq, where there are no refugee camps, and from the central Iraq, in particular Anbar, Salah al-Din Provinces and Baghdad have been forcefully evicted. Security forces show up at camps, and they are forcefully returning people to Ninewa.
127. The source highlighted that IDPs from Ninewa displaced in Anbar have not been able to return to Ninewa. The authorities have had to transport them back to camps in Anbar.
128. In the Northern provinces IDPs are generally not forced to return, but there have been cases of coercive attempts to return IDPs. IDPs originating from Kirkuk have to a lesser extent been forced or pressurised back to Kirkuk, which probably is caused by the change of administration in October 2017. The source has not heard of any cases of forced returns from the Kurdistan Region of Iraq.
129. There are discussions on the political level whether to speed up the process regarding the return of the IDPs. A Return Commission has been established to facilitate the return process. However, according to the source, the Commission has solely focused on closing camps and has not taken initiatives to improve the situation in the re-taken areas.

130. The source highlighted that in April there were a moratorium on forced returns, which was a result of the effort taken by humanitarian and protection organisations who took the lead in order to protect IDPs from premature return. However, in July 2018 there are forced evictions ongoing, some are delayed or put on hold, or others continue to happen. It is a very fluid and changing situation.<sup>290</sup>
131. The source has conducted surveys of IDPs leaving camps in order to return to their homes. The findings are that often people end up in secondary displacement or return back to the camps where they were displaced in the first place. This includes not only IDPs who spontaneously return, but also families who have been in their area of origin for a few months. The reasons are many, but primarily they find the security concerns too high and that the basic services such as schools, civil administration, law enforcement, courts etc. are not functioning. Overall the living standards were better in the camps. The pattern of people leaving and returning to camps has been ongoing since December 2017, when the Iraqi government declared Mosul and Ninewa Province retaken.
132. According to the source, due to complexities and differences between different part of Iraq and the different receptions returning people experience based on ethnic and/or sectarian differences, it is difficult to assess whether the situation is conducive for people to return. At this point, the returns are characterised as so-called '*go-and-see visits*' which means that some families send one or more members back to their area of origin to check on the general situation and the condition of their properties, while the rest of the families remain in camps awaiting the situation. The source noted that it is very unlikely at present, that the rest of the remaining families would be able to return.

### Kirkuk, October 2017

133. When the Iraqi Security Forces seized control of the Kirkuk governorate, a lot of people fled Kirkuk until the situation stabilised. Many of the people have returned. But the situation for IDPs has changed since the KRG left the area. Before, when KRG had control, the Kurdish authorities wanted people to stay in camps. If IDPs wanted to live in Kirkuk, they needed a sponsor. In general, the Arabs and Turkmens of the city felt less secure when the Kurds were in control. However, now, when the ISF are in control, the sponsor demand is no longer applicable and there is a more freely process of return. The change of administration had an impact in the sense that Sunni Arabs started to return immediately after the change of power. However, the PMUs are controlling the outskirts of Kirkuk and they have their own security screenings, which is why some people have not been allowed to return. This is also why some of the Sunnis feel less secure.
134. According to the source, there is a tense situation in Kirkuk, which is caused by the diverse population of Sunni Arabs, Kurds and Turkmens. For a long time the Kurds have had a perception that they suffered from an Arabisation process in the 1980s and 1990s, and then in 2014 the Kurds returned to Kirkuk.

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<sup>290</sup> In an email of 16 July 2018, the source informed the delegation that the situation since April 2018 had changed in the sense that there are currently evictions ongoing.



135. After October 2017, freedom of movement has increased in Kirkuk. But there are still different security actors who control different areas in the governorate.

### Access to KRI

136. According to the source, it is difficult for young single Sunni Arab men to enter in KRI. Access is tied to relations the person must have in KRI.
137. In general, the source noted that the sponsor demand and other demands regarding access have been lifted. However, there are still some restrictions regarding residence in KRI. The source explained that access and residence is tied up to the different ethnic groups: It is difficult for Arabs to enter KRI through the Peshmerga checkpoints and to get access approval, particularly young men. The source was not able to say for which particular groups, access is easier or harder.
138. Basically it is very difficult for any Arabs (Sunni or Shia) to get residency. There are many steps you go through to get residency. For Arabs, particularly young single men, it will be very difficult to get it. The Kurdish Intelligence Police, the Asayish, needs to approve all residencies and rental contract etc., which is a major blockage. The source did not know enough about the situation of Turkmen in KRI to make a statement. The source stated that there are not really any new arrivals of IDPs to camps in the KRI, but some who left the camps are returning. Many camps were built specifically to receive IDPs prior the retaking of Mosul from ISIS. The majority of IDPs arrived in 2016-2017. The situation has changed from disaster level to stabilisation level which is why people are departing camps.

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## Norwegian Refugee Council

*According to the source, NRC is one of the biggest NGOs working in Iraq with a staff number of approx. 500 people. NRC has offices in Baghdad, Kirkuk, Dohuk etc., but at present most of the focus is on Mosul and Anbar. The tasks of the NRC are primarily working with people in displacement and who will not or cannot return. The NRC also works with people who want to return, which also includes returns to Mosul, Anbar, Kirkuk and Hawija. The NRC provides camp management and service facilities such as drinking water etc. They also provide help for legal services.*

Erbil, 25 April 2018

### The situation for IDPs

139. According to the NRC, the main obstacles for displaced people to return are: the security situation; the contamination of the areas after the armed conflict; local conflicts, including the use of the accusation of affiliation with ISIS, destroyed infrastructure and lack of basic services, such as schools etc.

140. In general, there are problems with funding of all activities to rebuild the areas after the retaking of areas from ISIS. Furthermore the economic crisis leads to more negative attitudes towards IDPs in the host communities.

#### Freedom of movement out of camps

141. Overall, there are no steps towards loosening the restrictions on IDPs' access and freedom of movement, because no one wants to risk to be blamed, if a security incident happens.
142. The freedom of movement has been more limited in the Kurdish IDP-camps than in the camps under the control of the Iraqi government, but in Anbar in particular camps have seen incremental restrictions introduced. As an example, NRC mentioned that in some camps in Dohuk, the mobile phones have been taken from the inhabitants. In other areas the IDPs risk getting confiscated the identification documents. However, this is not a general practice. In general, the KRG approach to camps is to close them and to limit the IDPs movements.
143. In NRC-managed camp (*Hamam al Alil 2*) there is freedom of movement in and out of the camp.

#### Contamination

144. Many cities in the retaken areas are still very contaminated as a consequence of the conflict against ISIS. This is particular applicable for Mosul. NRC mentioned that explosives are often found in private homes, schools and hospitals which are a hazardous threat to returning IDPs' lives. Private houses etc. can be full of booby traps. No actor present wants to be accountable for clearing the areas for the contamination.

#### Economic situation

145. The economic situation in the area is declining. People, who used to live in host communities outside the camps, are approaching the camps, because their savings or income is running out. According to the source, the camps are already quite full, which is the reason why people have to sign up on waiting lists.

#### Services

146. The source noted that the worst problem in the liberated and disputed areas is the lack of services. In particular the lack of schools and educational services can have long-term consequences.
147. The number of out of school children in Iraq is estimated at 1.2 million; there is limited data for how many are out for more than two years. The source's point would be though that once a child has missed out on more than two years, their chances to re-enrol without targeted additional support are practically zero. And there are few strategies in place so far to offer such additional support

### Returns to area of origin

148. According to the source, there is both a direct and indirect pressure for IDPs to return to their area of origin. The source noted that the Iraqi Ministry of Education does not want to finance Arabic schools in the IDP-camps in KRG from September 2018 when they probably will close. This will affect more than 160,000 children who will not be able to attend school by the start of the next semester. The funding of this will be moved to the building of infra-structure in the liberated areas such as schools, bridges, hospitals, roads. The problem with this plan is that there are no budget funds for teachers and doctors.
149. Public employees still receive salaries even if they are displaced from the area and therefore cannot work.
150. The Iraqi government wants IDPs to return home and they want those employed in the public sector to go back to their work, as they are still on the state's payroll. The Iraqi government has signalled that if the IDPs do not return to their area of origin, the payment of salaries will cease.
151. There are examples on IDPs who have been forced to return to their area of origin by camps in areas controlled by the Iraqi government. This happened, for instance, when an IDP-camp was closed and the IDPs were sent to their home region. However, this has mostly happened in camps in Anbar, Salah al-Din and Kirkuk Governorate. The NRC has not heard of cases of forced returns from camps in the KRI.
152. Camps have been closed in Salah al-Din, and the IDPs who lived there were bussed back to a secure area where the government believed they belonged. This trend has decreased in 2018. There are few other examples on people who had to return to an area where they did not originate from, because their last name had similarities with clans in the areas where they were sent to. In general, the source noted, that the use of forced returns is decreasing.
153. However, according to NRC, there is a fine line between forced, coerced, premature and voluntary returns. Many IDPs were repeatedly being encouraged to go back to their area of origin by the camp management who came to their tents to ask who wanted to return, but this is no longer taking place today. Furthermore, the services in the camps are getting poorer; reparations are not being or not allowed to be done. There is a lack of schools. All in all, this results in that the IDPs return.

### Are IDPs being forced into camps?

154. Asked if there were examples of IDPs being forced into camps, the source replied that there is very little new displacement. The latest example was at the time when ISF took over Hawija. The IDPs had access to services and were not discontent. Females and children were confined to camps while males underwent screening in an unknown location. The general trend is towards what is being referred to as "camp consolidation", i.e. continued focus on return and gradual concentration of those who cannot or will not return in selected locations.

#### Procedure for return to area of origin

155. In order for IDPs to return back to their area of origin, there are two demands that have to be fulfilled: Firstly, the person will need a security clearance from the security actors. Secondly, the person must get the approval of the local communities. The latter can be difficult to achieve, because there can be local tribal dynamics that can decide whether a person obtains an approval. With regard to Sunni Arabs returning, the source added that the ones, who return, are the ones who support the local leadership.
156. The source added that even after being cleared it might still be impossible to return. The reason for this could be that people in the area of origin do not want certain groups of people who previously lived in the same area to move back. Another reason could be loyalty issues for different clan leaders. The more time IDPs spend away from the area of origin, the more suspicion it raises. For someone who was married to an ISIS member or had a child with an ISIS member, there is a risk of being disowned by the family.
157. A person who has lived for a period of time in areas that were controlled by ISIS would experience more scrutinising questions before being allowed to return. According to the source, there is a general lack of understanding that people who could not flee had to survive. They suffer from the widespread acceptance of the use of collective punishments. People who worked as cooks for ISIS were mentioned as an example.

#### ***Freedom of movement***

158. In NRC's perception it is now easy to travel between the retaken areas and other parts of Iraq. There is a lot of traffic between KRI and Mosul and KRI and Kirkuk. The source highlighted trade for the reason of the increased traffic, including trade with scrap metal. The source noted that on the road from Erbil to Mosul, there are six checkpoints.

#### Secondary displacement

159. Many of the returning IDPs experience that they cannot settle in their area of origin because of the general situation. This implies that they continue as IDPs; this time in a secondary displacement. The source mentioned several reasons for ending up in secondary displacement, including IDPs being exposed to economic crime in their area of origin; new people had taken the property from the original owners; in other cases, IDPs trying to settle in their area of origin are being pressured out of the area. The source added that NRC offers to initiate mediation in cases of land conflict.<sup>291</sup>
160. The source said that some IDPs are not allowed to return home. One example mentioned by the source of what could prevent return, was that a local mayor would take over a house, because a relative of the owner was alleged to have been a part of ISIS. The problem is that there is no clear definition of what ISIS affiliation means and no due process to establish that, hence the definition

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<sup>291</sup> The source made reference to the following report: <https://www.nrc.no/resources/reports/the-long-road-home/>

and allegation is used for multiple purposes and agendas incl. social engineering or property/material gain.

161. IDPs will often try to go back to the camps where they came from, but in many cases, particularly in Mosul and Anbar, they have been deregistered from the camps. The procedure of deregistering of a camp is unclear. It can be difficult to enter the camp again. Sometimes the rules have changed for the camps; the camps can be full and then there can be a certain degree of arbitrariness to whom is allowed to enter the camps. There are no data on how many end up in secondary displacement, but in many areas people are only returning to the vicinities of their homes and effectively remain displaced. From the source's monitoring as many as 30% may have returned or tried to return to the camps.
162. There is only return to camps outside the KRI. Asked if it is possible to return to KRI, if you have returned from the KRI to an area of origin in the retaken areas, the source replied that he was not aware of such cases; presumably also due to other options available for non-Kurdish displaced who are not able to return home or make it upon return. The source have seen individual instances of Arab IDPs returning to their communities in Ninewa, not able to make it and trying to arrive to camps inside Ninewa. This is not to say, however, that no readmissions to KRI have taken place, NRC does not have such information.
163. In Iraq, with the exception of KRI, it is the camp return committees and the community return committees who decide what camps can continue to operate and which ones to close. The committees are only being established, nominally headed by the governor with representation of the Joint Coordination and Monitoring Centre (JCMC), Ministry of Displacement and Migration (MoMD), local/provincial councils, UN, NGO(s), the work is yet to be shaped incl. the ToR to ensure that this entity is not only tokenistic screen for strategies devised elsewhere.

#### Consequences of ISIS-affiliation

164. People, who lived in areas that were formerly controlled by ISIS, are more targeted. In a public perception there is no distinction between the people who collaborated with ISIS or the people who lived under IS during ISIS-rule. An alleged affiliation is very easy to fabricate. The NRC exemplified this by stating that just playing football with an ISIS-member can cause reason to persecution.
165. Female-headed households are not allowed to return to their area of origin, because the women are perceived to have been married to an ISIS-member or the fact of missing husband may be interpreted as the husband to have been killed, detained or run away due to IS affiliation.
166. The source highlighted that it was difficult for children born in areas that was controlled by ISIS to get birth certificates and other documents issued by the Iraqi government, as one of the ways of asserting their rule was for ISIS to issue their own civil documents that are obviously not valid. The same way people were forced to or just threw away their Iraqi documents when ISIS came, many have destroyed their docs issued by ISIS, which is particularly problematic for young children for whom an ISIS-issued birth certificate may have been the only legal proof of existence.

On registration of children born under ISIS control there are many conditions to whether an Iraqi birth certificate can be issued: Were the parents married and was the marriage registered; was one of the parents under suspicion of being an ISIS member; in case one of the parents died, was a death certificate issued?

167. NRC has provided legal aid to women with children from ISIS fighters in order for them to obtain a birth certificate.
168. The source stated that there were examples of collective punishment of people who are perceived to have ISIS sympathy whether it was real or not. There have been cases where such people have been favoured by the courts and the accusations have been cleared. However, sometimes this was not enough to be accepted by the local community.
169. According to NRC, about 30 % of those, who have returned, have gone back to the area of displacement. The exact figure is difficult to assess, as there are some who are denied re-entry to the area where they had previously been in displacement. However, they were not allowed back and therefore had to return to the camps. The primary reason has been that they were accused of affiliation with ISIS.
170. There have been cases where the identification documents have been taken from the people accused of ISIS-affiliation.
171. The source added that there is no law in Iraq that relates to having lived under ISIS' control.
172. The source said that people who remain in camps are increasingly stigmatized, as it indicates that they have problems returning to their homes. Underlying is the notion that people, who cannot return, are unwanted in their home societies due to allegations of ISIS-affiliation.

### ***ISIS-wives or widows and children***

173. Women and/or children of members of ISIS are experiencing very tough conditions. In general, they are stigmatised and isolated from the rest of the society. They and female-headed households in general, tend not to be allowed re-entry to their home community, as they will be met with allegations of being an ISIS widow. Many of them live in camps with significant limitations on freedom of movement. They are often not allowed to leave the camps.
174. According to the source, there are two-three such camps in Ninewa province, 2 camps outside Mosul in addition to a large number of camps in Syria. Many of these camps are managed by NGOs.

## **The security situation**

### **Mosul**

175. It is fairly easy for Arabs to travel to Mosul, but they will have to pass numerous checkpoints along the road, which requires due documents including the security clearance. According to the source, there are many returns, but there is lack of housing, especially in the Western Mosul. But

the city has, nevertheless, revitalised despite little support and financing. For this reason a number of IDPs, who are not from Mosul, have gone to Mosul to find livelihood.

#### Hawija

176. There are two main reasons for people not to return to Hawija: Firstly, the security situation is not good. The source noted that in some areas the ISF 'controls' the area during daytime, while in the night-time local insurgent groups appear.
177. There are some who are remnants of ISIS, while other groups could have fought ISIS earlier, but have now turned against the authorities in control now.
178. Secondly, an important obstacle for not returning to Hawija is that the area is predominantly empty. There are no schools or shops working.

#### Kirkuk

179. Kirkuk is basically a small scale version of Iraq. There are many local conflicts with its own dynamics; there are many ethnicities – four major groups – Kurds, Turkmen, Sunni Arabs and Christians – are all represented in the city, and they do not have confidence in each other.
180. The security situation is characterized by daily incidents which could be assassinations, bombs (often VBIEDs) or others.

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## A specialist working for a human rights organisation in Iraq

### Security situation in the disputed areas

#### Capacity of ISIS

181. Asked if there have been cases of individuals being targeted by ISIS in the disputed areas a specialist working for a human rights organization in Iraq replied that in Hawija ISIS is still present. They continued their attacks targeting tribal leaders and persons whom they suspect to collaborate with the Iraqi Security Forces (ISF).
182. Asked how ISIS operates after they lost territorial control, the source replied that ISIS has gone back to being an ordinary insurgent group. In Hawija, they come during the night which affects the civil population. The source added that she did not have more concrete information, but that it was probable that some people felt obliged to obey ISIS if they were asked to assist them.
183. In Mosul, two mukhtars were killed in the last four months. The authorities were prosecuting members of ISIS, when the defence lawyers gave the families of the accused a witness list and the mukhtars were on this list. The mukhtars were killed by people hired by the families of the accused. For ISIS it is not a priority to conduct operations in the Kurdish controlled areas.



184. Asked about the affiliation of an armed group called White Flag in the Jambour Mountains in northern Iraq, the specialist working for a human rights organisation replied that she was not sure about their affiliation, but in her view it was unlikely that they were affiliated with ISIS.

#### Popular Mobilisation Units (PMU)

185. The Shia militias, also called PMUs, have a high capacity to target whom they want and they can do what they want both with regards to security issues and law enforcement. The PMUs are targeting Sunni Arab men, who are suspected of being affiliated with ISIS. Asked how the PMUs are targeting the men, the source replied that it is unclear how they target them. Those who are targeted may be at the wrong place at the wrong time.
186. All ethnic groups have their own PMUs, including the Turkmen who have a robust PMU operating in Kirkuk. The western part of Mosul is controlled by Shia PMUs; whereas further to the south there are more Sunni PMUs. The Christians, the Yezidis as well as the Shabaks have PMUs in Ninewa.
187. The PMUs have no ability to target individuals in KRI.
188. The PMUs do not target people who are not dressed in accordance with the Islamic dress code.

#### Iraqi Security Forces (ISF)

189. Asked if there have been cases of individuals being targeted by ISF in the disputed areas, the source replied that for people who are suspected of being affiliated with ISIS, they may be captured at a checkpoint or at home during house searches. The threshold for the need of evidence for arresting an ISIS-suspect is quite low. The source gave an example in which a witness said that ‘my neighbour is an ISIS supporter’ which often will be enough to be arrested.
190. These arrests are made by both the PMUs and the ISF. According to the law, the PMUs must hand over the detainees to a judge within 24 hours, but PMUs sometimes hold the detainees for longer. Some PMUs have their own secret prisons/detention camps, even though they publicly say that they do not detain anyone. In Ninewa, prisoners may be held in houses or school buildings.
191. The source noted that the profile of those arrested is male Sunni Arabs in their early 20s, but some are younger and some are older.
192. ISF does not target individuals in KRI.

#### Peshmergas

193. Asked if there have been cases of individuals being targeted by the peshmerga in the disputed areas, the source replied that this was not the case anymore. At any frontline area being manned by Peshmerga, if someone tries to cross through into KRI territory but are suspected of

being ISIS affiliated, then they would be picked up by the Peshmerga and handed over to the Asayish. The Asayish detain people from the camps that accommodate Sunni Arab men. The Peshmergas make sweeps, but they do not do it frequently. Some of these suspects turn up in the Kurdish court system, whereas others disappear.

194. The source added that in July or August 2016 the Peshmerga targeted students from the University of Mosul who fled from ISIS. The students were handed over to the Asayish. They were being detained in areas like Makhmour, Bartalla and other frontline areas, and taken to prison.
195. The profiles of those who are arrested are male Sunni Arabs.
196. The Kurdish intelligence services are no longer present in the disputed areas.

#### Kirkuk after October 2017

197. In October 2017, when the Iraqi security forces and the PMUs took over Kirkuk from the Kurdish leadership, a large group of Kurds fled Kirkuk to KRI. Most of these Kurds have returned to Kirkuk with the exception of KDP officials, including members of the Asayish. The Kurds who were internally displaced have stated that they have received threats for which reason they perceive the situation as unsafe. It is more likely that the PUK officials are still in Kirkuk. The new governor of Kirkuk, Rakan Saeed, who is a Sunni Arab, answers to Baghdad and has no relationship with the KRG.
198. In terms of strength among the present security forces in Kirkuk, the PMUs might be able to assert more pressure than the ISF. The new governor is in no position to challenge the PMUs.

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### Kirkuk Now

*Kirkuk Now is a news media covering the situation in the disputed areas of Kirkuk, Diyala, Salah al-Din and Ninewa. Kirkuk Now's staff comes from a mixture of these areas. The organisation has a website in Arabic, Kurdish, Turkmen and English.*<sup>292</sup>

#### Sulaymaniyah, 29 April 2018

#### Security situation in the disputed areas

##### Kirkuk, Salah al-Din and Diyala Governorates

199. The source explained that Kirkuk Governorate is completely clear of areas that are under ISIS control. However, there are still many security concerns. Even though ISIS does not control any territory, the group is still present and relatively active in the governorate. In Hawija, ISIS presence is rather clear. No one returns to the area because of the unsecure situation. The Iraqi Security Forces (ISF) are targeted regularly by ISIS. According to the source, specifically February and March

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<sup>292</sup> Link to Kirkuk Now's website: <http://kirkuknow.com/>

2018 was rather violent, and 29 people were casualties of ISIS attacks in February 2018 alone. Another example is that ISIS members recently drove into a village on a motorcycle in order to show presence and remind the inhabitants that ISIS is still there. It is believed that ISIS hides in the Hamreen Mountains and use this area as a base of attacks. There are sleeping cells in Kirkuk city, and even though they are not strong enough to occupy and hold a territory, they have capacity to attack ISF and PMUs regularly. ISIS is also active in Diyala and Salah al-Din. In Diyala, Sadiyah 29 members of ISF were killed at the end of February 2018. It is very difficult to decide precisely the identity of each group behind each attack but in some cases ISIS' propaganda confirms that they have been behind certain attacks.

200. Asked about targeting of civilians, the source answered that there is a general fear of ISIS in the civilian population. When ISIS attacks, people flee to Sulimania. The source named especially that fake checkpoints are a reason for concern. There have been many incidents on the Kirkuk-Baghdad road, where there were civilian casualties. For instance, a car with four family members was stopped on the road and all four were killed. A tourist bus was attacked in the town Tuz Khurmatu in Salah al-Din Governorate resulting in the deaths of some of the passengers. Truck drivers have been kidnapped for ransom, such events happened around March for example, the car with four family member's accident happened March 11, 2018. The source noted that the Iraqi authorities always blame ISIS. However, it is not always clear who the perpetrators of these kinds of incidents are, because there are numerous armed groups present with different agendas. The source referred to an example that took place on 12 March this year where a family consisting of a mother and father, three children and the father's brother who all were killed in a fake checkpoint outside Sadiyah. The perpetrators were dressed in Iraqi uniforms. The source stated that common for all attacks is that there are no insights in the investigation of the perpetrators. Kidnappings happen for ransom, and many armed groups engaged in crime could be responsible for such actions.
201. ISIS has taken the blame for some attacks on their own website, for instance, an attack that took place in February 18, 2018 killing 27 PUM elements (<http://kirkuknow.com/kurdish/?p=67738>) (<http://kirkuknow.com/english/?p=22042>). The source's assessment was that ISIS wanted to show they had the ability and the will to target the security forces. However, the source opined that it could be possible that the line between civilian and armed actors could be blurry for ISIS. For instance, ISIS could target civilians and say that they were PMUs. The source further stated that one of ISIS' aims is to create chaos by targeting every group possible no matter if they were Kurds, Sunnis etc.
202. The source clarified that the local police and the Counter Terrorism Units (CTU) are controlling Kirkuk city, while the federal police of the Iraqi Ministry of Interior and different PMUs are controlling the areas outside Kirkuk city. The source noted that in Tuz Khurmatu there was a conflict between a Turkmen PMU and the local Kurdish population. A special Quick Response Team was sent to the village to solve the problems and they now control the major checkpoints. Kurds in Tuz Khurmatu are more satisfied with the Quick Response Team than with the Turkman PMU force. Yes, they were controlling the major checkpoints.

203. Apart from the general fear in the population, the source pointed to another issue of concern regarding the security situation. Among the Arab Sunni population in the liberated areas there is a great fear of revenge attacks. The Arab Sunnis do not have any trust in either the PMUs, the federal police, the Counter-Terrorism Units (CTU), the ISF or other security forces, because in their opinion they are controlled and dominated by the Shia majority. The fear is not always well-founded, but nevertheless the Sunnis want their own armed forces to provide for protection.
204. With regards to retaliation attacks, the source stated that families who have ISIS-relatives have experienced problems in the liberated areas. There have been incident in especially Diyala and Salah al-Din where victims of ISIS' crimes have targeted persons with ISIS-affiliation in their families in a blood-for-blood demand. They have threatened to kill members of the families as revenge, because ISIS has killed members of their families. In other cases the victims' families have demanded that families to ISIS-members had to move away from the area, or that their homes were destroyed.
205. Any IDPs who want to return to their area of origin have to undergo security clearances and prove that they are not affiliated in any way with ISIS. If the person does not pass the security screening, he will be denied return and turned over to the judiciary and detained. The source noted that in the disputed areas ISF does the security clearances. However, the source knows that also Iraqi Special Operations Forces (ISOF), the PMUs and the federal police have denied people to return. The targeted persons are often families with ISIS-affiliation. If they are not detained, they are placed in a camp set up for them, because no one will rent them accommodation.
206. According to the source, the authorities unofficially encourage people not to rent or sell accommodation to families of ISIS-members defined as first, second and third grade relatives. This was a rule that has been implemented in all areas that were previously occupied by ISIS. This information is inaccurate and the authorities did not say that, this only happened in *Qayyarah* district. The source exemplified that houses in Qayyara, where families of ISIS-members lived, were marked and there were rumours that some families to ISIS-members had their house burned and that they were tortured. However, most often, by decision of the Iraqi government, they are put into designated camps which whereabouts are unknown because of fear of retaliation. Kirkuk Now noted that there is a camp for family members of ISIS-members in Kirkuk; and there is another camp outside Mosul housing children of foreign fighters. There are rumours that these camps are controlled by the Americans. People living in these camps would not be allowed to vote at the elections. No one is allowed into the camps to monitor the conditions.

#### Events in Kirkuk October 2017

207. The source stated that when the PMUs and the ISF took control over Kirkuk and the disputed areas in October 2017, more than 148,000 persons fled Kirkuk and Tuz Khurmatu. According to the source, most of them have not yet returned. It is easier to return to Kirkuk than to Tuz Khurmatu. However, many do not want to return, because they do not trust the security situation in the area.

208. The source profiled the IDPs who have not yet returned: it is mainly people with affiliation to the Kurdish political party KDP or the security service Asayish who have not returned. According to the source, the people in power in Kirkuk are stricter towards former KDP-members because they do not want them to return. The source noted that the houses of former KDP affiliated people or the party's offices are reported to have been burned down or destroyed by the armed forces. In general, there are no KDP-offices left in the disputed areas, nor any Asayish office. The source also stated that in Daquq a cameraman from a Kurdish Satellite TV-station was killed. The victim was a journalist. The perpetrators are unknown.
209. The source noted that members of the other Kurdish political party PUK are not exposed to the same degree and have returned to Kirkuk and Tuz Khurmatu. However, in both cities PUK claim that they are facing many restrictions and limitations. Firstly, there are now restriction on how many and which type of weapons they could bring. Persons carrying more than six AK-47s were not let back. Furthermore, PUK claims that they were denied access to their party office in Tuz Khurmatu by the PMUs. The PMUs have responded that the PUK may open a new office there, on the condition that they rent a new building.

#### Ninewa Governorate

210. According to the source, the eastern part of Ninewa governorate is controlled by different PMUs, while the Iraqi army is controlling the southern and northern areas. The source named the most powerful security actors in the area: The most powerful actor is the Counter-Terrorism Service (CTS), which is directed by a Shia officer who reports directly to Prime Minister Abadi. As second strongest actor, the source named the PMUs whose commanding officer is also a Shia. After these actors, the federal police and the Rapid Response Team under the Iraqi Ministry of the Interior were mentioned before the Iraqi army, which belongs to the Ministry of Defence. The Rapid Response Team is also led by a Shia officer.
211. The army under the Iraqi Ministry of Defence is most popular among the Sunni Arab population because unlike the other actors it has ethnic diversity and is perceived less biased. In addition, there have been no reports that the Iraqi army targets civilians. Finally, the source pointed to the fact that the Minister of Defence is a Sunni Arab, and that this ministry is less influential than the Mol.
212. According to the source, the so-called 'February Agreement' from 2018 has divided the governorate into three sectors or spheres of control: Mosul city is controlled by the local police. The outskirts of Mosul are controlled by various PMUs which are both Shia and local militias. The rest of the governorate is controlled by the Iraqi army. The source noted that it was the 20. Division of the Iraqi army, which consists mostly of Kurdish soldiers and is headed by a Kurd. There are also other army units present, that are less homogeneous. Furthermore, the SWAT team (federal police forces) and the Rapid Response Units/Forces constitute reserve forces that quickly can be deployed temporary if needed.

### **Mosul**

213. The source highlighted that the western part of Mosul is completely destroyed. There have been returns of IDPs to Mosul, but it has been to the eastern side of the city. Most inhabitants have not returned to the western side. There are still many dead bodies in the ruins and the cleaning process that is done by the Iraqi government have been halted several times because of risk of viruses and diseases. The source noted that there are still dead bodies lying in the rubbles, the cleaning work was halted and there is a fear of deceases being spread.
214. The source added that there are many premature returns to Mosul. More than 4,500 former IDPs have left Mosul again this year for a secondary displacement in the KRI.

### **Sinjar**

215. According to the source, very few IDPs have returned to Sinjar, including some few Yezidis. The primary reason for the IDPs for not to return is that the security situation is unstable and several different security actors are operating in the area. Up until 16 October 2017 there were forces affiliated to different parties in Sinjar; the KDP, PUK, the Turkish militia PKK and PMU. Today, there are several PMUs present in the area. The Sinjar Resistance Units that is considered to be a part of PKK was mentioned in this respect. The local name of this force is YBŞ.

### **Qayyarah**

216. The town of Qayyarah was severely hit by ISIS. There were demonstrations in the town demanding and threatening ISIS-families that they would be attacked if they would not leave the area. The authorities, though unofficially, encouraged ISIS-families to leave the area or go to camps.

### **Christian villages in Ninewa**

217. The source also highlighted that the Christian areas of Ninewa are considered relatively calm. The ISF has the control of those areas, but the local population also have their own Christian militias. The Babylon Brigade has been divided in two separate entities, but they are closely related militias who provide protection.

## **Situation for internally displaced persons (IDP) in the disputed areas**

### **Obstacles for return**

218. According to the source, the second major obstacle for return of IDPs, apart from the security as described above, is the lack of services in the areas of origin. Much of the infrastructure is destroyed; there is lack of food and water supplies. The source highlighted Hawija as an area without infrastructure and lack of food supplies.
219. Furthermore, for many IDPs it is a problem that they have lost their ID-documents and cannot have new issued. The lack of documents has severe restrictions on the freedom of movement of the IDPs. In addition, more than 5,000 children are lacking any ID-documents,

registration of birth etc. because they were born in areas that were controlled by ISIS. The result of this is that they are even without Iraqi citizenship and is considered stateless.

#### Kurdistan Region of Iraq (KRI)

220. The source stated that they have not seen any cases of forced returns of IDPs, including Yezidis from KRI to the liberated areas. However, the Kurdish authorities used motivational encouragement to convince IDPs to return to their areas of origin, at least to vote in the parliamentary elections in May 2018. The source quoted the Kurdish authorities by saying that KRI have more than 1,4 million IDPs and that the area is congested. The KRG has stated that they can no longer provide houses or services which are why they encourage the IDPs to return.

221. According to the source, 90-95 % of the IDPs want to return, but there are several obstacles to this. Firstly, the IDPs express that they need basic services in the areas of origin. Secondly, the Shia PMUs are restricting the returns of many IDPs.

#### Kirkuk

222. According to the source, there are internally displaced persons (IDPs) returning to Kirkuk. Kirkuk is special, since it was the last area that was liberated from ISIS in December 2017. Thirty two percent of the governorate was occupied by ISIS.

223. It is mostly Arab IDPs who have stayed in camps outside Kirkuk and in the KRI who are returning to Kirkuk. Even though the conditions in the IDP-camps are difficult and not good, the IDPs do not want to return, because the security and humanitarian conditions in the areas of origin are perceived as worse than in the IDP-camps.

#### Diyala

224. The source noted that in Jalawla the Sunni Arab Karawi tribe has returned to the area after October 2017 when PMUs took control. The tribe was not allowed to enter by the Peshmerga before October 2017. However, after October 2017 the Karawi tribe did not allow Kurds to return to Jalawla after they fled.

225. In the town Sadiyah more than 80 % of the Kurds left and have not yet returned. Many of these IDPs went to Khanaqin and Kalar. The villages are controlled by PMUs.

#### Salah al-Din

226. The town Sulaimanbek in Salah al-Din Governorate was liberated from ISIS two or three years ago. Since then, IDPs had not been allowed to return for more than two years. In the beginning of 2018 the first returns could take place, but the IDPs, who consist mostly of Sunni Arabs, have to go through a thorough security screening. The areas of Sulaimanbek and Tuz Khurmatu are controlled by the PMUs: Badr Organisation, the Asa'ib Ahl al-Haq and a Turkmen PMU.



227. The city Baiji was mentioned as a place to which very few IDPs returned. Baiji is controlled by PMUs. The city was severely attacked because of the power stations feeding the country and also oil refineries.
228. The town Shirqat was mentioned as a place that was severely hit by ISIS and it is just like the other areas which were attacked.

#### Babylon

229. According to the source, the Sunni Arab district Jurf al Sakkhar in Anbar was liberated by Khata'ib Hizbollah in 2014 only a couple of months after ISIS took control. All inhabitants have been displaced since 2014 and no IDPs have been allowed to return, and not even to visit the district. The source noted that even if the Iraqi government wanted to intervene on behalf of the displaced, it could not do so, because the militia is operating outside government control.

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## US Consulate, Erbil – Matthew Totilo, Refugee & IDP Affairs Coordinator; Karey Haywood, USAID; Chelsea Boorman, Information Officer

**Erbil, 27 April 2018**

### Situation for IDPs in the disputed areas

#### Obstacles for return to area of origin

230. IDPs, who return voluntarily to their area of origin, often know beforehand whether they can return or not. However, there are many obstacles, for which reason only few people return. The source opined that it all comes down to the security situation and which militia controls the areas of origin. When the IDPs decide whether to return, they predominantly look at which militia or sectarian group who controls the area. The communities look for protection by their own people which means that Christians want a Christian militia to protect them and Sunni Arabs want a Sunni militia. The IDPs express concern about returning, if another group dominates the area which results in more segregated villages.
231. Another obstacle is that some families are not allowed to return by the authorities in the area of origin. Local mukhtars and sheikhs play an important role in this process and if they vouch for a person, this person will be allowed to leave the camp and return to the area of origin. Furthermore, in order to leave from an IDP-camp, the camp management have to approve the exit. Some people are not allowed to leave the IDP-camp and in some camps ID-cards and phones are being confiscated from the IDPs. The structure of the camps varies; some are run by armed security actors, though never directly by the military, while other camps are run by either NGOs or quasi-governmental organisations. Camps in KRI are run by NGOs, while all camps outside the KRI are under federal authority. The source highlighted that NGOs are providing lawyers to help IDPs get back their ID-cards from other authorities.

232. The source highlighted that the level of violence in Ninewa has become surprisingly lower than before. There were still violent episodes, but the extent and magnitude are less and happened in smaller places. A major concern for IDPs regarding the security situation is the limitations in the freedom of movement and the unpredictability at the checkpoints. Many IDPs are afraid of going from one place to another in the liberated areas, because this implies crossing several checkpoints. The source exemplified that on the road from Mosul to Sinjar there were around 30 checkpoints; each manned by different groups and the level of control varies from each group.
233. The source noted that it is difficult to assess the capacity of ISIS. Reports have shown that the group is present in Kirkuk and in the western part of Mosul, where mukhtars have been targeted. Especially in Kirkuk, ISIS is more a threat to the security actors and the authorities than it is a threat to the civilian population, while in Ninewa, Diyala and Anbar ISIS would also be a threat to the civilian population.
234. The source stated that the liberated areas are faced with a general widespread destruction. Some areas are more destroyed than others, but it depends on where the war actions were. This definitely affects the returning IDPs who can witness that their houses and properties are destroyed. Especially the western part of Mosul has been almost completely destroyed. Many IDPs have no house to return to. Furthermore, the areas are contaminated with IEDs, war relics and booby traps which pose an imminent danger. The problem is that it is only the Iraqi army who can clear the private houses and that process is very long. Additionally, the general focus is not on rebuilding the private houses but on the rebuilding of the major infrastructure, such as roads, bridges and major commercial and government buildings.
235. In general, the source stated that there is a severe lack of basic services in the liberated areas. However, some forms of structure are coming back. The mukhtars have returned to their areas as well as some local administration. In some areas a form of court system has been established. It is possible to submit a claim for compensation for the destruction of the property, but so far no compensation has been issued.
236. Some of the IDPs, who have tried to return to their area of origin, have returned to IDP-camps or host communities. Their return have in most cases been premature. The modus is often that a single head of the household or someone similar travels back to the area of origin, while women, children and the rest of the family remain in the displacement area to receive the benefits. The returning family member will then report back to the rest of the family whether it is possible to return or not. It will be difficult for the international organisations to track the returning family member, hence help them if their whereabouts are unknown.
237. Many IDPs have returned to camps and host communities because of the financial situation. There are lack of jobs and prosperity in the liberated areas. As an example, the source noted that it has become very expensive to rent housing in the eastern part of Mosul and many cannot afford to live in the city.

### Profile of the targeted

238. According to the source, it is difficult to set up a specific profile of the people who are targeted. It often depends on the actors present in the areas. There are reports from different NGOs that arbitrarily harassing of returning IDPs takes place and some have to pay in order to be allowed to return. Some IDPs can have individually problems with the PMUs, ISF or Peshmerga.
239. There have been reports by the source's partner organisations about violence, harassment and blocking of access to areas by the militia groups against Sunni Arabs and other minorities. However, the source noted that it has been difficult to point to which militia groups which are responsible for the violations, because the perpetrating militia groups are often trying to be vague and hide their identity.
240. The source stated that the most prevalent reason for being a target is perceived affiliation with ISIS. Most often this affects Sunni Arabs. If a person has family relations with former ISIS members, that person would be targeted. This affects women and children whose husbands, fathers or brothers were members of ISIS. The males are most often either killed or detained which is why the women and children are even more vulnerable.
241. However, the suspicion can be shown in several ways. If the person lived for a period in the area controlled by ISIS; the person fled the area at the same time ISIS was defeated and/or the person's name is similar with an ISIS suspect it can raise serious suspicion.
242. The consequences for these people can be very severe. There are designated camps where the so-called ISIS-wives are detained. Persons, suspected of ISIS-affiliation can be banned from returning to their area of origin by the community leadership. Furthermore, women with perceived ISIS ties have been exposed to general harassment, threats and sexual abuse directed against women. Additional consequences for people with perceived ISIS-affiliation could be: that persons were unable to return civilian documents and thus be able to function in the Iraqi society in general; that persons are having to resort to trading sex for services while in displacement; that children are put in detention or being socially outcast; and finally that there are persons with increased psychosocially needs. The source added that this information stem from NGOs working in areas formerly controlled by ISIS and that the issue is underreported.
243. The source highlighted that the level of violence in Ninewa has become surprisingly lower than before. There were still violent episodes, but the extent and magnitude are less and happened in smaller places.

### Minorities

#### *Yezidis*

244. According to the source, a majority of the Yezidis have not returned to Sinjar, because they are afraid of the local security situation. The majority of Yezidis are living in displacement in Dohuk Governorate where there is a growing frustration that the IDPs are not going back to their area of

origin. According to the source, the Yezidi IDPs will stay in displacement for a while. Yezidis living outside camps receive some services.

245. The source assessed the Yezidis as a vulnerable group. Firstly, they are not as outspoken about their needs as other ethnic or religious groups can be. Secondly, there is a high suicide rate among Yezidis, especially among young women due to the depression they feel after being victim of violence by ISIS. Thirdly, since they are vulnerable, they have many needs for social services. However, in most cases they do not have access to social services, and if they do, they cannot afford the services or simply the transportation to the places where the services are provided.

246. The source opined that the especially Sinjar is unpredictable. Previously, there were multiple armed actors, each controlling their own district, but now the armed actors are changing frequently. There are different opinions on whether the Turkish group, PKK, has left Sinjar or simply operating in disguise under a different flag, which is also why there are rumours about a possible Turkish intervention in the area.

### **Christians**

247. According to the source, the Christians only have few issues in displacement. Some of the concerns are that their homes and properties were destroyed in their area of origin and that there are still IEDs. Representatives of Christian communities say they do not prosper from the general reconstruction process. Firstly, the Christian communities are small and they lack more large-scale support. Secondly, the general reconstruction focus is on larger infrastructure projects.

248. The Christian churches have previously been given financial support to the Christian IDPs, but the aid has stopped. There are speculations that the churches want the Christians to return to their area of origin, because they fear the ethnic restructuring of the PMUs and want to retain the Christian population in those areas.

249. Asked if there is any harassment of Christians taking place, the source replied that currently the issues that matter are on livelihood and infrastructure.

### **Access to KRI**

250. According to the source, in the aftermath of the referendum and the political turmoil some people were not allowed to travel between KRI and federal Iraq. There were stories about politicians from Baghdad whose families were residing in KRI but was not allowed entry. It seemed that some tougher restrictions on access were imposed temporarily. This has been resolved in the spring of 2018 and the situation is almost back to normal. You do not hear about certain groups who are not allowed into the KRI.

251. However, the source noted that it does not believe that many IDPs are returning to camps for a secondary displacement. In that case they are more likely to reside in camps outside KRI.

252. On one side there is a perception in the Kurdish community that the refugees and IDPs use up resources from the host communities. The authorities use this perception to call for international and federal financing. However, on the other side there is a certain pride in the Kurdish community about the perception that it is the Kurds who take care of the Iraqi population. So even though there is a form of ‘host-fatigue’, there are no reports about violence against IDPs and people living in host communities are still receiving support from the local population.

#### Returns from the KRI

253. According to the source, there have not been any forced returns from the Kurdistan Region of Iraq (KRI) as it has been observed in the central governorates of Iraq. The source stated that after the referendum in KRI in September 2017, approx. 100 Sunni Arab IDPs were forcefully evicted from camps in Debaga to camps outside of Makhmour. However, this was probably connected to the tense security situation after the referendum. There was a fear at the Kurdish side that the Popular Mobilisation Units (PMU) would use the area near Makhmour, where the camp is located, as a base for invasion into the KRI.
254. The source noted that many Sunni Arabs living in IDP camps north of Erbil will remain in displacement for a while due to a large number of obstacles mentioned in the initial part of this meeting record.

#### Schools

255. On the question regarding the closure of Arabic schools in the KRI, the source noted that the Iraqi Ministry of Education earlier made a decision to close the funding for all Arabic schools in the IDP-camps in KRI from September 2018 when the new school semester will resume. However, after a strong advocacy effort, the federal Ministry of Education have told the source that they will not enforce this order, thus allowing IDP schools in the KRI to remain open after September 2018.<sup>293</sup>
256. According to the source, the decision on the closure of the schools was made, because the Iraqi authorities wanted the school teachers to return to their area of origin to work and they want to stop the funding of salaries to those who do not return. The source exemplified this by describing the structure of the schools in Dohuk. In the Arabic schools in the IDP-camps the headmasters are hired by Ninewa provincial council which is under the authority of the Ministry of Education in Baghdad. The rental fees for the schools are paid by Ninewa Governorate. The books are paid by the government of Iraq. The decision affects the funding of all the above elements. The source highlighted that there were more than 100,000 students in a few hundred schools. Furthermore, many of the children have already lost many years of schooling and have an urgent need to catch up otherwise they may end up without basic education. The source noted that the Kurdish authorities believed that the Iraqi government would change its decision and keep funding the schools. Besides the problems for the IDPs, many NGOs, who are working with education, have halted their work.

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<sup>293</sup> In an email of 16 July 2018, the source sent information on the federal Ministry of Education abstaining from implementing the order on closure of Arabic speaking schools.

257. The source noted that not only the schools have been affected by the Iraqi governments push to have IDPs return. In general, IDPs, who used to be government employees, have been threaten by the Iraqi authorities that they will not continue pay their salaries if they do not return. More specifically, teachers and nurses have been coerced to go back to their areas of origin.

#### Kirkuk

258. Around 150,000 Kurds fled from Kirkuk to KRI in October 2017, when the Iraqi security forces and the PMUs moved in to take control of the area. Most of them have returned to Kirkuk city, while only a few numbers have returned to the village Tuz Khurmatu.<sup>294</sup>
259. The Kurds, who have not returned, are the ones who worked for the Kurdish political authorities or the security service. According to the source, the people from the Asayish fled with their weapons and created some tensions in KRI. It appeared that they wanted to create a political statement and give the impression as victims in their displacement rather than being proper IDPs.

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## Hoshang Mohamed, Director General, Ministry of the Interior, Joint Crisis Coordination Centre (JCC), Kurdistan Regional Government, Iraq

*JCC as a lead institution of the Kurdistan Regional Government (KRG) for coordination and management, of all phases of crisis and disaster such as risk assessment, and mitigation, early warning and preparedness, response and management including preparedness, mitigation, response and recovery to the current humanitarian crisis and all future man-made and natural disasters and crisis as well as new emergencies.*

Erbil, 23 April 2018

### IDPs in Kurdistan Region of Iraq (KRI) in numbers

260. According to Director General Hoshang Mohamed, there are approximately 1.4 million internally displaced persons (IDP) and Syrian Refugees in KRI. The clear majority of the IDPs are Sunni Arabs. The second largest group is Yezidis where approx. 250,000 - 260,000 are IDPs. The third largest group is Christians with approx. 200,000 IDPs. Furthermore, there are 248,000 Syrian refugees in KRI.
261. The source noted that after the KRIs referendum of independence in September 2017, the Iraqi security forces and militias took control of the disputed areas from Kirkuk to Sinjar. More than 200,000 people, consisting of mostly Kurds (approx. 110,000 persons), Christians, Yezidis and other minorities, were displaced to KRI. This population of internally displaced persons gained access to KRI after a security screening. According to the source, 148,000 of these are still not able to return and presently live in the Kurdistan Region of Iraq. Some live in camps, others in host communities at family, friends, or they rent accommodation.

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<sup>294</sup> Reference was made to IOM Displacement Matrix for further information in the displaced persons and return.

#### Security situation for IDPs and returnees in the disputed areas

262. According to Director General Hoshang Mohamed, the situation for IDPs still poses a problem. The current post-ISIS period, is a very complex situation. In most cases the IDPs want to return to their area of origin. But many factors make it close to impossible to return in the current situation.
263. The security situation in the areas of origin of the displaced people is fragile. ISIS has sleeping cells in some areas. Those cells are active during the night, and in Kirkuk and Ninewa provinces acts of terror continue like explosions, killings, assassinations and attacks (on a regularly basis). Furthermore, the situation is also characterised by a substantive proliferation of militias and armed groups that are not under government control. According to the source, the militias are responsible for many human rights violations in the liberated areas. In the short-term perspective this has led to many returning IDPs not feeling safe. Furthermore, the militias pose a threat to the long-term stability of the region. In general, the source noted that the liberated areas such as Ninewa, Sinjar, Kirkuk and Salah al-Din Governorates are controlled by different militia groups, in some cases divided along ethnic lines. In the areas where the militias are in control, local civil administration or authorities are not functioning. The source noted that there were no institutions for transitional justice in place in the liberated areas. Thereby the human rights violations of the militias often go unpunished.

#### Obstacles for return to area of origin

264. The Director General Hoshang Mohamed noted that an important obstacle for return is that many areas are still contaminated as a result of the war. There can still be found mines, explosives and booby traps in houses either placed by IS or as a result of fighting.
265. The source further noted that ISIS created a significant amount of distrust among the local communities when it had the control of terrain in the Northern Iraq. The terrorist group managed to target ethnic groups such as the Christians and the Yezidis by taking women, destroy and/or loot property, thus creating mistrust among the minorities.
266. Another important factor that poses a challenge to the return of the IDPs is the massive destruction of houses, buildings and infrastructure in the liberated areas that were under ISIS control. As an example the source stated that the Sinjar district and West side of Mosul City were completely destroyed and seems like a ghost city at present. The result is that most IDPs have lost almost everything they owned.
267. In this regard the source highlighted the problem that there have not been allocated enough money to the process of rebuilding the areas or supporting the returning IDPs. Since the IDPs had lost everything they owned and due to the critical economic situation, they do not have the financial means to support themselves in the areas of origin.
268. It is a key concern that KRG lacks the capacity to house the IDPs. The reason for this is that many IDPs in the camps in KRI have not yet begun to return, and at the same time, a significant



number of IDPs are coming back to KRI after unsuccessfully having tried to resettle. Moreover, KRG is concerned that government employees have not been paid their salaries regularly and the salaries are four months in arrears since January 2018. Last month, KRG received a part of the state budget from Baghdad; however, the amount does not cover the expenses. The source added the hospitals in KRI also lack the capacity to service the IDP population as well as the host community.

### **Secondary displacement**

269. There has been a number of IDPs who have tried to return to their areas of origin, but due to the above reasons had to return to camps in KRI again. The source noted that since January 2018 more than 10,000 people have returned back to camps in KRI, after trying to resettle in Mosul. According to the source, the IDPs mention the security situation, and in particular, the violations committed by the militias, as the primary reason for returning to the camps. The secondary reason is that the IDPs mention is the lack of livelihood and jobs. The source stated that the IDPs consider it safer in the KRI than in their areas of origin.

270. Thousands of IDP families are not allowed to go back for the alleged reason that one of their family members joined or affiliated with ISIS.

271. The source further noted that there are cases of IDP families that split in the sense that some family members go their area of origin to check the condition of the house etc., while other family members stay in the camp.

### **Basic needs for IDPs**

272. All IDPs receive basic rights, which among others include access to hospitals and health care, access to education and work permits.

273. The conditions for IDPs in host communities are hard; people are running out of savings due to the economic crisis. The result is that IDPs are trying to relocate to the IDP-camps, but there is no space in the camps and the waiting lists to get access are long. The camps are, in general, managed by many different actors such as Crisis Response Office of Erbil Governorate, the Erbil office of the Joint Crisis Coordination Centre, UN agencies, local NGOs and minority communities. According to the source, the camps are only able to cover approx. 25% of the needs of the IDPs, because the camps are lacking funding.

274. IDPs living in camps are a minority; the majority of IDPs live outside the camps with host communities. IDPs living in informal settlement are the most fragile.

275. The source noted that there is no difference in the rights of the IDPs living in camps or in host communities. The camps do also offer access to education, medical services and legal support. The camps are also able to cover special issues such as women's needs.

276. In general, the source highlighted that there is full freedom of movement for the IDPs in the camps. However, there are some vulnerable groups such as single women or victims of sexual crimes who are limited in order to provide them protection.

#### Pressure from Baghdad

277. The Federal Ministry of Education in Baghdad has decided to close the schools for children of IDPs in the camps in which the curriculum is in Arabic as opposed to the public schools in which the curriculum is taught in Kurdish language. According to the source, the authorities in Baghdad want to put pressure on the IDPs to return to their area of origin.

278. At the same time the IDPs cannot receive salaries from the Iraqi federal government while residing in the KRI. In order for them to get the salaries they have to deregister as IDPs and return to their area of origin, but the situation for many IDPs is that they still cannot return.

#### Access to KRI and needed documents

279. Those who try to get access to the KRI are subject to a security screening.
280. There are many families who lost documentation, which constitute a major problem for them to get access. At the same time they are afraid to go back to their area of origin, for instance to Mosul in order to renew their ID documents. When Iraqis seek services at the public offices, they will have to show one or more of the following documents: passport, nationality certificate, civil ID card, food ration card, information card.

281. In general, IDPs are granted residence permits.

#### Returning rejected asylum applicants from Europe:

282. Director General Hoshang Mohamed said that rejected asylum applicants returning to Iraq would have difficulties in returning, if they do not have a network to support them. Especially single women would be exposed. There is no space in shelters, because they also suffer from lack of funding.

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## An international non-governmental organization operating in the Kurdistan Region

Erbil, 24 April 2018

### Access through Erbil, Kurdistan Region of Iraq (KRI)

284. Procedures of access are different in Erbil, Sulaimaniah and Dohuk, respectively. The source has knowledge of the access procedures in Erbil, but they do not necessarily apply in other parts of KRI. The procedures of access of IDPs to Erbil are security procedures, they do not fall under any law and they are subject to constant change depending on the security and political situation in the area, therefore, they are not unified across KRI.
285. The source stated that the possibility for accessing Erbil has changed since 2015 when IDPs needed a sponsor to access the region. The procedures have now changed in the sense that IDPs need to go through a thorough security screening at the checkpoint at the border between Erbil and Central and Southern Iraq in order to gain access to KRI. As an example, the source mentioned that a family could obtain a permit to stay in Erbil for one month at the cost of 10,000 Iraqi dinars<sup>295</sup> per person. Since the cost of a residence permit for a family and renewal thereof is quite high, the source can in some cases cover the costs.
286. Asked about the profile of IDPs who are not being let into Erbil, the source replied that authorities at the entry points (check points and/or airport) only do a name cross check, if the IDP's name is not suspected the family will be issued with an entry permit to enter Erbil, which can be replaced by a residence permit from local Asayish office in the neighbourhood they wish to live in.. Kurds and Christians, who request access, will not be screened.
287. Moreover, as a rule female-headed households of IS fighters will not be given access to Erbil. However, it is decided case by case and the families will be required to present a sponsor. IDPs without residence permit risk detention and will not be given services, nor will they be able to cross a checkpoint.
288. During the takeover of Kirkuk by the Iraqi security forces in October 2017, Kurds from Kirkuk could access Erbil, but they did not need a residence permit. However, other groups, such as Arabs (both Sunnis and Shias), Turkmen and Christians need a residence permit to stay in Erbil.

### Residence permit in Erbil

289. In the event that the family wishes to apply for a residence permit, a confirmation letter from the mukhtar is needed in order to obtain an extension of the residence permit. A residence permit is renewable for six months and then further twelve months. Applications should be lodged at the local Asayish Office. A residence permit is required for Arab, Turkmen and other minorities in internal displacement. The source stated that since 2016 no sponsorship is required in order to get a residence permit in Erbil. However, in some cases, for instance female headed household who

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<sup>295</sup> Corresponds to approximately 7 USD.

cannot provide justification for absence of their husbands (such as divorce certificate, death certificate etc.), and single men and women who come to Erbil with no families, they might be required to provide a sponsor – it is again decided case by case.

290. The source added that Kurds and Christians never needed a sponsorship in order to stay in Erbil, nor will they be asked to apply for a residence permit. A sponsorship in general is not a requirement for any IDP to access Erbil regardless of ethnic/religious background (not any more – except for the cases mentioned in the comment above). At the beginning of the IDP crisis in 2014 Christian IDPs were not required to obtain residence permits to stay in Erbil. However, in 2016 Asayish started issuing residence permits for Christian IDPs as well, but still with no need for sponsor and it is the case since then.

291. Asked if Turkmen IDPs will be able to settle in Erbil, the source confirmed that they will still be allowed to come, provided that they are part of a household. Couples that are mixed Arab and Kurdish will not have difficulties gaining access to Erbil. However, the source has not seen such cases.

292. Asked whether Kurds from Kirkuk can change their residence status, the source replied that Kurds from Kirkuk do not need to change their residence status, and require no special documents to enter KRI. In fact, Kurdish populations generally, no matter where in Iraq they have come from, do not need special permissions of any kind in KRI. Other ethnic minorities, including Yazidi, Shabak, Christians also will not have issues with obtaining residency. Turkmen from Kirkuk also do not have access issues – and while Turkmen from Tel Afar did have difficulties in the past, this is no longer the case.

### IDP camps in Al Hamdaniya District

293. IDP camps in Erbil Governorate are run by the government (EJCC/BCF) with UNHCR support. The source provides legal services and protection monitoring. In order to access the camps, people must go through a Peshmerga checkpoint in which single men are sometimes refused. The service of the camps meets the humanitarian standards.

294. Asked about the profile of IDPs living in these camps, the source said that there are Arab families who fled from the Al Hamdaniya District in East Mosul. Many houses in these villages are destroyed. However, the majority of the families in the camp are from Mosul city and West Ninewa (Baaj, Zumar, Telafar etc.).

295. Out of the total population in these camps 20 to 25 percent are female headed households. The source further informed that some of the families living in the camps tried to go back to their houses. However, the families returned to the camps.

296. Asked if IDPs living in camps will be allowed to leave the camp on an errand, the source replied that there is no clear policy on this, but in general IDPs will need a good reason to leave the

camps. Asayish is in charge of handling the request for leaving the camps. In most cases they are asked to sign out when they leave the camp and sign in when they come back.

#### Return to areas of origin

297. Asked if forceful returns from KRI to the disputed areas have taken place, the source answered that they had not recorded any forceful returns. In the camps covered by the source assess that approximately 15,000 persons returned.
298. Asked about the numbers of returnees, the source referred to a report by the Returns Working Group, who stated that of February 2018 there were a total 270,852 returnees in Kirkuk, of which the vast majority returned in August/September 2017. 25,830 (or 10% of the total returnee number) said they were displaced in Erbil Governorate immediately prior to returning.
299. IDPs who returned to their areas of origin have in many cases knowledge beforehand about the condition of their houses from other family members. Families who return must go to the local Mukhtar upon return. Families from east Mosul and Anbar have started to return.
300. Kurds who fled from Kirkuk during the takeover of control by the ISF have not gone back.<sup>296</sup> Asked about returns to Tuz Khurmatu, the source replied that 60-70% of Kurdish families that were displaced after October 2017 have returned. The remaining 40% have not gone back primarily due to the fact that services are still unavailable and the area is not 100% secure. According to a source that works for a protection NGO in Tuz Khurmatu, even those that have returned tend to ensure that they have shelter elsewhere, in the event that they need to leave Tuz Khurmatu once again.
301. Some Christians have returned to historically Christian areas which they want to rebuild.

#### Security

302. With regard to the security in KRI, the source said that security depends on the each area. In KRI there have been no insurgencies by any of the armed actors: ISF, PMU and ISIS. In Ninevah, Salah al-Din and Kirkuk there are pockets of ISIS fighters. The source further stated that there is a militarisation of the humanitarian space and a fear of retaliation from armed groups as well as from the community. This means that there is a presence of armed actors in camps. This was increasingly the problem following the referendum in October 2017 in Erbil camps, where individuals working in armed forces would openly wear their uniforms, carry weapons and bring military vehicles into the camp. The source has advocated along with its partners to ensure that individuals associated with Peshmerga or other forces shed their uniforms and weapons before entering the space. According to the source, this is an ongoing issue and affects camps in other areas of the country as well (albeit with different armed actors) – perhaps to a more alarming degree in Mosul camps.

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<sup>296</sup> For further knowledge on returns of IDPs in Kirkuk, the source referred to an NGO called Non-violent Peace Force”, Sulimania, and “Social Inquiry”, Ninevah.

## Recovery of lost documents

303. The source informed that in the disputed areas there are three temporary offices under the Ministry of Interior in Baghdad from where IDPs can have their lost documents restored. These offices operate in Mosul, Qayyara and in Hamam al Alil. However, not all returnees could receive or find their IDs in these offices and IDPs in East camps obtain their IDs from camp Asayish before returning.
304. The main challenge with regard to identification documents is that ISIS issued their own documents to people who lived under their control. It is now difficult for women who lived under ISIS control and were widowed to prove their civil status. There is a risk for children who were born under ISIS control that they will become stateless.
305. The source facilitated and advocated for mobile missions from the courts in the Hamdaniyah area to conduct visits in East Mosul camps and facilitate the issuance of civil documents. The procedure to have a lost document restored, replacing or renewing civil documents is a background check performed by the Iraqi federal authorities that the person in question is not affiliated with ISIS. This is not a regulation; it is a security measure that is taking place in specific areas, in particular, areas which were under ISIS control. If the person is cleared, he or she can go to the Civil Affairs Office who will restore, replace or renew the document. However, according to the source, it will take a long time to restore the documents. The authorities are understaffed and underfunded, and the backlog of cases is high.

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## International Organization for Migration (IOM)

Erbil, 24 April 2018

*International Organization for Migration (IOM) Iraq has been operating in Iraq since 2003, providing migration related assistance ranging from humanitarian assistance targeting refugees from Syria and Internally Displaced Persons (IDP) to provision of technical assistance for the government counterparts.*

### Access to KRI

306. On the possibility to access KRI, IOM stated that IDPs can now gain access to KRI provided that they can show ID documentation. In order to access KRI, in many cases a sponsor is no longer needed. Recently KRI authority has softened its stance on entry requirements, therefore all Iraqis regardless of their ethnic and religious background can enter KRI without a sponsor. According to IOM, Shabaks will not be asked to present a sponsor. IOM added that everyone crossing the border to KRI will as a routine have to present themselves at the Asayish' office.

## NORTHERN IRAQ – SECURITY SITUATION AND THE SITUATION FOR INTERNALLY DISPLACED PERSONS (IDPS) IN THE DISPUTED AREAS, INCL. POSSIBILITY TO ENTER AND ACCESS THE KURDISTAN REGION OF IRAQ (KRI)

307. Upon entry at the checkpoint, the name and ID documents of the IDP are checked up against a database and a residence permit for one month is granted. Previously, only families were granted a one month residence permit, but currently everyone, except single Sunni Arab and Sunni Turkmen males, will be granted a one month residence permit. This change in procedure happened a month ago.
308. When asked which KRG authority that is manning the KRI checkpoints, the sources replied that the Asayish is manning the checkpoints.
309. Asked whether there is a black list of unwanted people in KRI, IOM replied that they had heard about such a list. IOM did not know of cases in which the KRG authorities did not let Iraqis into KRI.
310. When the Iraqi security forces took over the disputed areas, Asayish left the area. IOM did not hear about arrests at checkpoints.

### Residence permit for KRI

311. To obtain a long-term residence permit to KRI for more than a month, a sponsor must be provided. A residence permit will be issued for six months and can be renewed for twelve months. Christian IDPs are not asked to provide a sponsor other than the Church that will act as a sponsor for them.

### Freedom of movement for IDPs

312. According to IOM, the security situation has stabilised for IDPs. In order for IDPs living in camps to move out of the camps, they will need an approval from the camp management who take security measures. IDPs living in camps can obtain a one-day-access card. When they leave the camp, they leave their ID card with the camp management.
313. IDPs from Mosul, who wish to go and check on their house, will need a security clearance. In the event that they are cleared, they must register as returnees and are allowed to travel back to their area of origin. In case it is not possible to resettle in their house, they will be allowed to re-enter the camp. IOM added that many Christian IDPs who left Ankawa, the Christian neighbourhood in Erbil, to check on their houses returned to Ankawa. IOM stressed that IDPs who leave KRI to go and check their area of origin can come back again. However, IDPs cannot pick and choose between camps.
314. IOM stated that in their experience, the reasons why IDPs end up in secondary displacement, is the lack of services and opportunities in the area of origin. IOM's sources do not mention abuse by the Iraqi security forces or the PMU as a reason for their secondary displacement.

### Returnees from Europe

315. IOM provides assistance to Iraqi returnees from Europe. The services provided to the returnees depend on the return package deal made with the sending country. IOM will as a start



receive them in the airport and transport them to their home. In 2017, IOM gave assistance to 7,400 returnees (2016: 12,000 returnees) out of whom half of them received a reintegration return package that depending on the package could consist of cash, job and livelihood training, and housing allowance.

316. IOM emphasised that in the integration process the support from the community is vital at three levels:
317. Firstly, the individual support is important in the sense that it is easier to reintegrate if you have good relations with your family. For returnees without family, the reintegration will be difficult due to the high living costs. In terms of housing, it might be a problem to rent a flat or even a hotel room, because the hotels share their guest lists with the Asayish. Even educated people find it difficult to live on their own without their family.
318. Secondly, the community's capacity to absorb is a central element for the reintegration. In some cases, one community receives several returnees at the same time and there might not be a job for all of them. After a couple of weeks, the returnees start to face social problems especially if they do not manage to find a job. The economic situation of each returnee affects the sustainability of the returnee. IOM emphasised that network is crucial for the reintegration and for the access to jobs. For returnees at the age below 25 years their friends might be more important than the family, but in terms of job opportunities, the family is still an important factor.<sup>297</sup>
319. IOM added that returnees are considered a burden to KRI because the main focus is on the IDPs. Since Iraq has little to offer the returnees, many of them consider leaving the country again.
320. The infrastructure is the third important factor in the sense that there is often very little opportunity in the rural areas.<sup>298</sup>
321. With regard to return of families, it is a challenge to find schools for the children in the sense that public schools might be full, and admission is only allowed in September and private schools are expensive. When asked what level the children can start at upon return, IOM replied that the children will be tested. More than 70 percent of the returnees from abroad do not have secondary education.
322. IOM further explained that most of the returnees go to the rural areas of Sulaimania, Halabja and Rania. No returns are recommended to Ninewa, Anbar, Salah al-Din and Diyala.<sup>299</sup> However,

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<sup>297</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that the sustainability of the return depends on opportunity for small businesses. IOM added that unemployment is on the rise and that salaries do not cover the needs. The Syrian refugees in KRI occupy jobs and accept a lower salary than the host community.

<sup>298</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which he explained that public transport is almost non-existing and people must travel by car.

<sup>299</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that many IDPs from Mosul managed to return to Mosul. The IDPs who were public employees made return decision quickly in order to keep their job.

returns can take place in special cases in which UNHCR will be involved. Since October 2017, there have been no cases of return to the disputed areas.<sup>300</sup>

#### Airport procedure for returnees

323. When an Iraqi citizen returns on a voluntary basis via the airports in Erbil or Sulaimania<sup>301</sup>, the person can present a passport. In case there is no exit stamp in the passport, the returnee will be questioned. There is no procedure to which extent he or she will be questioned, hence the questioning depends on the security officer in the airport.<sup>302</sup> The background for the questioning is the suspicion that the person in question went to ISIS-controlled area in Syria and from there further on to Europe.
324. Asked if it is possible to leave Iraq without an exit stamp in the passport, IOM replied that this is impossible. All passports are stamped upon exit at the airports as well as at the land border checkpoints and at the same time fingerprinted.
325. In case the passport is lost, another possibility is to present a laissez-passer issued in an embassy in Europe together with an ID document. For returnees who present a laissez-passer rather than a passport will go through a more thorough check at the airport.
326. IOM further explained that when returning to KRI, people who are originally from KRI will be allowed to access KRI by solely presenting a laissez-passer. Christians from Erbil will only be asked a few questions, whereas returnees from Mosul will be asked more questions.
327. Every Iraqi citizen who returns via the airports in KRI will be allowed to stay in KRI for three days. However, an extension of this three-day residence permit might be difficult to obtain.<sup>303</sup> For visitors, for instance, Iraqis on holiday, they will be granted a visa for two weeks.

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<sup>300</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that the main issue to return to KRI is the pressure on the host community. With regard to the liberated areas there is a lack of housing, many houses were destroyed entirely or partially, especially in Ninewa where many villages were destroyed. Many IDPs worry that their house will be taken from them if they do not return. In order to check the situation in their area of origin, IDPs will ask their relatives or neighbours in the area. After the independence referendum there was a new change of power, hence there is a fear of the security forces. Some IDPs took the decision to return to the camp or to a neighbouring area resulting second wave of displacement.

<sup>301</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that the airports in Erbil and Sulaimania have been granted the full right by the Ministry of the Interior in Baghdad to give entry. The officers in charge have the right to make decisions on entry to the KRI. After the reopening of the airports of Erbil and Sulaimania they must apply the same rule as before the Independence referendum of 25 September 2017. During the flight ban on KRI, return to KRI area became difficult in the sense that migrants had to go Baghdad. IOM further stated that these migrants, who often did not speak Arabic, did not face problems. At the airports in KRI things operate as before, they have not yet received any further updated guidelines from Baghdad. People can still return with European Laissez-passer, and they can still get a visa at the airport. This might be changed after the election or when the new government is formed. The system is linked to Baghdad, but the airport staff is still the same.

<sup>302</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM was asked whether returnees who did not have an exit stamp in their passport would be checked by the Iraqi federal government authorities. IOM replied that in a few cases migrants were sent to Baghdad to be checked. Currently, the KRG authorities have been given access to the database of the Iraqi federal authorities.

<sup>303</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that for Iraqis who originate from Anbar, Ninewa, Salah al-Din and Diyala it is now easier to get a residence permit to KRI, depending in their ID documents. In case there is no exit stamp in their passport, they will be asked questions. Single men must visit Asayish to get an extension for one month.

328. Recently, there have been no detentions in the airports of KRI. Prior to the reopening of the airports of KRI, there were more detentions. IOM added that the authorities do not share information on detainees. IOM know of persons who returned from abroad and were detained and escorted directly to the police station. When IOM asked these people what happened, they referred to name convergence, a lack of a sponsor and fake passports as the reasons why they were detained. The duration of detention was usually 1-3 days, until the case was solved.
329. IOM mentioned a woman from Mosul who was taken to the police station and stayed there for three days until her family came and picked her up.<sup>304</sup>
330. A person who returns to Baghdad or Basra needs a passport or a Laissez-passer issued by an Iraqi embassy or consulate. They do not accept a Laissez-passer issued by a foreign embassy.
331. In an email-correspondence on 5 July 2018, IOM confirmed that there were no changes in the access procedures in Erbil and Sulaimania Airports since the elections in May 2018.

#### Situation for IDPs from Kirkuk

332. When the Iraqi security forces took over Kirkuk on 16 October 2017, approximately 10,000 families left Kirkuk and fled to KRI, half of them to Erbil and half of them to Sulaimania. IOM does not know the reasons why some Kurdish families who fled still remain in KRI. IOM assume that some of them have family in KRI, other families might fear that they will be sanctioned by the Iraqi federal authorities in Kirkuk due to their earlier positions, and some might wait to see the development after the Iraqi parliamentary elections. KDP-related families are afraid to return without power; whereas PUK-families will have a better relationship with the Iraqi authorities.
333. Half of the Kurds who fled to Erbil and Sulaimania went back to Kirkuk. Kurds who are related to KDP and PUK are still staying in KRI, maybe at least until after the parliamentary elections. With regard to high level KDP members, it might be difficult for them to go back to Kirkuk. For the low level KDP members it might be easier. IOM did not know of Kurds who were abused in Kirkuk. In the news, there were one or two stories of Turkmen getting kidnapped. But in general, he added, even the Kurds say the situation in Kirkuk is now good. Asked what the Kurds in Kirkuk meant by describing the situation in Kirkuk as “good”, the source replied that for Kurdish when they describe the situation as good, they primarily refer to the security situation. Those who live in Kirkuk feel safe enough to be in the city.

#### Armed forces in Kirkuk and other liberated areas

334. Asked about the armed forces controlling Kirkuk, IOM said that there are no Popular Mobilization Units (PMU) in Kirkuk city and Dibis. Due to many complaints about the PMU, the Prime minister ordered their retreat. There are still, however, PMUs in other places in Kirkuk

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<sup>304</sup> At the Seminar for the EASO Iraq network on 4 May 2018, IOM gave a presentation during which they explained that in case an Iraqi citizen cannot gain access to KRI, he or she will be transferred to the police station. Release will be given, when a family member come and prove the identity of the person.

province; they are mainly located outside Kirkuk city, i.e. in its suburbs. Asked if abuses by PMU will be reported by the press, IOM replied that in some areas the reporting is quite intense.

335. There are ISIS sleeping cells outside Kirkuk in the Hamreen Mountains. These cells are targeting the Iraqi security forces and the PMU, and, to some extent, also civilians. It was mentioned in the media that 11-15 family members were assassinated at a fake check-point. IOM had no further information about this incident.
336. With regard to the families of ISIS fighters, IOM said that ISIS families are not allowed to return to their area of origin, including Mosul. A person affiliated with ISIS will be arrested.
337. Between the Iraqi security forces and the PMU, the Iraqi security forces have the upper hand. There is some military cooperation with the Peshmerga. The Iraqi security forces and the PMUs do not access KRI as well as the Peshmerga and Asayish do not have access to Kirkuk or other disputed areas.
338. Asked if ISF and PMU knew of cases of abuse of the civilian population in the liberated areas, IOM replied that they did not know of such cases.
339. Asked if it is a priority for the Iraqi security forces and PMU to pursue targets in KRI, IOM stated that this is not the case.

#### Lost ID documents

340. IOM noted that IDPs must go back to their place of origin in order to have their lost documents restored. It is possible to have new ID documents even though all original documents were lost. When IDPs apply for reissuance of their lost ID documents, they must bring a family member who can confirm their identity.
341. The last solution for people who lost their ID cards is the central place in Baghdad.

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## An official working in a UN office that has a presence in Iraq.

#### Concerns

342. The source expressed concern regarding the length of pre-trial detentions in the Kurdistan Region, especially in terrorism related cases due to the high number of arrests during and after the Mosul operation.
343. The Kurdistan Region Anti-Terrorism Law No. 3 of 2006 allows confessions obtained by torture to be used as evidence in courts if additional supporting evidence is presented (Article 13). Under the same article of the Anti-Terrorism Law, a defendant has the right to sue an individual

who tortured him or her, but not the government, and only for severe harm, but to the knowledge of the source no such case has ever been successfully brought. The law expired on 16 July 2016 due to the political deadlock in the Kurdistan Regional Parliament at that time, but continued to be applied to crimes allegedly committed before the expiry date (which included most crimes allegedly committed by ISIS). The law was re-activated without amendment on 1 July 2018, and the source understands that the Kurdistan Regional Parliament will now consider amendments to the law.

344. The source reported that conditions in detention facilities for general criminality in the Kurdistan Region are generally acceptable, but detention facilities holding terrorism suspects are overcrowded and services are strained, which raises concerns about radicalization of detainees. The source was concerned by numerous reports of torture or mistreatment at the time of arrest or interrogation. Terrorism suspects are held in facilities run by Asayish intelligence services, along with suspects for other security related crimes, drugs, and fraud. Access to assess conditions in some of these facilities is restricted.
345. When asked if anyone is ever acquitted of terrorism charges in the Kurdistan Region, the source noted that statistics are reported on a regular basis by the Kurdistan Region High Judicial Council, and these show that acquittals do occur.

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## Belkis Wille, Human Rights Watch

Skype meeting, 19 April 2018

### Situation for IDPs in the disputed areas

346. Belkis Wille noted that she does not know of any forced return of IDPs from KRI. Forced return is more an issue in some other parts of Iraq. The source commented that officials have told her that for the Kurds it is an advantage to have the IDPs in KRI, since a lot of funding is being donated from international agencies to the Kurdish region.
347. Many people from the camps in KRI are not allowed to return, because they are originating from villages in the disputed areas that they say the Kurdish authorities do not want to populate. As examples, the source pointed to the villages Hasansham, and Khazir, where there are large camps for the displaced, run by the KRG. Next door are abandoned and damaged villages, and the residents of the villages are being held in the camp next door, but are not being given security clearance to leave the camp and move back to their homes, just a few hundred meters away. Many view this as an effort to prevent Sunni Arabs from returning to areas now under KRG control. The sources added that Sunni Arabs from Sinjar are not allowed to return either. The source added that for many IDPs, who would be allowed to return, it is difficult to return and pointed to Sinjar as an area that was destroyed during the conflict and is difficult to return to.
348. People are not fleeing to the KRI anymore in the same degree as before the liberation from ISIS.

### Secondary displacement

349. Many IDPs wish to go back to their area of origin. From KRI there are buses to Mosul with IDPs who return voluntarily. Nevertheless, when some IDPs experience the situation in areas that were formerly controlled by ISIS, they chose to return to the camps in KRI either for security reasons or for humanitarian reasons or both. People who returned to their area of origin from the camps have in some cases returned to the camps again because the situation is not good. There is no heating during winter, no power, limited work opportunities, and the houses are destroyed.
350. Asked about the profile of those who returned to KRI from the disputed areas or Mosul, the source replied that many of them are Sunni Arabs.
351. With regard to the humanitarian situation in the disputed areas, the winter can be hard to endure, especially in cases where the house is damaged and at the same time some of the returnees do not have money for heating.

### Groups not allowed returning to their areas of origin

352. Asked about which groups of IDPs were not allowed to return to their area of origin, the source replied that Sunni Arabs are not allowed to return to their houses in Sinjar. In late 2017 and early 2018 some Christians said they were not being allowed to return to their houses. These Christians blamed the KDP for not being allowed to return to their home places, saying that the KDP only wants people who are loyal to them to return to the disputed areas.
353. Families who are perceived to have a family member, who joined ISIS, are in risk of being targeted if they go back to their area of origin.

### IDP camps

354. Some camps in KRI are still open, while others are closed in order to save money and because some IDPs returned to their area of origin. It is the security forces that decide who can stay in the camps. With regard to the humanitarian conditions in the IDP camps, the source added that in most camps the IDPs are not allowed to leave the camps and that the camp management demand to have their ID documents.

### Rebuilding destroyed houses in former ISIS areas

355. In eastern Mosul, life has returned to normal, whereas in western Mosul, where many more houses were destroyed, the reconstruction of houses await that people receive compensation before they start to rebuild their houses.
356. In Hamdaniya district in Ninewa Governorate, many houses are already rebuilt; in comparison in Tal Afar only minimal reconstruction of houses has started.
357. Belkis Wille stated that the main problem in the disputed areas after the liberation of areas from ISIS is the huge amount of property conflicts. Many houses had been sold at a very low cost

and many of the returnees fear that they will be thrown out of their houses again. In areas like Zummar, many families are worried that once the political situation changes and the KRG retakes control of the area, they will be kicked out of their homes.

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## Major Akam M. Mustafa, Station Residences & Passport, Erbil International Airport

Erbil, 23 April 2018

358. When arriving at the Erbil International Airport, an Iraqi citizen will need to present a valid passport. In case the passport is lost, an Iraqi citizen who returns from abroad can enter KRI by presenting a laissez-passer from an Iraqi embassy.
359. In case a foreign country wishes to deport an Iraqi citizen, the authorities of the country must seek permission from the Ministry of Interior (Mol). In case no permission is given, the authorities in Erbil International Airport will refuse entry and no transit to other parts of the country will be given.
360. In cases of forced returns of Iraqi citizens, who are not registered in Kurdistan Region of Iraq (KRI) and who return with their family, the authorities of the country abroad can seek permission from the Ministry of the Interior (Mol) about entry to Iraq. The family can stay in KRI. However, a sponsor will be required in order to obtain a residency permit. Christian Iraqis, who are originally from KRI, do not need a sponsor.
361. The Iraqi citizens (especially Kurdish), who are forced to return to Kurdistan, must ask permission from Mol, otherwise the airport administration could not allow them to enter the country.
362. Both men and women under the age of 18 years are unable to travel without parents' permission.

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## Director General, Ministry of Interior, KRG, Sami Jalal Hussein

Erbil, 23 April 2018

363. ISIS is no longer controlling land in Iraq. However, there are small pockets of ISIS fighters who undertake their operations at night-time in small villages in Kirkuk province and west of Mosul where the local population cooperates with them. They are normal citizens in daytime, but they are raising the ISIS-flag in the night



364. With regard to the accessibility of KRI for Iraqis who are not registered in KRI, the Director General stated that Iraqis coming to the checkpoints will be cleared against a database where unwanted people, criminals and terrorists are listed. The entry procedures to KRI do not require a sponsor. The Director General said the roads between Erbil and Kirkuk; Dohuk and Mosul; Dohuk and Sinjar have been opened. The checkpoints are controlled by the Asayish.
365. In 2007, the Directorate of Combatting Violence Against Women (DCVAW) was established with offices in the main cities. DCVAW is open for men and women who are subject to domestic violence to file complaints. In the courts of KRI there are cases in which women filed complaints about men in their families and vice versa. The Director General stated that no one in KRI gets killed due to these specialized directorates for combatting domestic violence. According to the Director General, there are many cases of women approaching the courts complaining about violence committed by their husbands.
366. The national ID card is a new electronic and biometric system for the whole country in which each Iraqi citizen will be given their own personal registration number. The main server of the new ID card is placed in Baghdad. The system has been implemented in KRI in the bigger cities. However, the old ID card is still being issued outside the bigger cities. Five years has been given to implement the system in the whole country. The data is being collected in the provinces and sent to Baghdad where the card is being printed. The issuing process is one month.
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## A Human Rights Activist

**Erbil, 27 April 2018**

### Security Situation

#### Liberated and disputed areas

367. According to the source, the PMUs have the ‘upper hand’ in the liberated and disputed areas in the sense that they can commit violations without consequences. The reality on ground is often that the Iraqi Security Forces (ISF) looks the other way when the PMUs commit human rights violations. The source opined that the PMUs have the support of the important political parties in Baghdad and that this support is more important than the government. This is why the government has a limited space to manoeuvre with regard to the militias. The source believed that the PMUs were targeting the Sunni Arabs and the Kurds, mostly in Mosul and Sinjar, but also in some of the other contested areas. According to the source, the worst militia group was Asaib al-Haq, who was responsible for murders and torture of civilians. However, it was not all PMUs who committed violations in the areas.

368. The overall picture of the power distribution is somewhat fragmented. Different militia groups control different areas. Furthermore, the source noted that the ISF does not have full control of the Ninewa Governorate.
369. The source opined that even though ISIS does not control any territory in Iraq anymore, there are still some areas where the former members are concentrated. Many ISIS members are located in the remote border area between Iraq and Syria. There are many areas where they have so-called ‘sleeping cells’ where they, for instance, stay anonymous during the day and are active in night-time. The source pointed to areas in and around Hawija and in the Hamreen Mountains where ISIS dug tunnels. ISIS also has sleeper cells in Mosul city and in the villages outside Mosul. However, it is difficult for these cells to carry out attacks in these areas maybe except for in the western part of the city.
370. The source added that ISIS is not very active in Diyala and Salah al-Din, because they do not have much space there due to the presence of PMUs.
371. According to the source, the problem is that many among the young generation, who were ‘brain-washed’ by ISIS during the period of 2014-2017, still share the extremist belief with ISIS even after the liberation. The source believed that ISIS still has the capacity to carry out attacks. They target the Iraqi security forces and government officials when possible. Recently, ISIS attacked a village outside Kirkuk with the result that a government official was killed.

### **Kirkuk**

372. According to the source, Kirkuk has had a special path of history. The province was critically affected by the Anfal campaign and the Arabisation project of the former regime of Saddam Hussein. As a consequence, the Kurds started to purge Arabs after the fall of Saddam Hussein. At the time of ISIS’ invasion in 2014, the Kurds took back areas that were taken from them in the 1980s. When the Iraqi government in October 2017 took control of the area after the Kurds’ referendum, a new wave of Arabisation started again. Kurds in the Arab neighbourhoods in Kirkuk city were forced to leave, and some of the houses and shops belonging to Kurds in the same areas were burned or destroyed. The same happened in Tuz Khurmatu. Most of this was hidden from the news. The perpetrators were the PMUs (in Arabic: Hashd al-Shaabi).
373. The source noted that many Kurds left Kirkuk after October 2017. The majority of Kurds have returned, but the Kurds affiliated with the political parties, KDP and PUK, as well as employees in the Asayish, have not yet returned to Kirkuk. The government of Iraq issued an arrest warrant for people who are connected to the KDP-leader, Barzani. The source is not aware of cases of Kurds that are not allowed to go back to Kirkuk. The source stated that the general security situation for Kurds is relatively safe and normal. The PMUs have left Kirkuk and the Iraqi Security Forces control the city. However, the PMUs are still present in surrounding villages such as Tuz Khurmatu.
374. The security situation of the city is complex. The level of violence taking place in the city is relatively high. On one side, the different ethnic groups hate each other. The Turkmen population

believes that Kirkuk belongs to them and they will not live with other ethnic groups. In many ways the Arab population supports the Turkmen against the Kurds. The Kurds prefer to live more isolated in their own neighbourhoods. The source added that there are very few Christians in Kirkuk. There is a lot of mistrust between the groups and violent attacks based on revenge and hatred happens frequently. On the other side, there are no real differences between the ethnic groups when it comes to violence and criminal activities. The violence is arbitrary and everybody can be a victim.

### ***Kurdistan Region of Iraq (KRI)***

375. The political situation in the KRI is difficult. The freedom of speech is strained. Journalists and activists cannot talk openly about the problems in the region, such as the delayed payment of wages and the increasing poverty. The source gave examples of four journalists who have been killed in the region. However, the examples were not recent. A more recent example was the violent suppression of demonstrations in March and April 2018 in Erbil and Sulaimania. Public servants, primarily doctors and teachers, who took to the streets to protest the lack of wages and increasing poverty, were beaten and detained by the security forces. According to the source, the perpetrators were members of the political parties, KDP and PUK and the Asayish. Men, who were part of the security forces, dressed in civilian clothes, used violence on the demonstrators. These men will not be prosecuted. The source elaborated that this was a clear sign of the fake democracy in the KRI. The people in power use these policies to scare the population in order for them to remain in power. The political parties are characterised by nepotism, corruption and arbitrarily accusations of terrorism against opponents. In terms of human rights, the situation is slightly better in Sulimania than in Erbil. The political environment in Sulaimania, including in PUK, is more open and free, since people in PUK are better educated. In Erbil the political environment is characterised by more oppression and the source compared the KDP with the former Ba'ath Party from the Saddam Hussein regime.
376. The situation became more strained ahead of the parliamentary elections in May 2018. Opposition candidates were either threatened or their campaigns were intimidated. The leader of the Election Commission in KRI was killed because he apparently did not want to cooperate with the KDP, even though the motive was said to be family related.
377. The source noted that KDP and PUK did not deliver what they promised the Kurdish voters, including independency; and for this reason they will lose votes at the parliamentary elections. As a way to restrain the loss, KDP and PUK have used scarring campaigns against people by telling them that they can find out what party they voted for, since the votes are cast electronically.
378. 'Fake News' was used frequently by the media controlled by the political parties. Female political candidates are especially targeted and intimidated. The source mentioned several cases of female candidates who had to withdraw themselves from election because the media published videos, supposedly showing the female candidates in sexual situations. Women who are well connected will be able to participate in the decision-making.

NORTHERN IRAQ – SECURITY SITUATION AND THE SITUATION FOR INTERNALLY DISPLACED PERSONS (IDPS) IN THE DISPUTED AREAS, INCL. POSSIBILITY TO ENTER AND ACCESS THE KURDISTAN REGION OF IRAQ (KRI)

379. According to the source, the most vulnerable and most targeted people in the KRI are the following groups:
- Human rights advocates and activists because they speak up and because they are able to educate the population
  - Journalists who write about the political corruption and other problems the parties of power do not want to publish
  - Civil servants, who had not received their wages for several months.
380. The source stated that the only way one can criticise or stand up to the people in power is, if you are well-connected.
381. Regarding the security situation, the source stated that the Kurdish security forces have full control over the KRI. No federal security forces can operate and the ISF or the PMUs would not be able to target any person in KRI.

Situation for IDPs

***IDPs in KRI***

382. The situation for IDPs is different depending on whether the IDPs are located in an IDP-camp or in the host communities. For the IDPs in the camps the situation is much better. They receive free food and supplies, they get paid allowances and there is access to education and services. For the IDPs living in host communities the situation is much worse. They have lack of money, because they cannot find work. Any savings, they might have had, are spent a long time ago. The IDPs who are returning to their area of origin from the KRI are the IDPs who lived in the urban communities, because they are suffering the most.
383. According to the source, there are no forceful returns of IDPs from KRI to the areas of origin. However, there is an indirect pressure for IDPs to return. The Kurdish authorities are raising awareness campaigns that facilitate expectations of IDPs to return to their area of origin.
384. Another example is that the office in Dohuk helping IDPs with issuance of ID-documents has been closed down. This has resulted in that it has been more difficult to obtain new ID-documents which are very important for the freedom of movement for IDPs.
385. Asked about the rumours that the Arabic schools in the IDP-camps in KRI would close, the source opined that there are still Arabic schools on all levels. He had not heard of a decision to close the schools.

***IDPs in liberated areas***

386. According to the source, IDPs are returning to Mosul and Ninewa. The source told about the Christian organisation 'Hammurabi' who is working actively to return the minorities, and especially the Christians, to their villages of origin. The source also gave an example of a doctor who returned to Mosul, rebuild his house and is now running a medical clinic in the city.

387. However, the return process is complicated and will take long time. The source highlighted that one of the important works being done now is the demining of the liberated areas. The level of containment is very high and there are unexploded explosives and booby traps spread around the populated areas. Some of the explosives have been deliberately placed to attract attention, which is also why children often are the ones who suffer the most.
388. There is a city administration in place in Mosul, but the source did not know, how effective it was.
389. The source stated further that because of the complicated situation in the liberated areas there are many premature returns of IDPs. They end up in secondary displacement, because they could not resettle; if they are in displacement in KRI, they will not be able to go back to the IDP-camps, but they have to stay in urban communities.
390. The source did not hear of threats from the Iraqi security forces, neither from the popular mobilisation units (PMUs). The Iraqi federal police force is due to take over from the PMUs as security provider in Mosul.

#### Access to KRI

391. The source stated that every person entering the KRI to reside must have a sponsor, except Kurds. Kurds from the rest of Iraq can enter and reside in KRI without any problems. They do not need a residence permit. However, they cannot change residence status. If they, for instance, are registered in Kirkuk and want to change registration to Erbil, this is practically impossible without paying bribes and having the right contacts. This can pose a challenge, when Kurds registered elsewhere have to renew important identity documents. They will have to return to their governorate of origin to have the documents issued.
392. All other ethnicities will have to have a sponsor if they want to reside in the KRI. For minorities, such as Christians, this is usually not a problem. The sponsor will have to go with the person to the local Asayish office to fill out papers in order to receive or prolong residence permits. In the source's own experience, there is no security screening of the sponsor. Furthermore, the sponsor is also responsible for the person in case the person commits any crimes; the sponsor will also be liable for these actions and could be subject to prosecution. However, the source noted that he had heard of a case a long time ago, where a sponsor was punished. Depending of the crime, the prison sentence for a sponsor is three to five years. The source added that if a sponsor is arrested he would easily be released if he is well connected.
393. The source noted that every person who arrives at the airport in KRI will be allowed to enter. However, certain discrimination happens at border checkpoints by land. In general, families can enter KRI without any problems. Youth and single Sunni Arab men can often have problems entering and in many cases sent back to the area of origin. Sometimes the denial of entry can be arbitrary. The source noted that it can depend on the guard's mood whether he wants to allow a

person to enter. Often the reasons given for not allowing entry will be either fake IDs or suspicion of criminal activity. It was mentioned that there are residency offices at the check-points at the entrances into the KRI.

394. Asked about mixed couples and whether an Arab married to a Kurd would have easier access to KRI, the source replied that such marriages are very rare, especially in the northern Iraq where the sectarian and ethnic tensions are high. The source mentioned a personal example of an Arab Shia doctor who works in Dohuk and fell in love with a Kurdish woman. They got engaged, but since the woman's uncles refused to allow her a marriage to an Arab, the couple had to break the engagement.

395. IDPs, who previously stayed in KRI, and who are returning again after failed resettlement in Iraq, are usually let in to the KRI again. However, they are not allowed into the IDP-camps but will have to settle in host communities.

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## International Organization, Erbil Coordination Office

*This International Organization has a coordination office in Erbil that covers the 3 governorates in the KR-I, with a programme that covers refugees, internally displaced persons (IDPs) and IDP returnees. The source of the information indicated that the information that they provided was primarily based upon interviews with IDPs living in Erbil.*

Erbil, 26 April 2018

### Access to and residency in the KRI

396. According to the source, an International Organisation with field presence in Erbil and other locations in the Kurdistan Region of Iraq, the situation regarding access to the KRI has improved. However, due to varying practical applications of the access and residence procedures in the three Governorates, it is difficult to speak of generally applicable access and residence procedures as conditions vary considerably among the three governorates of the KRI and depend on the individual's ethnic/religious background, place of origin and pre-existing links in the KRI. The source noted that some of the previously applicable security screening procedures concerning sponsorship and a security clearance at the security service, the Asayish, were still valid. However, since there are no legal norms, laws or formal policies, these rules and procedures are subject to frequent changes depending on security and political developments. These changes pose challenges when counselling persons about the procedures in place.

397. The majority of the internally displaced persons in the KRI primarily originate from Ninewa and Salah al-Din Governorates, while some IDPs are from Kirkuk, including as a consequence of the change of administration in October 2017, when the Iraqi forces took over the control of most of the disputed areas. All IDPs who arrived from Kirkuk at that occasion were reportedly granted

access to the KRI after undergoing a security screening and securing a sponsor. While the sponsorship requirement was eased or entirely discontinued after Mosul was retaken from ISIS control, some persons continued to be required to secure a sponsor on a case-by-case basis. For instance, single female headed households who were unable to explain the absence of their husbands (i.e. divorce or death certificates etc.) or single men and women with no families have reportedly been required to meet additional sponsorship requirements.

398. There are limited new displacements observed and new arrivals of IDPs are limited. No information is known to the source of newly arrived IDPs being forced into camps. However, the deteriorating economic conditions, lack of livelihood opportunities, increased commodity prices, including rent, and persisting hardships, especially for female headed households combined with reduced humanitarian assistance and withdrawal of services oblige IDPs to return to the camps in order to access services provided. However, capacity in the camps is limited. The source has been observing queues to the camps because food assistance and other basic services are provided.

#### Residence permit, sponsorship requirement

399. Sponsorship requirements have recently been lifted for many cases. However, there are no legal norms, laws or formal policies, governing these rules, and procedures are subject to frequent changes and are often applied differently on a case-by-case basis. The demand for sponsorship also applies for Christians and Turkmens. The source noted that the Christian church would reportedly often be the sponsor for Christians. While the application of the sponsorship requirements is *ad hoc* and differs per situation and case, the sponsorship requirement applies to people who wish to obtain a residence permit in the KRI. A person can enter the KRI, and if the person wants to stay for an extended period of time, the person must approach the local Asayish Office to register. Furthermore, the demand for a sponsor in situations where this is required has restrictions on the entry procedures to the KRI. In general, the camps will be a sponsor for the IDP, but if the camp has deregistered a person, this person would have to go through the registration procedures again. Asked to what extent it is feasible to go through the registration procedure again and gain access, the source replied that they had no information available.
400. If a person enters the KRI via the airport, the person will have to approach the Asayish office within 48 hours in order to register. The initial entry permit issued to a displaced family or individual can be replaced by a residence permit from the local Asayish office in the neighbourhood where they plan to live. A confirmation letter from the mukhtar/district council is needed in order to obtain the residence permit, which is initially valid for one month. A residence permit is renewable for a period of six months and then a further twelve months. Applications should be lodged at the local Asayish Office. A residence permit is required for Arab, Turkmen and other minority IDPs. Asked if the source had experienced any challenges for Iraqi returnees from abroad returning to Iraq via Erbil and Sulaimania Airports, the source replied that they had no information available.
401. Sometimes the Asayish Office can stop the registration after three to six months. In such cases the source offers legal assistance.



402. According to the source, some IDPs are denied entry to the KRI, which tends to be related to security considerations. The emphasis on the security concerns have reportedly resulted in the detention of certain individuals with heightened security concerns in the past. In order to obtain a residence permit, they reportedly have to have extended family members residing in the KRI. If they have no extended family, they will have to go through an extended security check.
403. In general, IDPs staying in camps do not enjoy freedom of movement. If they wish to leave the camp, including to another governorate, they have to report to the security service, the Asayish.
404. Answering the question whether it would be easier for an Arab to get access to the KRI if an Arab person is married to a Kurdish person, the source noted that mixed couples may be stigmatised both by other Arabs and Kurds.

#### Remain in displacement or return to area of origin

405. The Kurdistan Regional Government (KRG) plans to close all IDP camps by the end of 2018, and some camps have already been closed. This resulted in some of the remaining camps being overcrowded, putting pressure on the existing accommodation capacity in the camps earlier this year. Since then and due to an active return process during the spring, the situation in the camps has changed somewhat with regards to occupancy and overcrowding, and the KRG has started to consider merging of some of the camps.
406. The source highlighted that, while incidents of forced returns have been observed, the degree to which KRI authorities pressure IDPs to return, involved less coercion compared to practices observed in other Iraqi central and southern provinces where forced returns and forced evictions are regularly reported by protection partners and recorded in the “Critical Protection Issues” Note generated by the National Protection Cluster. The pressure on IDPs to return to their area of origin has, in general, increased ahead of the parliamentary elections in May 2018.
407. According to the source, the KRG have decided to close Arabic-speaking schools in the KRI in September 2018, which reportedly led many IDPs to return to their areas of origin. The source added that they offer catch-up classes to children who miss out of school for a long period.
408. The source noted that there are many IDPs without identification documents as a significant number of IDPs as well as host community-members either lost their documents, or were issued documentation such as birth/marriage/death certificates by ISIS. The Iraqi authorities do not recognize documents issued by ISIS and these documents must be replaced. This has the consequence that people who were born, married or died in areas under ISIS control cannot get these major life events properly registered. This creates a problem for, in particular, children who in general cannot be recognised as Iraqi citizens and are at risk of being rendered stateless. Some humanitarian organisations assist persons with expired or ISIS-issued documentation to re-issue official civil documentation. Children without ID will not be able to attend school. The situation is



even worse for children born as a consequence of rape or children where the father is missing. The source noted that it will take several years for the Iraqi courts to give them a legal status in Iraq. There is no legal basis to document children born out of wedlock. The only avenue is through the courts and the absence of a legal mechanism remains a challenge.

409. Furthermore, the source noted, that in the context of return movements or other administrative and documentation procedures, many IDPs risk not passing security clearance, because their names are identical to those individuals who are on the lists of persons not cleared by the Asayish. In such cases, they are reportedly at risk of detention and/or abuses at the hands of the Asayish.
410. The source mentioned cases where IDPs living in host communities in urban areas experience challenges renewing their registration. When the registration ends, the authorities reportedly deny prolonging it, giving the message that the person cannot be in KRI anymore. According to the source, IDPs living in rural areas can experience a more subtle pressure to return.
411. Only limited information is known to the source on the situation in Mosul. However, the source pointed to a growing problem regarding identification documents. When the city was controlled by ISIS, ISIS introduced its own civil registry system. It encouraged and facilitated destruction of the original registry archives and of old Iraqi identification documents. Instead, ISIS began to issue its own ID-cards, marriage-, birth-, and death certificates etc. However, these archives were restored by the copies kept in Baghdad. A temporary registration office was set up by the authorities in Dohuk to address the documentation needs of IDPs from Mosul. This office has since been closed further to the reopening of the office in Mosul, and the archive has moved to the registration offices in Mosul. This move has forced IDPs to return to Mosul to obtain replacement documentation, but the offices there have very low capacity and a high demand. People reportedly give up trying, and oftentimes continue to live without civil documentation.
412. Depending on where IDPs originate from, according to the source, approximately 10 per cent or less of IDPs are reportedly willing to return. Some IDPs try to return only for a couple of days in order to check on the state of their property and/or to assess conditions to see if it is possible to return. Most often IDPs cannot settle, because of the unstable security situation and because their areas of return lack basic services, resulting in their return to displacement in the KRI. In cases where IDPs have left the camp, the camp authorities will have deregistered them from the camps, which can be the cause of new challenges. Secondary displacement frequently occurs for groups who are unable to return home or re-enter the IDP camps. For IDPs who return to KRI in secondary displacement after a premature return will normally receive a temporary residence permit. The same also applies to people returning from abroad. However, according to the source, there have been cases where people have been apprehended or detained at the airport or when trying to cross the land border, including irregularly.
413. The main risk of detention for returnees is linked to their suspected affiliation with ISIS. Another reason could be that they lack exit stamps in their passport, thereby being suspected of

having left Iraq irregularly from an area previously under ISIS control. Any links with ISIS, even if it is very small, such as a document issued by ISIS, increase the risk of being suspected of affiliation with ISIS.

414. The source highlighted that, in general, the organization does not promote returns to Mosul or the Ninewa Governorate.<sup>305</sup> According to the source, the security situation and the availability of accommodation and basic services has not improved sufficiently for all people to be able to return. Basic public services are not functioning. The local authorities, including Mukhtars, have not yet returned and resumed their activities. The sanitary situation is not yet adequate.

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## International Organization, Sulaymaniyah Field Office

*The International Organization's Field Office in Sulaymaniyah covers the geographical area of Sulaymaniyah Governorate (and at the time of the interview also covered Khanaqin in Diyala Governorate). The International Organization indicated that their sources are internally displaced persons (IDP) who originate from Kirkuk and Salah al-Din and who are living in Sulaymaniyah as well as open sources and authorities.*

Sulaimania, 30 April 2018

### Possibility for IDPs to return to area of origin

415. According to the source, an International Organization with field presence in Sulaymaniyah, a number of IDPs in camps have expressed the intention to return to their area of origin. The source of this information is discussions the International Organization has with IDPs in camps. According to the statistics collected by Bureau of Displacement and Migration (BDM), the number of returning IDPs is decreasing.
416. The source noted that even though some IDPs intend to return, they are often unable to return for multiple reasons. According to information shared through focus group discussions facilitated by the source, the unstable security situation was a primary cause of concern. Reports of the presence of PMUs in areas of origin and their records of abusing persons suspected of ISIS affiliation reportedly prevents many IDPs from returning. Another important factor preventing IDPs from returning is that the areas of origin lack basic services and infrastructure, including functioning schools, civil administration, law enforcement etc. The economic crisis affects both the

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<sup>305</sup> The source made reference to the following publications:

*Iraq Protection Cluster: Ninewa Returnee Profile - February 2018*, published on 28 Feb 2018. Link:

<https://reliefweb.int/report/iraq/iraq-protection-cluster-ninewa-returnee-profile-february-2018>

*Iraq Protection Cluster: Salah al-Din Returnees Profile - February 2018*, Published on 28 Feb 2018

<https://reliefweb.int/report/iraq/iraq-protection-cluster-salah-al-din-returnees-profile-february-2018>

*Iraq Protection Cluster: Diyala Returnees Profile - February 2018*, Published on 28 Feb 2018

<https://reliefweb.int/report/iraq/iraq-protection-cluster-diyala-returnees-profile-february-2018>

host communities and the IDPs. Furthermore, there are fewer jobs available, and the savings that the IDPs might have had are running out.

417. A third important factor is the lack of adequate housing. Many houses are destroyed and are yet to be rebuilt, or the homes are contaminated with booby traps, unexploded ordnances and other explosive remnants of war etc.
418. There is reportedly a significant pressure from the host communities and from the central government in Baghdad on IDPs to return. Civil servants, such as teachers, are being encouraged to return. According to the source, there has only been one recorded case of forced return from Sulaymaniyah. In 2017, the Kurdish security service, the Asayish, ordered 46 Arab IDPs, most of whom originated from Anbar, to leave, because they were considered a security concern due to their relatives' affiliation with ISIS. According to the Asayish, the security concerns stemmed from name similarities. Upon intervention of humanitarian actors, the group was allowed to remain in Sulaymaniyah.
419. The source was concerned about the observed secondary displacement taking place. According to the source, the reason why it takes place is that the IDPs, who try to return, meet difficulties in their area of origin leading them to settle in yet another area of displacement. Some settle in an area close to their place of origin, while others return to the place of previous displacement. In order to return to KRI again, IDPs are required to undergo a security screening by the Asayish. Additionally, they need the approval from the mayor's office, if they return to host communities. However, the source was unable to detail these precise procedures. The authorities, especially the Asayish, have been reluctant to authorize returns to the camps in Sulaymaniyah, while returns to the camps in Khanaqin are reportedly authorised more easily. In general, IDP returnees who request to reside in camps or urban areas must reportedly be first approved by the Asayish.

## Access to the KRI

420. The source stated that in order to enter Sulaymaniyah Governorate, permission from Asayish is necessary. Asked if the rules and procedures for entering Sulaimania Governorate different from Erbil and Dohuk Governorates, the source did not reply. In principle, these rules and procedures are the same regarding short-term stays. If individuals want to stay for a longer period of time, they need approval by the Asayish. In order to get that approval they have to go through a security clearance. The source was not completely sure if there always is a requirement to have a Kurdish sponsor; it may depend on the specific location as the residency conditions vary considerably among the three governorates of the KRI and depend on the individual's ethnic/religious background, place of origin and pre-existing links in the KRI. The source stated that the local Asayish in Rania, Permagroon, Arbat and Chamchamal for instance have more restrictive policies in order to stay.
421. According to the source, there are certain groups that are more scrutinised when they attempt to enter KRI, in particular those coming from (previously) ISIS-held and conflict areas, who

are reportedly considered a security threat and are often denied permission to access and/or residency in areas of relative safety on the basis of broad and discriminatory criteria.

422. Regarding Kurds from Kirkuk, the source stated that some of the refugees who settled in Sulaymaniyah stayed in houses if they could afford it, while others went to IDP-camps. In general, Kurds are more easily accepted in KRI.
423. On the question on whether it is possible for a Kurd, registered in for instance Kirkuk, to change his or her registration to the KRI, the source replied that it is not possible to change the place of registration in the identity documents. Furthermore, the disputed areas are regulated by Article 140 of the Iraqi Constitution that implies that it is not possible to change place of registration.
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## Director Abdulrahman Ismael Azaz, Directorate of Nationality and Civil Status, Erbil, Ministry of the Interior, Kurdistan Regional Government

*The Directorate of Nationality and Civil Status manages three departments: ID-card department, Nationality certificate department and Residency department.*

Erbil, 25 April 2018

### Access to the KRI via airport

424. Asked if any Iraqi citizen who returns to Iraq can arrive at Erbil airport, Director Azaz replied that everyone could arrive at the airports of Erbil and Sulaimania. During the period when ISIS controlled large areas of the country, the situation was different. At that time, anyone from Mosul and Anbar would be checked at the airport in order to prevent terrorism. Currently, the areas that were formerly controlled by ISIS are now controlled either by the Government of Iraq or by KRG, which implies that all Iraqis can access Iraq via Erbil and Sulaimania airports.
425. With regard to the security check that takes place at the airport, Director Azaz replied that a year ago when ISIS controlled Mosul and other places in Iraq, they tried to enter KRI. For this reason, Asayish wanted to check their IDs and ask them some questions, especially if they were from Mosul, in order to stop the terrorists from entering. This is no longer the case.

## UN source in Erbil

Erbil, 26 April 2018

### Political situation in the Kurdish Region of Iraq (KRI)

426. The source expressed concerns about the post-election situation in Iraq. It could be a game-changer for the KRI. The source stated that the political and security situation changed dramatically after the KRI referendum on independence in September 2017. The Iraqi response shook the Kurdish Regional Government (KRG) and changed the dynamics and balance of power between KRG and the government in Baghdad. Kirkuk, Sinjar and other disputed territories were taken back by Iraqi federal forces. Iraqi federal control has increased in KRI. However, it is an ongoing process whether it is the KRG or Government of Iraq who will control the border points between KRI and the neighbouring countries. The Kurdish security forces still control the two international airports in KRI, but according to the plan Iraqi Security Forces (ISF) will take full control over the airports.
427. The source highlighted that the fact that the Iraqi Prime Minister Haidar al-Abadi was campaigning in Erbil, Sulaimania and Dohuk in the KRI before the election was a new development and shows that the Iraqi government can interfere more in internal Kurdish politics. As for the elections for the parliament of KRI, a date has not been scheduled. One of the reasons for this is that the ruling parties Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) are not ready for these elections. The source added that the validity of article 140 in the constitution on the status of Kirkuk and other disputed areas is now being debated. The Kurdish influence in the federal parliament might decrease which is another concern for the Kurds.
428. Thus, the overall political situation in KRI is not encouraging. Sulaimania has been known for more diversity and freedom of speech, but the political situation is more turbulent and the PUK is divided internally. In Erbil and Dohuk there is little political opposition. More informal restrictions have been put on the political life and people are afraid of stating their opinion. There have been reports of human rights abuses against activists and others. One example mentioned was the recent killing of a member of (leader of) the High election committee in Erbil. According to official reports the killing was motivated by a family dispute.
429. Another example is the controversy regarding the battle for the position as presidents in KRI and Iraq, respectively. KDP and PUK agreed that the position as president of the KRI was to be a member of the KDP, while the position as president of Iraq was to be a member of the PUK. However, the presidency of the KRI is about to be abolished, which is why the KDP demands the Iraqi presidency.
430. Asked about the courts, the source stated that the courts are functioning, but that the rule of law depends on the situation. Nepotism and corruption is widespread.

431. Furthermore, the source stated that the economic situation is getting worse. Salaries have not been paid for many months. The present salaries are paid from the federal budget, but the government in Baghdad will not pay for the salaries that were not paid in KRI in 2017 as a result of the isolation the federal government put on the KRI. The revenues from the oil export, one of the main incomes in the KRG budget, has been transferred to the National Oil Company which mean that the KRG will get their share of the budget from the government of Iraq and not directly from the oil sales, as it was before October 2017 when the Kurdish authorities controlled the disputed areas.
432. However, the source noted the latest positive development in the relations between KRG and the Iraqi government. The relations between the two have improved and the tensions are decreasing. Regarding the situation for Christians, the source stated that many minorities, but especially Christians do feel hopeless and that they do not have a future in KRI. The source heard reports of extortion of Christians.

#### Kirkuk

433. According to the source, there is an overall bitterness among the Kurdish population for having lost Kirkuk which has a status similar to what Jerusalem is for the Jews and Arabs. But on the other hand, Kirkuk also has a special status for the Arabs and the Turkmens. Furthermore, Kirkuk is considered as the key to make a Kurdish state viable, because of the richness of oil in this area, in particular. It is a politicised conflict with two views: The Kurds complain about Arabisation while the Arabs and Turkmen complain about Kurdification.
434. It is difficult to monitor in the disputed areas, including the repositioning of armed groups which is why it is very difficult to obtain credible information about what is going on. However, UN confirms the negative situation, described by the Kurdish authorities. The Kurds are accusing UNAMI of underreporting human rights violations against the Kurds in the disputed territories. However, they do not provide documentation for the claims which is why UN cannot verify the incidents.
435. UN stated that, in general, the situation in Kirkuk city is insecure, but it is improving. Many security incidents and violence still happen every day, but it can either be crime, politics or a combination of both.
436. According to UN, it is difficult to assess the level of control of the Popular Mobilisation Units (PMU) in the disputed areas. In many places the federal police have replaced the PMUs. However, the UN does not have its own monitors in the disputed areas, why the information which UN receives might be biased.

## Appendix 2 Terms of Reference

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### Terms of reference

- 1. Situation in areas previously controlled by IS, particularly in Mosul and Kirkuk governorates**
  - 1.1. Profile of persons targeted by IS
  - 1.2. Profile of persons targeted by Shiite militias
  - 1.3. Profile of persons targeted by Iraqi forces
  - 1.4. Profile of persons targeted by Kurdish peshmerga
  - 1.5. Above-mentioned forces' priority and capability to pursue their targets in Kurdish controlled areas
  
- 2. Situation for IDPs and returnees in disputed areas and areas previously controlled by IS, particularly in Ninawa and Kirkuk provinces**
  - 2.1. Prevalence of forced return of IDPs to disputed areas and areas previously controlled by IS
  - 2.2. Profile of returning IDPs
  - 2.3. Possible restrictions on voluntary return to disputed areas, particularly for persons of Sunni Arab origin
  - 2.4. Prevalence of forced return of IDPs already settled in KRI to areas outside KRI
  - 2.5. Security situation of returnees in disputed areas and areas previously controlled by IS if they have lived outside their area of origin for a some time
  
- 3. Access to KRI and residence in KRI**
  - 3.1. Possibility to enter and reside in KRI for:
    - Sunni Arabs, Turkmen and Kurds including persons from areas previously controlled by IS and rejected asylum seekers
    - Couples where one is Arab and the other Kurd
  
  - 3.2. Significance of originating from KRI proper with regard to possibility to enter and reside in KRI after having stayed outside KRI (e.g. In Ninawa) for some years
  
  - 3.3. Prevalence and profile of groups originating from disputed areas who cannot enter and reside in KRI
  
  - 3.4. Procedure for security checks at airport and at land border checkpoints
    - Location of KRI's border controls/border checkpoints
  
  - 3.5. Settlement of IDPs in IDP camps in KRI, including prevalence of forced settlement of returned asylum seekers in IDP camps.
  
  - 3.6. Significance of network in KRI for returned asylum seekers