



# Iraq - Targeting of Individuals

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## Country of Origin Information Report

January 2022



Manuscript completed in January 2022

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Luxembourg: Publications Office of the European Union, 2022

PDF ISBN 978-92-9465-666-7 doi: 10.2847/40146 BZ-01-22-022-EN-N

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Cover Photo: 846014608, © iStock (photographer: Joel Carillet), 12 September 2017, [url](#): *Sharya, Iraq - May 28, 2017: A young Yazidi woman sits with her three children inside a tent in Sharya IDP camp in northern Iraq. They and their families fled the 2014 ISIS advance in which many Yazidis were killed and others, especially women and children, captured and trafficked by ISIS.*

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# Acknowledgements

EUAA would like to acknowledge the following national asylum department and external expert as co-drafters of this report, together with EUAA:

Romania, International Protection Unit, Asylum and Integration Directorate of the General Inspectorate for Immigration.

Ms. Stephanie Huber, Country of Origin Information (COI) expert

The following departments and organisations have reviewed parts of the report:

France, Office for the Protection of Refugees and Stateless Persons (OFPRA), Information, Documentation and Research Division

Norway, Landinfo – Norwegian Country of Origin Information Centre

All parts of this report have been reviewed by at least one reviewer.

It must be noted that the review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of EUAA.







# Contents

<b>Acknowledgements .....</b>	<b>3</b>
<b>Contents.....</b>	<b>4</b>
<b>Disclaimer .....</b>	<b>7</b>
<b>Glossary and Abbreviations .....</b>	<b>8</b>
<b>Introduction .....</b>	<b>9</b>
Methodology .....	9
Defining the terms of reference .....	9
Sources .....	10
Structure and use of the report.....	10
<b>Map of Iraq.....</b>	<b>11</b>
<b>1. Persons with perceived affiliation to ISIL.....</b>	<b>12</b>
1.1 Prosecutions of suspected ISIL involvement and people convicted of terrorism offences .....	12
1.1.1 <i>Children suspected of ISIL involvement</i> .....	13
1.1.2 <i>Former ISIL suspects</i> .....	15
1.2 Iraqis detained or in camps in Syria and returning to Iraq from Al Hol camp.....	15
1.2.1 <i>Repatriations from Syria to Iraq</i> .....	16
1.3 Family members with perceived ISIL affiliation.....	17
1.3.1 <i>IDPs and perceived ISIL affiliation</i> .....	18
1.3.2 <i>Women</i> .....	23
1.3.3 <i>Children</i> .....	24
<b>2. Sunni Arabs .....</b>	<b>25</b>
2.1 General situation of Sunni Arabs in Iraq .....	25
2.2 Treatment of Sunni Arabs.....	26
<b>3. Political opposition activists and protesters .....</b>	<b>30</b>
3.1 Political opposition and protests in Iraq.....	30
3.1.1 <i>Recent developments in protests</i> .....	30
3.1.2 <i>Government response to protests</i> .....	32
3.1.3 <i>Examples of targeting of protesters/activists</i> .....	34
3.1.4 <i>Targeting of online activists</i> .....	37
3.2 Political opposition and protests in the KRI .....	38
3.2.1 <i>Recent developments in protests</i> .....	38
3.2.2 <i>KRG response to protests</i> .....	39





3.2.3 Examples of targeting of protesters/activists.....	40
3.2.4 Targeting of online activists.....	40
<b>4. Religious and ethnic minorities, and stateless persons.....</b>	<b>42</b>
4.1 Christians.....	42
4.1.1 General situation of Christians in Iraq and the KRI.....	42
4.1.2 Instances of targeting of Christians in Iraq and the KRI.....	44
4.1.3 Situation of Christian converts in Iraq and the KRI.....	47
4.2 Turkmen.....	48
4.2.1 General situation of Turkmen in Iraq and the KRI.....	48
4.2.2 Treatment of Sunni and Shia Turkmen.....	51
4.2.3 Instances of targeting of Turkmen.....	52
4.3 Yazidis.....	53
4.3.1 General situation of Yazidis in Iraq and the KRI.....	54
4.3.2 Treatment of Yazidis in Iraq and in the KRI.....	56
4.3.3 Situation of Yazidi women and children.....	58
4.4 Palestinians.....	62
<b>5. Journalists, media workers and human rights activists.....</b>	<b>63</b>
5.1 General situation of journalists and other media workers in Iraq and the KRI.....	63
5.1.1 Situation of journalists and media workers in Iraq.....	64
5.1.2 Situation of journalists and media workers in the KRI.....	64
5.2 Incidents of targeting journalists in Iraq and the KRI.....	65
5.2.1 Incidents of targeting journalists and media workers in Iraq.....	65
5.2.2 Incidents of targeting of journalists and media workers in the KRI.....	67
5.3 General situation of human rights activists in Iraq and the KRI.....	68
5.3.1 The situation of human rights activists in Iraq.....	68
5.3.2 The situation of human rights activists in the KRI.....	69
5.4 Incidents of targeting human rights activists in Iraq and the KRI.....	70
5.4.1 Incidents of targeting human rights activists in Iraq.....	70
5.4.2 Instances of targeting human rights defenders in the KRI.....	72
<b>6. Individuals perceived to transgress moral codes.....</b>	<b>73</b>
6.1 Perception and treatment of individuals perceived as westernised in the Iraqi society.....	73
6.2 Instances of targeting of individuals perceived as westernised in Iraq and the KRI.....	76
<b>7. Women.....</b>	<b>77</b>
7.1 General situation of women in Iraq and the KRI.....	77





7.2 Sexual and gender-based violence (SGBV) in Iraq and the KRI.....	78
7.2.1. Rape.....	79
7.2.2 Domestic violence .....	79
7.2.3 Child forced-marriage and trafficking .....	80
7.2.4 Conflict-related sexual violence.....	80
7.2.5 Female Genital Mutilation (FGM) .....	81
7.3 Treatment of single/divorced/widowed women in Iraq and the KRI .....	81
7.4 Treatment of women perceived to transgress moral codes in Iraq and the KRI .....	82
<b>8. Persons involved in and affected by blood/land feuds in the context of tribal conflict..</b>	<b>85</b>
8.1 Context of tribalism in Iraq.....	85
8.2 Interaction between the formal and tribal legal systems.....	86
8.3 Conflict resolution practices in customary law .....	88
8.4 Blood and land feuds.....	89
8.5 The role of tribes in areas formerly captured by ISIL .....	91
8.6 The role of tribes in southern Iraq.....	92
<b>9. (Perceived) collaborators with western forces .....</b>	<b>95</b>
9.1 General situation of persons collaborating (or perceived to be collaborating) with western forces .....	95
9.2 Instances of targeting of persons belonging to this profile .....	98
<b>10. Atheists, converts and individuals considered to have committed apostasy.....</b>	<b>100</b>
10.1 Prevalence in KRI / Iraq.....	100
10.2 Treatment of atheists, converts and perceived apostates .....	101
10.3 Treatment of atheists, converts and perceived apostates by state authorities ...	102
10.4 Treatment of atheists, converts and apostates by non-state actors .....	105
<b>Annex 1: Bibliography .....</b>	<b>106</b>
<b>Annex 2: Terms of Reference .....</b>	<b>144</b>





## Disclaimer

This report was written according to the EASO COI Report Methodology (2019)<sup>1</sup>. The report is based on carefully selected sources of information. All sources used are referenced.

The information contained in this report has been researched, evaluated and analysed with utmost care. However, this document does not claim to be exhaustive. If a particular event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as generic terminology and not in the legal sense as applied in the EU Asylum Acquis, the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

Neither EUAA nor any person acting on its behalf may be held responsible for the use which may be made of the information contained in this report.

The drafting of this report was finalised on 30 November 2021. Any event taking place after this date is not included in this report. More information on the reference period for this report can be found in the [Methodology](#) section of the Introduction.

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<sup>1</sup> The 2019 EASO COI Report Methodology can be downloaded from the EASO COI Portal [https://coi.easo.europa.eu/administration/easo/PLib/2019\\_EASO\\_COI\\_Report\\_Methodology.pdf](https://coi.easo.europa.eu/administration/easo/PLib/2019_EASO_COI_Report_Methodology.pdf)



## Glossary and Abbreviations

AAH	<i>Asaib Ahl al-Haq</i> (The League of the Righteous)
Al-hashd al Shaabi	Popular Mobilization Units (PMU) or Popular Mobilization Forces (PMF)
<i>Asayish</i>	Intelligence services of the Kurdistan Region of Iraq.
<i>Awa'il Dawa'ish</i>	ISIL-associated family members
Badr Organization	Iranian-backed Shia militia that is part of the Popular Mobilization Units.
<i>fasliya</i>	A traditional practice whereby family members, including women and children, are traded to settle tribal disputes.
<i>Fasl/Fasil</i>	Often referred to as 'blood money' in English. In Iraq the Qur'anic term <i>diya</i> is also used. It concerns the payment of financial compensation to the injured party in order to resolve tribal conflict.
FGM	Female Genital Mutilation
<i>Hisba</i>	ISIL morality police
IDP	Internally Displaced Person
IED	Improvised Explosive Device
<i>Ikhbar</i>	Denunciation
ISF	Iraqi Security Forces
ISIL	The Islamic State of Iraq and al-Sham (the Levant). Also known as Daesh, IS, and ISIS
<i>Kafir</i>	Unbeliever (plural: <i>Kafirs</i> or <i>Kuffar</i> )
KH	<i>Kataib Hezbollah</i> . Iranian-backed Shia militia that is part of the Popular Mobilization Units.
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
KRI	Kurdistan Region of Iraq – refers to Dohuk, Erbil, and Sulaymaniyah governorates
KSF	Kurdish Security Forces
Mol	Ministry of Interior
<i>Mukhtar</i>	Local community leader
OHCHR	Office of the United Nations High Commissioner for Human Rights
Peshmerga	Military forces of the Kurdistan Region of Iraq
PKK	Kurdistan Workers' Party
PMF	Popular Mobilization Forces
PMU	Popular Mobilization Units
PUK	Patriotic Union of Kurdistan
<i>Saraya al-Salam</i>	Also known as the Peace Brigades. Shia militia linked to cleric Muqtada al-Sadr
<i>Tabrea'a/Tabriya</i>	Disavowal





# Introduction

The purpose of this report is to provide relevant context information in view of the assessment of international protection status determination, including refugee status and subsidiary protection, and in particular for use in EUAA's country guidance development on Iraq (2022).

This report is an update of the [EASO COI Report – Iraq: Targeting of Individuals](#), published in March 2019, as well as the two EASO COI reports, [Treatment of Iraqis with perceived affiliation to ISIL](#) and [the Protest movement and treatment of protesters and activists](#), both published in October 2020. This report addresses topics related to the targeting of individuals by armed actors and sectors of society. It is written in conjunction with additional reports on Iraq on the topics of [Key socio-economic indicators \(Baghdad, Basrah and Sulaymaniyah\)](#), and Security situation (which will be published at a later stage).

## Methodology

This report is produced in line with the EASO COI Report Methodology (2019)<sup>2</sup> and the EASO COI Writing and Referencing Style Guide (2019).<sup>3</sup>

The reference period for the different profiles varies depending on when they were last updated in an EASO COI report. Therefore, the reference period covering the time period between 1 August 2020 and 30 October 2021 was observed for the profiles (perceived) ISIL affiliates, Sunni Arabs, political opposition activists and protesters, religious and ethnic minorities and stateless persons. The reference period covering the time period between 1 January 2020 and 31 October 2021 was observed for the profiles: journalists, media workers and human rights activists, individuals perceived to transgress moral codes, women, persons involved in and affected by blood/land feuds, (perceived) collaborators with western forces, and atheists, converts and individuals considered to have committed apostasy.

Some additional information was added during the finalisation of this report in response to feedback received during the quality control process which happened until 30 November 2021. In this quality review process, a review was carried out by COI specialists from France and Norway, as stated in the [Acknowledgments](#) section of this report, and internally by EUAA. All comments made by reviewers were taken into consideration and most of them were implemented in the final draft of this report.

## Defining the terms of reference

The terms of reference (ToR) of this report focus on criteria for the assessment of the application of articles 15(a) and 15(b) of the Qualification Directive on actors of persecution or serious harm. The ToR were defined by EUAA based on discussions held and input received from COI experts in the EUAA COI specialist network on Iraq and from policy experts in EU+ countries<sup>4</sup> within the

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<sup>2</sup> EUAA, EASO Country of Origin Information (COI) Report Methodology, June 2019, [url](#)

<sup>3</sup> EUAA, Writing and Referencing Guide for EASO Country of Origin Information (COI) Reports, June 2019, [url](#)

<sup>4</sup> EU Member States plus Norway and Switzerland.



framework of a Country Guidance development on Iraq. The ToR can be found in [Annex 2: Terms of Reference](#) of this report.

## Sources

In accordance with the EASO COI methodology, a range of different published documentary sources have been consulted on relevant topics for this report. These include: COI reports by governments; information from civil society, advocacy groups, humanitarian organisations, and NGOs; international and NGO human rights reports; reports produced by various bodies of the United Nations; Iraqi and regionally-based media and social media; academic publications and think tank reports and specialised sources covering Iraq.

In addition to desk-based research, oral sources were also consulted in order to fill in gaps of information identified by the drafters. To this end, a Middle East researcher with significant experience researching legal issues and human rights in Iraq, including field work, and a PhD researcher based in the region and with significant experience researching Iraqi tribal dynamics were interviewed through video-chat and by phone. The two oral sources, who preferred to stay anonymous, provided information pertinent to the following profiles: Persons with perceived affiliation to ISIL, Persons perceived to transgress moral codes, and Persons involved in and affected by blood/land feuds in the context of tribal conflict.

## Structure and use of the report

The report comprises ten chapters, each covering one group of individuals who fall under one profile. The profiles tackled in this report are: (perceived) ISIL affiliates; Sunni Arabs, political opposition activists and protesters; religious and ethnic minorities, and stateless persons (Christians, Turkmen, Yazidis, and Palestinians); journalists, media workers and human rights activists; individuals perceived to transgress moral codes; women; persons involved in and affected by blood/land feuds in the context of tribal conflict; (perceived) collaborators with western forces; and atheists, converts and individuals considered to have committed apostasy.

Each chapter provides a contextual overview of the situation of persons belonging to the profile in Iraq, the treatment of such persons by the Iraqi society and/or the different actors, and instances of targeting of individuals perceived to belong to the profile in question. Where there are differences of treatment in federal Iraq and the Kurdistan Region of Iraq (KRI), separate sub-sections are dedicated to highlighting such differences.

It is important to note that while certain actors are explicitly mentioned as targeting actors across the report, this should not be taken to discount the possibility that profiles may be targeted by multiple agents. Additionally, reporting from Iraq does not always provide clear indications of responsible perpetrators; sometimes violations are not reported and sometimes they are not clearly attributed to one or another perpetrator. Furthermore, the reason for a person being targeted is not always clear-cut and some profiles may be targeted by multiple actors for a range of motivations. This is particularly challenging given the Iraqi context, where diverse and overlapping identities permeate society and institutions across a range of lines, such as tribal, religious/ethno-religious, political, sometimes making distinct motivations and actors in targeting difficult to discern in the sources.

# Map of Iraq



Map: UN, Iraq.<sup>5</sup>

<sup>5</sup> UN, Iraq - Map No. 3835 Rev.6, July 2014, [url](#)

# 1. Persons with perceived affiliation to ISIL

For detailed information on the situation of persons with perceived affiliation to ISIL, please see [EASO COI Report: Iraq – Treatment of Iraqis with perceived affiliation to ISIL](#), published in October 2020.

## 1.1 Prosecutions of suspected ISIL involvement and people convicted of terrorism offences

ISIL continues to be the subject of international investigations by the United Nations in relation to the group's acts amounting to war crimes, crimes against humanity, and genocide.<sup>6</sup> In Iraq, there is no national legislation for the prosecution of international crimes.<sup>7</sup> Iraq charges and tries ISIL suspects under the Iraqi Anti-Terrorism Law No. 13 of 2005.<sup>8</sup> The Kurdistan Regional Government (KRG) also does so under the Kurdistan Region of Iraq (KRI) counter-terrorism law.<sup>9</sup>

The UN has criticised the anti-terrorism law as 'ambiguous' and overly broad in its definition of terrorism. The law can lead to 'arbitrary' trials on terrorism charges and death sentences, including for 'non-violent crime committed without the intent to terrorize the population'.<sup>10</sup> Suspects were reportedly arbitrarily arrested and detained for months and sometimes years, often without a court order or arrest warrant.<sup>11</sup> In relation to criminal trials of ISIL suspects by Iraqi authorities, since the end of anti-ISIL military operations in 2018 that retaken the areas previously under their control, courts in Iraq have sentenced and tried 'scores' of Iraqis suspected of being affiliated with ISIL.<sup>12</sup> The UN and Amnesty International have criticised the terrorism trials as 'unfair' and based on extracted confessions allegedly obtained by torture, leading to convictions for terrorism crimes that can carry the death penalty.<sup>13</sup>

Kurdish media outlet Rudaw reported in January 2021 that it had obtained a document from the Iraqi Ministry of Justice indicating that there were 22 380 people detained in Iraqi prisons convicted of terrorism-related offences, including 950 women.<sup>14</sup> The UN stated in November 2020 that there were 4 000 prisoners on death row, most of whom convicted of terrorism charges.<sup>15</sup> Sources report that Iraq executed 21 death row prisoners in October 2020<sup>16</sup> and another 21 in November 2020.<sup>17</sup> Among the sources reporting on executions in 2021: The Arab Weekly reported in February 2021 that there were 8 people executed on terrorism

<sup>6</sup> UNITAD, Sixth report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (S/2021/419), 3 May 2021, [url](#), para. 2; UN, ISIL/Daesh Committed Genocide of Yazidi, War Crimes against Unarmed Cadets, Military Personnel in Iraq, Investigative Team Head Tells Security Council, 10 May 2021, [url](#)

<sup>7</sup> Rudaw, Iraq needs to pass law to prosecute ISIS genocide: UNITAD, 4 August 2021, [url](#)

<sup>8</sup> UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#)

<sup>9</sup> HRW, Iraq/Kurdistan Region: Former ISIS suspects stuck in limbo, 28 October 2021, [url](#)

<sup>10</sup> UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#); see also: HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#)

<sup>11</sup> HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#)

<sup>12</sup> AI, Iraq: Mass execution of 21 individuals is an outrage, 17 November 2020, [url](#)

<sup>13</sup> UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#); AI, Iraq: Mass execution of 21 individuals is an outrage, 17 November 2020, [url](#)

<sup>14</sup> Rudaw, 22,380 terror convicts imprisoned in Iraq: Ministry of Justice, 7 January 2021, [url](#)

<sup>15</sup> UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#)

<sup>16</sup> UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#)

<sup>17</sup> AI, Iraq: Mass execution of 21 individuals is an outrage, 17 November 2020, [url](#); UN OHCHR, Iraq: Wave of mass executions must stop, trials are unfair - UN experts, 20 November 2020, [url](#)





convictions during January and February 2021.<sup>18</sup> In June 2021, 9 men were sentenced to death for their participation in the Camp Speicher massacre.<sup>19</sup>

In April 2021, the Kurdish parliament proposed legislation to create a special court to try suspected Islamic State fighters. However, in June 2021, Iraq's highest judicial authorities rejected the request by the KRG to create such a special tribunal.<sup>20</sup>

Lawyers who have provided legal services to individuals and families with perceived ISIL affiliation have also reported being threatened by security forces for providing those services.<sup>21</sup>

An anonymous source interviewed for this report who is a researcher on the Middle East, including Iraq, stated that there have not been major significant changes since August 2020 regarding prosecution and treatment of ISIL affiliates, aside from the increased use of *Tabrea'a* (also spelled *Tabriya*)<sup>22</sup>, described in the relevant [section](#) below.

### 1.1.1 Children suspected of ISIL involvement

With regards to children, Iraqi 'authorities can prosecute child suspects as young as 9 with alleged ISIS affiliation in Baghdad-controlled areas and 11 in the KRI.'<sup>23</sup> According to observations by Human Rights Watch, children have joined ISIL for various reasons, including: peer pressure, financial reasons, family pressure or because they were forced to join the group.<sup>24</sup> The same source further states that 'security forces often apprehend children based on "wanted lists" of names collected from villagers or from other suspects through interrogation and torture.'<sup>25</sup> Contact to family members for detained children is often 'little' and when they are released from detention, they are often perceived as ISIL affiliates.<sup>26</sup>

In December 2020, Human Rights Watch reported that children were forced to confess alleged affiliations to ISIL: 'thousands of children suspected of ISIS [also referred to as ISIL] membership have been arrested by Iraqi and [KRG] authorities. Hundreds have been convicted of terrorism. The prosecutions are often based on forced confessions obtained through torture.'<sup>27</sup> Human Rights Watch further reports that:

'a special committee of judges to adjudicate cases of children in detention in Iraq for alleged links to the Islamic State (ISIS) during the first half of 2020 appeared to comply with international human rights standards better than other Iraqi courts [...] [the committee] [...] reviewed individual cases and ordered the release of 75 alleged child offenders for reasons including lack of evidence and preventing double jeopardy.'<sup>28</sup>

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<sup>18</sup> Arab Weekly (The), Iraq executes five men convicted of terrorism, 10 February 2021, [url](#)

<sup>19</sup> National News (The), Iraq sentences 9 men to death over links to Camp Speicher massacre, 28 June 2021, [url](#); on 12 June 2014, ISIL militants 'captured and murdered at least 1,500 Iraqi Shi'a Air Force cadets outside Tikrit Air Academy (formerly known as Camp Speicher)'. UNITAD, Five year anniversary of Camp Speicher massacre on 12th June, 12 June 2021, [url](#)

<sup>20</sup> AA, Iraq rejects request for 'special court' for Daesh trials, 28 June 2021, [url](#); Rudaw, PM Barzani, new UNITAD head discuss trying ISIS members, 3 November 2021, [url](#)

<sup>21</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>22</sup> Middle East Researcher, Interview with EUAA, 3 November 2021

<sup>23</sup> Rudaw, 22,380 terror convicts imprisoned in Iraq: Ministry of Justice, 7 January 2021, [url](#)

<sup>24</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>25</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>26</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>27</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>28</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)





Human Rights Watch assesses that ‘the work of this committee suggests that some Iraqi judges understand how to apply international human rights principles and are doing so even if the rest of the system ignores them.’<sup>29</sup> The committee, working on child terrorism cases, was disbanded in June 2020. Previously, the committee had released and dropped charges against suspects, as defendants were under the age of 15 and unaware of the impact of their participation in ISIL training courses, due to a lack of evidence, because the defendant had already served a sentence for the same crime, or because the committee found that ‘merely taking a [ISIL-led] course without carrying out any terrorist activity cannot be considered affiliation [with ISIL].’<sup>30</sup>

In addition, Human Rights Watch reported that:

‘documented cases in which child suspects were tried on terrorism charges in the Kurdistan Region and then put on trial again in Baghdad-controlled territory, regardless of whether they had been acquitted or convicted and served a sentence in the Kurdistan Region [...] the defendant had confessed to participating in ISIS [also referred to as ISIL] training for between 7 and 30 days before turning 18, but there was no evidence that they engaged in other ISIS activities.’<sup>31</sup>

While Iraqi law stipulates that minors who committed a crime should go to a ‘youth rehabilitation school’ aiming at reintegration, Human Rights Watch believes that Tal Kayf prison holds child suspects in the same way it holds adult suspects.<sup>32</sup>

Watchlist on Children and Armed Conflict<sup>33</sup> noted that in some cases the Iraqi and Kurdish authorities did not detain children associated with armed forces and armed groups (CAAFAGs) and allowed them to return to their areas of origin, while in other cases CAAFAGs and children with perceived affiliation with ISIL were detained by Iraqi and Kurdish authorities without evidence of a committed crime. The same source added that ‘some children’s association with ISIL is perceived as voluntary, despite, in some cases, living in a climate of extreme fear where they may have felt compelled to comply with the group’s norms.’<sup>34</sup> In January 2021, an estimated 2 294 children remained in detention in Bagdad due to their (perceived) ISIL affiliation with sentences averaging between 5 to 15 years. Iraq’s juvenile penal justice system is overwhelmed and overcrowded according to Watchlist.<sup>35</sup>

In KRI, most children associated with armed groups left prisons, but reintegration services remain limited for them and returning children ‘have faced many challenges reintegrating into their communities.’<sup>36</sup> Non-Iraqi children with ISIL affiliations were likewise held in ‘high-level security detention facilities in Iraq’, while some countries have returned them to their country

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<sup>29</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>30</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>31</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>32</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>33</sup> Watchlist on Children and Armed Conflict is an organisation that ‘strives to end violations against children in armed conflicts and to guarantee their rights’ and partners with other (I)NGOs, disseminates information on children. It ‘is a fiscally sponsored program of United Charitable, a not-for-profit organization. Moreover, it conducts desk-based literature reviews and interviews with local and international actors in the field of children human rights. Watchlist on Children and Armed Conflict, About, n. d., [url](#)

<sup>34</sup> Watchlist on Children and Armed Conflict, Bridging the Gap: Bringing the Response to Children Formerly Associated with ISIL in Iraq in Line with International Child Protection Standards, March 2021, available at [url](#), p.2

<sup>35</sup> HRW, Iraq: Step Toward Justice for ISIS Child Suspects, 13 December 2020, [url](#)

<sup>36</sup> Watchlist on Children and Armed Conflict, Bridging the Gap: Bringing the Response to Children Formerly Associated with ISIL in Iraq in Line with International Child Protection Standards, March 2021, available at [url](#), p.2



of nationality.<sup>37</sup> According to Watchlist on Children and Armed Conflict, as of March 2021, the Iraqi government did not have a ‘national strategy or legal framework guiding the Government’s response to children associated with armed forces and armed groups [...] to the extent that reintegration support is provided, it is primarily led by humanitarian and protection actors, often on a limited and short-term basis.’<sup>38</sup>

### 1.1.2 Former ISIL suspects

The UN reported in 2020 that those who had served their sentences in the KRI were ‘at risk of being arrested and tried twice for the same [terrorism] crime’ upon their return to their areas of origin in other parts of Iraq as the two systems exist in parallel and lack coordination.<sup>39</sup> Similarly, Human Rights Watch wrote in October 2021 that ‘dozens of Sunni Arab men’ in the KRI who had served prison time or been acquitted of having ISIL connections were examples of those at ‘risk of rearrest or retaliation if they try to reunite with their families in areas controlled by Baghdad’. Human Rights Watch reported that they were being held at a KRI camp where security forces would allow them to leave to Baghdad controlled areas but they prevented them from leaving to settle elsewhere in the KRI. The source gave the view that they were at risk of being arbitrarily detained or killed by armed groups due to their suspected ISIL affiliation with ‘near impunity’.<sup>40</sup>

The Middle East researcher interviewed for this report stated that on the issue of being prosecuted a second time (‘double jeopardy’), ‘the fact that someone was previously detained means in the eyes of the community that they are linked to ISIS, even if found not guilty’.<sup>41</sup>

## 1.2 Iraqis detained or in camps in Syria and returning to Iraq from Al Hol camp

There are thousands of Iraqis detained in prisons and camps in Syria on ISIL suspicion.<sup>42</sup> Among those foreigners detained in Syria for ISIL links, there are about 31 000 Iraqis: family members of ISIL suspects, who are mostly women and children.<sup>43</sup> The living conditions in the Syrian camps are described as lacking adequate shelter, food, sanitation, education, healthcare, and judicial processes, as well as encountering ‘insecurity and violence’, all of which is exacerbated by the COVID-19 pandemic.<sup>44</sup> Children are described by charity groups as living in ‘unbearable’<sup>45</sup> or inhumane conditions in Al Hol.<sup>46</sup> Since the beginning of 2021, 70

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<sup>37</sup> Watchlist on Children and Armed Conflict, Bridging the Gap: Bringing the Response to Children Formerly Associated with ISIL in Iraq in Line with International Child Protection Standards, March 2021, available at [url](#), p.2

<sup>38</sup> Watchlist on Children and Armed Conflict, Bridging the Gap: Bringing the Response to Children Formerly Associated with ISIL in Iraq in Line with International Child Protection Standards, March 2021, [url](#), p. 2

<sup>39</sup> UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#)

<sup>40</sup> HRW, Iraq/Kurdistan Region: Former ISIS Suspects Stuck in Limbo, 28 October 2021, [url](#)

<sup>41</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>42</sup> HRW, Thousands of Foreigners Unlawfully Held in NE Syria, 23 March 2021, [url](#); Al Jazeera, Return of Iraqis seen by US as easing threat from Syria camp, 22 May 2021, [url](#)

<sup>43</sup> HRW, Thousands of Foreigners Unlawfully Held in NE Syria, 23 March 2021, [url](#); Similar figures are reported in Al Jazeera indicate 70 000 are located in Al Hol camp, about half of whom are Iraqis, mostly women and children: in Al Jazeera, Return of Iraqis seen by US as easing threat from Syria camp, 22 May 2021, [url](#); also 32 000 reported by CIVIC: CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>44</sup> UN News, UN launches initiative to support returnees trapped in Syria camps, 29 September 2021, [url](#)

<sup>45</sup> Rudaw, Al-Hol’s 27,000 children in unbearable conditions: charities, 3 December 2021, [url](#)

<sup>46</sup> Al, Syria: Repatriate at least 27,999 children held in dire conditions in north-east Syria, 30 November 2021, [url](#)



people have been killed in Al Hol camp,<sup>47</sup> with responsibility being attributed to hard-line female supporters of ISIL<sup>48</sup> or members of the *Hisba* ISIL female religious police<sup>49</sup> within the camp, who punish perceived enemies of ISIL or violators of ISIL policies.<sup>50</sup>

### 1.2.1 Repatriations from Syria to Iraq

Beginning in May 2021, Iraq repatriated some Iraqis from Al Hol, and UN information from December 2021 regarding their situation stated:

‘while official communication from the GoI [Government of Iraq] on the exact timing of the return of all Iraqi citizens from Syria has not yet been received, the GoI has decided to initially repatriate some 500 families, with Jada’ah 1 camp in Ninewa serving as a transition point, where the families would be hosted until arrangements could be made for their return to areas of origin or integration elsewhere in Iraq. As of September 30, 2021, 203 Iraqi households (866 individuals) arrived (in two waves)<sup>51</sup> from Al-Hol camp in northeast Syria to Jada’ah 1 camp in Ninewa governorate. The Government of Iraq announced to resume the camp closures process in Federal Iraq specially to close Jada’ah 5 camp in Ninewa governorate. Few voluntary and dignified departures are happening in few formal camps in Federal Iraq. At the same time, returns of families back to formal camp settings continue, due to various factors including persistent conflict in the areas of return, perceived affiliation with the Islamic State of Iraq and the Levant (ISIL), and security, safety and/or political issues. Some IDP households that had returned to their areas of origin have come back to formal camps in Ninewa and Duhok governorates.’<sup>52</sup>

Voice of America (VOA) reported in September 2021 on the same first two waves of Iraqi returnees from Al Hol; they interviewed a senior analyst from the Newlines Institute, who stated that the procedure for the Iraqi returnees was handled with thorough vetting, noting that ‘the Iraqi government is suspicious of anybody tainted with the stigma of being connected by family to IS.’<sup>53</sup> The returns are described as a ‘test case’ by the New Humanitarian, to see whether further repatriations of the 30 000 Iraqis in Al Hol could occur. The New Humanitarian described the transfer process as ‘fraught with problems and lack of transparency’. In May 2021, the Iraqi arrivals from Al Hol were reportedly cleared for return to Iraq and were taken to Jeddah 1 camp having been set up in tents where they were expected to be housed at least for several months prior to being able to return to their homes in Iraq.<sup>54</sup> However, the same source reported that there was ‘heavy resistance’ from local government

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<sup>47</sup> VOA, Hundreds of Iraqi Nationals Leave al-Hol Refugee Camp in Syria, 30 September 2021, [url](#); Washington Post (The), Syrian detention camp rocked by dozens of killings blamed on Islamic State women, 19 September 2021, [url](#)

<sup>48</sup> Washington Post (The), Syrian detention camp rocked by dozens of killings blamed on Islamic State women, 19 September 2021, [url](#)

<sup>49</sup> VOA, Reporter’s Notebook: Islamic State Murders in Syria’s al-Hol Camp, 25 November 2021, [url](#); *Hisba* (more commonly known as morality police) ‘focused on strictly enforcing Sharia Law in ISIS conquered territories and recruiting more individuals to join ISIS’s ranks’. Georgetown Security Studies Review, ISIS’s Female Morality Police, 13 May 2021, [url](#)

<sup>50</sup> Washington Post (The), Syrian detention camp rocked by dozens of killings blamed on Islamic State women, 19 September 2021, [url](#); VOA, Reporter’s Notebook: Islamic State Murders in Syria’s al-Hol Camp, 25 November 2021, [url](#)

<sup>51</sup> Voice of America (VOA) reported similar figures in two waves (868 individuals) of returnees from Al Hol: VOA, Hundreds of Iraqi Nationals Leave al-Hol Refugee Camp in Syria, 30 September 2021, [url](#)

<sup>52</sup> UN Partner Portal, General Food Assistance IDPs and Refugees in Camps 2022/Iraq Call for Expression of Interest, [url](#)

<sup>53</sup> VOA, Hundreds of Iraqi Nationals Leave al-Hol Refugee Camp in Syria, 30 September 2021, [url](#)

<sup>54</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria’s al-Hol camp, 7 June 2021, [url](#)



and the civilian population in the area,<sup>55</sup> as well protests and delays due to security concerns.<sup>56</sup>

Apart from Jeddah 1, and according to the New Humanitarian, there are two other displacement camps that remain open in Iraq outside of KRI. Jeddah 5 contains 1 200 – 1 500 displaced families.<sup>57</sup> However, the Iraqi Government stated on 19 April 2021 that only two IDP camps, located in Ninewa and Anbar governorates, remained open in federal Iraq.<sup>58</sup> The Iraqi camps were reported to be ill-equipped to receive people,<sup>59</sup> with a lack of electricity and adequate food.<sup>60</sup> The same source noted that aid groups expressed concern that the government claims the camps are temporary but without plans to move them out and stigmatisation, integration into the local community is challenging.<sup>61</sup> The government provided New Humanitarian with no information on deradicalisation programmes, reintegration, or steps to release the returnees back into society.<sup>62</sup>

According to the Middle East researcher interviewed in November 2021, since August 2020 the number of camps stands at three: Amiriyat Al-Fallujah camp in Anbar, and Jeddah 1 and Jeddah 5 camps in Ninewa. While Jeddah 1 is completely closed, as it is housing returnees from al-Hol, the other camps are open for some camp residents. The source explained that the two open camps have less movement restrictions. Some families might be able to leave during the day by leaving their ID cards at the camp entrance while other families might not be able to leave at all. Whether families are allowed to leave during daytime or not depends on their profile and how the security forces view them.<sup>63</sup>

### 1.3 Family members with perceived ISIL affiliation

The term for ISIL-associated family members (*awa'il Dawa'ish*) is explained by sources as being understood to have a broad definition.<sup>64</sup>

According to a report published by the Australian Department of Foreign Affairs and Trade (DFAT) in August 2021, the UN uses the term 'families with perceived affiliations' in reference to 'a group that does not include people accused or suspected of extremism or committing a terrorism offence, but who are nevertheless stigmatised due to a tribal or family connection to a Da'esh supporter.' This, according to the source, could affect relatives from a first degree to a sixth degree.<sup>65</sup>

The Center for Civilians in Conflict (CIVIC) stated that the term 'ISIS families' is used to 'describe families in which one member, normally a son or husband, joined or collaborated with ISIS'. The degree of affiliation varies depending on the role the family member played

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<sup>55</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#)

<sup>56</sup> AP, 100 Iraqi families from IS-linked camp in Syria repatriated, 25 May 2021, [url](#)

<sup>57</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#)

<sup>58</sup> Iraq, Government of Iraq, Iraqi government continues to support voluntary return of IDPs as it oversees closure of remaining displacement camps, 19 April 2021, [url](#)

<sup>59</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#); AP, 100 Iraqi families from IS-linked camp in Syria repatriated, 25 May 2021, [url](#)

<sup>60</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#)

<sup>61</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#)

<sup>62</sup> New Humanitarian (The), Inside the troubled repatriation of Iraqis from Syria's al-Hol camp, 7 June 2021, [url](#)

<sup>63</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>64</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12; Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38; International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 3

<sup>65</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38



within ISIL, and ‘some government employees who continued to work under ISIS rule have also been accused of ISIS affiliation’.<sup>66</sup>

IOM remarked that the meaning of affiliation varies depending on location. Thus,

‘in some settings, it refers only to those whose immediate relatives (such as the head of household) committed crimes during the ISIL insurgency and occupation, whereas in others, communities may perceive IDPs who lived in ISIL-controlled areas or those who only displaced when the military operation was underway as affiliated with the group.’<sup>67</sup>

Moreover, other factors could lead to a perception of affiliation, and those include ‘the timing of a decision to leave or remain in an area held by Da’esh, or the stage of the conflict when an IDP arrived in a particular camp’.<sup>68</sup> Displaced people with perceived ISIL affiliation were ‘typically part of the last wave [of displacement]’ following military campaigns against ISIL, according to International Crisis Group.<sup>69</sup>

DFAT observed that ‘some families have reportedly been falsely accused of being affiliated as a way of settling unrelated disputes between tribes.’<sup>70</sup> CIVIC stated that ISIL families ‘are stigmatized and collectively punished for crimes committed by their relatives’, and that this stigmatisation could extend to ‘second- and third- degree relatives, including cousins, uncles, and brothers living in different households.’<sup>71</sup>

### 1.3.1 IDPs and perceived ISIL affiliation

Iraq has over 1.2 million displaced people, many of whom are perceived to have affiliation to ISIL<sup>72</sup> and are Sunni Arabs.<sup>73</sup> CIVIC reported in April 2021, that official Iraqi estimates showed that 300 000 people with family connections to ISIL suspects were living in informal camps and settlements across Iraq.<sup>74</sup> However, International Crisis Group considers that due to the vague definition of who is perceived as an ‘ISIS family’, it is ‘impossible to count’ the numbers and hard to determine whether a given family counts as such.<sup>75</sup>

The Iraqi government initiated a campaign to close IDP camps in mid-2019.<sup>76</sup> Sudden IDP camp closures began in mid-October 2020<sup>77</sup> and by January 2021, Iraq had closed 26 camps, many of which were headed by females displaced in the fight against ISIL during previous years, and whose families have been ‘labelled as ISIS-affiliated’.<sup>78</sup> The closures of camps forced thousands of people out of the camps and many have been denied security

<sup>66</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>67</sup> IOM, Protracted Displacement in Iraq: Revisiting Categories of Return Barriers - January 2021, 25 January 2021, [url](#), p. 31

<sup>68</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38

<sup>69</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 2

<sup>70</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38

<sup>71</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>72</sup> UNDP, Reaching the unreachable: The return and reintegration of families perceived as affiliated with ISIL in Iraq, 1 August 2021, [url](#); Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38

<sup>73</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38; Washington Post, Iraq wants thousands displaced by the ISIS war to go home. They may be killed if they do, 22 December 2020, [url](#)

<sup>74</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>75</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 3

<sup>76</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38

<sup>77</sup> BBC News, Iraq camp closures ‘could leave 100,000 displaced people homeless’, 9 November 2020, [url](#); HRW, Iraq: Camp expulsions leave families homeless, 2 December 2020, [url](#); UNHCR, UNHCR ramps up support to Iraqi returnees amid large-scale closure of IDP camps, 13 November 2020, [url](#)

<sup>78</sup> HRW, Iraq: Inadequate plans for camp closures, 3 June 2021, [url](#)





clearances and other civil documentation due to their perceived ISIL affiliation, ‘usually due to their family name, tribal affiliation, or area of origin.’<sup>79</sup>

IOM reported that IDPs in Iraq originate mostly from Ninewa, Salah al-Din, Anbar, Kirkuk, and Diyala.<sup>80</sup> The same source also reported in January 2021 that most IDPs were living in ‘out-of-camp’ situations (61 %), while 39 % were living in camps.<sup>81</sup> Following Iraq’s official efforts to close camps beginning in the second half of 2019, many IDPs were unable to return to areas of origin<sup>82</sup> due to barriers such as:

- Housing destruction<sup>83</sup> or property restitution claims that are complex;<sup>84</sup>
- Lack of livelihoods and basic services;<sup>85</sup>
- Security concerns<sup>86</sup> or risks of violence;<sup>87</sup>
- Social/community tensions in home areas;<sup>88</sup>
- Inability to access civil documentation or to access locations where their civil documents are registered;<sup>89</sup>
- Re-displacement<sup>90</sup> or protracted displacement;
- Explosive hazards or UXO/IED contamination.<sup>91</sup>

Families with perceived ISIL affiliations encounter many of the same obstacles as other IDPs, however they also face stigmatisation.<sup>92</sup> Such families living in IDP camps lack basic services and encounter sexual exploitation and violence.<sup>93</sup>

There were reports that despite efforts by the Iraqi government and humanitarian actors to facilitate returns of displaced people to areas formerly held by ISIL, individuals and families with perceived ISIL affiliation have been prevented or encountered barriers due to:

- Local decrees and ‘other preventive measures’ stopping their return<sup>94</sup> such as ‘communal rejection’;<sup>95</sup>
- Denial of humanitarian assistance by community leaders;<sup>96</sup>

<sup>79</sup> HRW, Iraq: Inadequate plans for camp closures, 3 June 2021, [url](#)

<sup>80</sup> IOM, Protracted Displacement in Iraq: Revisiting Categories of Return Barriers - January 2021, 25 January 2021, [url](#), p. 13

<sup>81</sup> IOM, Protracted Displacement in Iraq: Revisiting Categories of Return Barriers - January 2021, 25 January 2021, [url](#), p. 13

<sup>82</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 11; IOM, Protracted Displacement in Iraq: Revisiting Categories of Return Barriers - January 2021, 25 January 2021, [url](#), p. 23 [graphic]

<sup>83</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), p. 4

<sup>84</sup> IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), pp. 4, 30-31

<sup>85</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), pp. 4, 19, 23, 27-28

<sup>86</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>87</sup> IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), pp. 4, 13-14; International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 7

<sup>88</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>89</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 9; IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), pp. 4, 34-35

<sup>90</sup> IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), p. 10

<sup>91</sup> IOM, Home Again? Categorising Obstacles to Returnee Reintegration in Iraq, 28 February 2021, [url](#), p. 21

<sup>92</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), pp. 38-39; IOM, Protracted Displacement in Iraq: Revisiting Categories of Return Barriers - January 2021, 25 January 2021, [url](#), p. 31

<sup>93</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#)

<sup>94</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>95</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 6

<sup>96</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39



- Threats, harassment, physical violence<sup>97</sup> and attacks on families attempting to return;<sup>98</sup>
- Destruction or confiscation of family land and property;<sup>99</sup>
- Threats of eviction;<sup>100</sup>
- Refusal to allow returns unless the family or relative denounce or disavow ISIL affiliated relatives;<sup>101</sup>
- Inability to obtain security clearances and civil documentation.<sup>102</sup>

UNHCR has provided detailed information on access and residency restrictions applicable to Iraqis originating from areas formerly held by ISIL who are seeking to return from abroad or to other areas of Iraq other than their area of origin.<sup>103</sup> Access and residency requirements are 'not always clearly defined and/or implementation can vary or be subject to changes depending mostly on the security situation. Sponsorship and other clearance requirements are generally not grounded in law nor are they officially announced.'<sup>104</sup>

## Security clearances

Security clearances are required for families to relocate or return to areas of their origin from IDP camps.<sup>105</sup> CIVIC described the process in April 2021 as follows: security clearance involves security screening by security services to obtain a document stating that the name is not in security databases. Security clearances are issued by the local authorities in the IDP's area of origin through the district civil authorities, security/intelligence services, and in consultation with the *mukhtar* (local community leader). According to CIVIC, if a person's name appears in the database as a suspected ISIL affiliate, this person will be detained and questioned; if the person is a relative of a suspected ISIL affiliate, the household will be denied a security clearance. The security screening process is 'not standardized across the country' and there are differing rules, appeals, and processes which are 'cumbersome' and leave 'individuals vulnerable to exploitation,' while those that are issued to people leaving IDP camps are not always recognised by other security actors, meaning those returning or resettling are subjected to additional checks even as a security clearance holder.<sup>106</sup> Similarly, International Crisis Group reported that the security clearance process typically relies on the *mukhtar*, the local community leader in the IDP's hometown area. The process requires him to vouch for the returnee as not ISIL-affiliated.<sup>107</sup>

For more information on security clearance requirement for returnees, please refer to section 3.3.3 of the [EASO Iraq Key Socio-economic Indicators for Baghdad, Basrah, and Sulaymaniyah](#) published in November 2021.

<sup>97</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>98</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>99</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>100</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8; HRW, Iraq: Apparent Familial Feud Drives Illegal Evictions, 21 August 2021, [url](#)

<sup>101</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8

<sup>102</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 9; Australia, DFAT, Country Information Report, August 2021, [url](#), p. 38-39; CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>103</sup> See for detailed regional information: UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq, January 2021, [url](#)

<sup>104</sup> UNHCR, Relevant Country of Origin Information to Assist with the Application of UNHCR's Country Guidance on Iraq, January 2021, [url](#), p.2

<sup>105</sup> UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#); HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#)

<sup>106</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 14

<sup>107</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 5



## Disavowal processes

Persons with perceived ISIL affiliation or family ties are required to obtain security clearances in order to obtain civil documentation,<sup>108</sup> and to return to their areas of origin when departing from an IDP settlement.<sup>109</sup> There have been reports that families have been compelled by civilian authorities, security/armed actors of community/tribal groups to renounce ties to those affiliated with ISIL as a prerequisite to obtain a security clearance.<sup>110</sup> There are two mechanisms used:

- *Tabrea'a* (disavowal): a tribal mechanism (with no basis in Iraqi law) to disavow an incriminated relative and cut all ties with the person;<sup>111</sup>
- *Ikhbar* (denunciation): a 'notification of offence' where a person reports his/her relative with alleged extremist ties to an investigative judge usually entailing a complaint under Article 4 of the Anti-Terrorism Law of 2005 amounting to 'an accusation and legal complaint'.<sup>112</sup>

According to the Protection Cluster Iraq, both processes have the same societal implications and are used 'in parallel or interchangeably'.<sup>113</sup> CIVIC remarked that there is no legal basis under Iraqi law that security clearances or civil documentation should be conditional on the act of *ikhbar* or *tabrea'a*.<sup>114</sup>

The Middle East researcher interviewed by EUAA stated that the *Tabrea'a* process is not new but since mid-2020 it has become extremely widely practiced. The practice enabled some women to eventually apply for civil documentation. The same source explained that *Tabrea'a* allows women with a first-degree relative perceived to be affiliated with ISIL, to go to court and open a criminal complaint against her husband, father, or son. The court then provides them with a document attesting the fact that they opened a criminal complaint against a wanted person. With this piece of paper from the court, the woman can then obtain security clearance. Security clearance in turn, allows her to apply for civil documentation.<sup>115</sup> According to the same source, the number of people without civil documentation has decreased in the reporting period, since August 2020, as many Iraqis were able to get their documents because of the *Tabrea'a* procedures. The source pointed out that the process is not without negative repercussions. If a woman reports her husband, father or son to a court and opens a criminal complaint about him, the women might face to be detained if the husband, son or father added to the 'wanted list' is still alive and finds out that she reported him.<sup>116</sup> Corroborating information could not be found in the time constraints of this report.

<sup>108</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8; HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#)

<sup>109</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>110</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8; CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#); HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#); UNOCHA, Situation and Needs Monitoring – Report #1: Iraq Inter-Cluster Coordination Group January-May 2021, May 2021, [url](#), p. 13; International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), pp. 5-6

<sup>111</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8; CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 14

<sup>112</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8; see also: CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 14

<sup>113</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8

<sup>114</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 14

<sup>115</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021.

<sup>116</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021.



International Crisis Group wrote that displaced people who denounce their family members are treated as ‘presumptively guilty by association’ and those who refuse to denounce their relatives are ‘effectively sentenced to open-ended stays in provisional camps’ which Crisis Group said, ‘amounts to extra-legal punishment.’<sup>117</sup>

## Denial of security clearances and civil documentation

Sources report that individuals and family members with perceived ISIL affiliations have been denied security clearances by authorities due to their perceived affiliation.<sup>118</sup> Denial of security clearance impacts the ability to meet requirements for issuance of National ID cards and other civil documentation,<sup>119</sup> by ‘deliberately targeting people with perceived affiliation to armed groups’ through the denunciation processes described above.<sup>120</sup> The deprivation of security clearances and civil documentation has life-impacts which are described by the Protection Cluster for Iraq as ‘multi-dimensional’<sup>121</sup> and include:

- Physical safety at checkpoints armed by security actors leading to an increased ‘risk of arbitrary arrest and detention’;<sup>122</sup>
- Freedom of movement<sup>123</sup> and to choose one’s residence;<sup>124</sup>
- Ability to access education rights,<sup>125</sup> school enrolment;<sup>126</sup>
- Access to healthcare, or health facilities which may require ID, such as for hospital admission;<sup>127</sup>
- Renting housing;<sup>128</sup>
- Rights to work and apply for welfare benefits<sup>129</sup> such as the Public Distribution System food rations;<sup>130</sup>
- Inheritance of property and remarriage;<sup>131</sup>

<sup>117</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), p. 12

<sup>118</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), pp. 3, 9; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#); International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq, 19 October 2020, [url](#), pp. 5-6

<sup>119</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 7

<sup>120</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 9

<sup>121</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 9

<sup>122</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 11

<sup>123</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 3; CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 12

<sup>124</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 8

<sup>125</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12; CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>126</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#)

<sup>127</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#)

<sup>128</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>129</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>130</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 13; CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 13

<sup>131</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39



- Ability to make claims for government compensation to Iraqis impacted by terrorism, military operations and errors;<sup>132</sup>
- To make court cases, challenge damages or seizures of property<sup>133</sup> and pursue legal remedies for rights violations;<sup>134</sup>
- Ability to prove one's Iraqi nationality.<sup>135</sup>

Human Rights Watch reported that in late 2020, in the context of the Iraqi authorities efforts to close all IDP camps, they 'granted many more people security clearance and issued them new civil documentation.'<sup>136</sup> International Crisis Group wrote in October 2020 that the national government 'has produced no comprehensive program to facilitate the return of the displaced,' though there have been more targeted directives such as those aimed at allowing children without civil documents to attend school, even if these are 'implemented incompletely by local authorities or not at all'.<sup>137</sup> According to the Middle East researcher, in 2021, 'more people were allowed to return to their places of origin even if they were (allegedly) connected to ISIL, but some communities in southern Nineveh refused to take back families.' In November 2021, the source's understanding was that new return initiatives were on pause due the elections.<sup>138</sup>

### 1.3.2 Women

Female-headed households with perceived ISIL affiliation encounter particular difficulties,<sup>139</sup> and the challenges are described as 'worse' due to the legal status and social position of women, which are interconnected with husbands and families.<sup>140</sup> If the father is dead or disappeared, obtaining a birth certificate for one's child usually requires obtaining a death certificate for the father, which is also difficult,<sup>141</sup> as women cannot obtain birth certificates for their children without the father's presence.<sup>142</sup> Women cannot pass their nationality on to their children under Iraqi law for children with absent fathers,<sup>143</sup> nor can children inherit property of their fathers,<sup>144</sup> or women obtain basic papers for their children.<sup>145</sup> Women whose husbands are missing or dead also face 'additional obstacles' to obtain humanitarian and government assistance.<sup>146</sup> Furthermore, CIVIC reported that female IDPs and heads of household 'may be exposed to additional threats' when trying to access civil documentation or when undergoing *Ikhbar* due to harassment and sexual exploitation by officers.<sup>147</sup> Similarly, International Crisis Group reported that these women's 'main avenue for pursuing legal autonomy is *tabria* – disavowal – but this procedure is freighted with additional burdens and perils' including

<sup>132</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39

<sup>133</sup> Australia, DFAT, Country Information Report, August 2021, [url](#), p. 39; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 13

<sup>134</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>135</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>136</sup> HRW, World Report 2021 – Iraq: Events of 2020, 23 January 2021, [url](#)

<sup>137</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 4

<sup>138</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>139</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 9; CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>140</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 9

<sup>141</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15; Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>142</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 16; International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 9

<sup>143</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>144</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15

<sup>145</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 9

<sup>146</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15

<sup>147</sup> CIVIC, Ignoring Iraq's Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 16





putting her detained or missing husband ‘at risk’ by testifying that he is connected to ISIL; it can compromise access to inheritance and other entitlements, and ‘risk’ in-law alienation, loss of support networks, or threats of reprisal or removal of her children by angry in-laws. Additionally, the process is administratively difficult, costly, and surrounded by corruption.<sup>148</sup> The same source noted that these women also face limited ability to participate in tribal mechanisms to facilitate return, obtain a security clearance, or obtain paid work, and may end up rejected by their communities of return.<sup>149</sup>

### 1.3.3 Children

Many children of families perceived to have ISIL affiliation lack civil documentation.<sup>150</sup> Children who lack at least one piece of identity and nationality documentation such as the birth certificate, Civil Status ID Card, Iraqi nationality certificate or Unified ID Card, number more than 450 000 in Iraq. Families lacking any of these may be blocked from obtaining birth certificates, required to obtain subsequent IDs. This also affects children born to Iraqi women of foreign men, often by forced marriage or rape; those whose marriage certificates were issued by ISIL and are not recognised, and children from former ISIL areas whose parents cannot be found or identified.<sup>151</sup> Without these documents children’s rights to access to education and healthcare are affected.<sup>152</sup>

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<sup>148</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 10

<sup>149</sup> International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), p. 9

<sup>150</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15

<sup>151</sup> Protection Cluster Iraq, Protection Analysis Report: Right to identity and civil documentation, October 2021, [url](#), p. 12

<sup>152</sup> CIVIC, Ignoring Iraq’s Most Vulnerable: The Plight of Displaced People, April 2021, [url](#), p. 15; UN OHCHR, End of Mission Statement by the United Nations Special Rapporteur on the human rights of internally displaced persons, 23 February 2020, [url](#)



## 2. Sunni Arabs

### 2.1 General situation of Sunni Arabs in Iraq

Population statistics, in as far as they are available, show that Iraq is majority Arab (75-80 %) with Kurds forming a significant minority (15-20 %); and Muslim (97 %), with Shia Muslims in the majority (64-69 %) and Sunni Muslims forming a significant minority (29-34 % or 40 % depending on the source).<sup>153</sup> The majority of Sunni Muslims are Arabs, with Kurds forming a significant minority. Statistics cited by the US Department of State (USDOS) estimate Sunni Arabs to be 24 % of the population. Shia Muslims, although predominantly located in the south and east, are the majority population in Baghdad and have communities in most parts of the country. Sunnis form the majority in the west, centre, and north of the country.<sup>154</sup> Increased sectarian tension and focus on communal identity since 2003 led to a reduction in 'mixed' districts in Baghdad.<sup>155</sup>

According to analysis from the Center for Strategic and International Studies (CSIS), sectarian and ethnic divisions between Arab Sunnis and Shia, and Iraqi Arabs and Kurds are rooted in Iraq's founding after World War I. An Iraqi monarchy with Arab Sunni leadership was established by the British and eventually replaced by the Ba'ath Party and Saddam Hussein after the fall of the monarchy in 1958, consolidating a Sunni-Arab dominated base of power.<sup>156</sup> With the US invasion of 2003, and the toppling of Saddam Hussein and the Ba'ath Party, power was handed over to Shia Arabs and a process of 'De-Ba'athification' purges took place within the government and military.<sup>157</sup> According to the United States Institute of Peace (USIP), these events were pivotal in Iraq's recent history. In the following years 'Iraq suffered through a civil war, political turmoil, widespread corruption, sectarian tensions and an extremist insurgency that seized a third of the country'.<sup>158</sup>

The Middle East Research Institute (MERI) reported that in 2005 the new Constitution of Iraq established a system where public sector roles were allocated based on sect and ethnicity, a principle that has eventually permeated all of Iraq's institutions<sup>159</sup> and has become a 'powerful driver of conflict'.<sup>160</sup> The distribution of power along sectarian lines, known as *Muhasasa*<sup>161</sup> in Arabic, led to a 'confessional democracy' in which power is apportioned to ethnic groups according to population size. Groups with the largest population size reportedly dominate the legislative, executive, and judicial branches of governance 'which they lead with an overt sectarian approach', according to MERI.<sup>162</sup> According to a paper from the Brookings Doha Center, Arab Sunni representatives 'proclaimed the marginalisation of Sunnis' from the outset following the new Constitution, to mobilise the Sunni population and win popular support.

<sup>153</sup> CSIS, Strategic Dialogue: Shaping a U.S. Strategy for the "Ghosts" of Iraq, 26 May 2020, [url](#), pp. 10-12; US DOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 3

<sup>154</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 3

<sup>155</sup> Australia, DFAT, DFAT Country Information Report: Iraq, 17 August 2020, [url](#), p. 11

<sup>156</sup> CSIS, Strategic Dialogue: Shaping a U.S. Strategy for the "Ghosts" of Iraq, 26 May 2020, [url](#), pp. 10-12

<sup>157</sup> CSIS, Strategic Dialogue: Shaping a U.S. Strategy for the "Ghosts" of Iraq, 26 May 2020, [url](#), pp. 10-12

<sup>158</sup> USIP, Iraq Timeline: Since the 2003 War, 29 May 2020, [url](#)

<sup>159</sup> MERI, State-Building in Iraq, July 2021, [url](#), 3.2., pp. 9-11

<sup>160</sup> MERI, Sectarianism and Sectarianisation in Iraq, 25 May 2021, [url](#), p. 1

<sup>161</sup> 'Since 2004, *muhasasa* has stood for an unwritten social contract in Iraq that distributes positions and power according to an ethno-confessional key'. IPS, In Iraq, you can't vote out the 'muhasasa', 8 October 2021, [url](#)

<sup>162</sup> MERI, Sectarianism and Sectarianisation in Iraq, 25 May 2021, [url](#), pp. 1-4; CRS, Iraq: Issues in the 116th Congress, 17 July 2020, [url](#)



This messaging reportedly ‘intensified ethno-sectarian fissures’.<sup>163</sup> According to analyses from the London School of Economics and Political Science (LSE) Conflict Research Programme, ‘Sunni marginalisation continues to be the principle narrative of Iraq experts and policy analysts when commenting on the status of Iraq’s Sunni Arabs’.<sup>164</sup> For example, in 2021, the US Commission on International Religious Freedom (USCIRF) reported that the ‘de-Ba’athification’ process ‘continued to provide a basis for discrimination against Sunni Muslims’.<sup>165</sup>

Sources reported that the systematic disenfranchisement of the Sunnis and the shifting of power between communities at national, provincial and local levels<sup>166</sup> ‘provided fodder for non-state actors and extremist groups to exploit grievances to gain community support along ethno-sectarian lines’<sup>167</sup>. According to the USIP, ‘Sunni extremist groups, first al-Qaida then ISIL, preyed on these feelings by drumming up cause to protest against the new political order’.<sup>168</sup> Research published by the New Century Foundation in November 2019 found that tensions and deep divisions persisted between and within Sunni tribes, relating back to the ‘varying levels of support of or opposition to the Islamic State’ of different clans and individual tribesmen.<sup>169</sup> In 2020 the Institute for the Study of War (ISW) gave the following view: ‘The legacies of Ba’ath Party rule under Saddam Hussein, the sectarian civil war from 2006-2009, and the brutal reign of ISIS still fuel distrust within the Sunni population and between Iraq’s Sunnis and other ethno-sectarian groups. This distrust weakens the national influence of Sunni elites and fuels intra-Sunni conflict in ISIS-ravaged parts of Iraq’.<sup>170</sup>

## 2.2 Treatment of Sunni Arabs

In 2020 sources reported that more than 1 000 000 mostly Sunni civilians remained internally displaced in Iraq and that communities they come from remain divided more than three years after ISIL was ousted from its territory in Iraq.<sup>171</sup>

With the Iraqi government announcement in October 2020 of the intention to close all remaining IDP camps, media and UN sources reported that internal refugees fear retribution if they return home.<sup>172</sup> According to humanitarian aid groups ‘tens of thousands of people, most of them women and children risk homelessness or violent reprisals from Shiite militiamen and even from their own tribes and kin over perceived affiliation with the Islamic State or simply because they share its Sunni Muslim faith’.<sup>173</sup> According to the International Crisis Group, reasons for people remaining in displacement camps are complex and include the destruction of their homes and livelihoods and lack of reconstruction in their home areas; ongoing

<sup>163</sup> Brookings Doha Center Analysis Paper, Sectarianism, Governance, and Iraq’s Future, November 2018, [url](#)

<sup>164</sup> LSE, Conflict Research Programme, The King of Salah al-Din: The Power of Iraq’s Sunni Elites, 2021, [url](#), p. 4

<sup>165</sup> USCIRF, Annual Report 2021, Iraq, May 2021, [url](#)

<sup>166</sup> BBC News, How US military pullback in Iraq could benefit Iran, 26 July 2021, [url](#); LSE, Conflict Research Programme, The King of Salah al-Din: The Power of Iraq’s Sunni Elites, 2021, [url](#), p. 5

<sup>167</sup> USIP, Four Years After ISIS, Iraq’s Tal Afar Remains Riven by Communal Divisions, 2 August 2021, [url](#)

<sup>168</sup> USIP, Four Years After ISIS, Iraq’s Tal Afar Remains Riven by Communal Divisions, 2 August 2021, [url](#)

<sup>169</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 13

<sup>170</sup> ISW, Iraq is Fragile, not Hopeless: How Iraq’s Fragility Undermines Regional Stability, December 2020, [url](#), p.17

<sup>171</sup> Washington Post, Iraq wants thousands displaced by the ISIS war to go home. They may be killed if they do, 22 December 2020, [url](#); International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), pp. 1-2; UN OCHA, Iraq: Humanitarian Bulletin October 2020, 30 November 2020, [url](#)

<sup>172</sup> Washington Post, Iraq wants thousands displaced by the ISIS war to go home. They may be killed if they do, 22 December 2020, [url](#); UN OCHA, Iraq: Humanitarian Bulletin October 2020, 30 November 2020, [url](#)

<sup>173</sup> Washington Post, Iraq wants thousands displaced by the ISIS war to go home. They may be killed if they do, 22 December 2020, [url](#); International Crisis Group, Exiles in Their Own Country: Dealing with Displacement in Post-ISIS Iraq, 19 October 2020, [url](#), pp. 1-2; UN OCHA, Iraq: Humanitarian Bulletin October 2020, 30 November 2020, [url](#)



security risks in their home area – from ISIL, state security forces or the Popular Mobilisation Forces (PMF); as well as fear of reprisal attacks in their home areas due to perceived family ties with ISIL.<sup>174</sup> Similarly, UNOCHA reported that barriers preventing IDPs from returning home include ‘lack of civil documentation required to travel domestically or use public services; lack of housing and services due to destruction and other causes; the presence of explosive remnants of war in home areas; and threats to their safety and security, including due to perceived affiliation to ISIL’.<sup>175</sup>

The International Crisis Group observed that, although many displaced people remaining in camps and elsewhere in the country may have no actual or perceived ISIL affiliation, there are no accurate estimates of numbers, or fixed and agreed definitions of who are ‘ISIS families’. Given the stigma resulting from affiliation with ISIL, this source suggests that families are unlikely to identify themselves as such and that multiple lists maintained by security services are not considered reliable. According to the same source, returnees may face retribution in their home area if they share a name with someone on a list or if anyone in their extended family is thought to be implicated in ISIL actions.<sup>176</sup>

Amnesty International (AI) and Human Rights Watch reported that Sunni Arab IDPs have been prevented by the Kurdistan Regional Government (KRG) from returning to their homes in disputed territories and areas that KRG forces had taken from ISIL, while Kurdish villagers were allowed to return.<sup>177</sup> According to Human Rights Watch ‘The Kurdistan Regional Government is preventing about 1 200 Arab families from returning home to 5 villages more than 6 years after the area was retaken from the Islamic State’.<sup>178</sup> The USDOS reported that in 2020 entry limitations for IDPs and refugees attempting to return to their home areas depended on their ethno-sectarian background and the area to which they intended to return. The source also indicated that entry to the KRG was more difficult for Arab men travelling without family.<sup>179</sup> Similarly, in January 2021, IOM reported that some Sunni Arab IDPs from certain governorates could not go back home because militias explicitly barred them from returning ‘under the pretext that they co-operated with ISIL during the period of conflict’, while others feared revenge attacks by militias for ‘non-ISIL-related reasons’.<sup>180</sup> In June 2021, UNOCHA reported that an evaluation of the consequences of the government policy to close IDP camps from November 2020 had revealed ‘increased exposure to protection risks for communities who left camps unexpectedly; increased difficulty accessing some services; limited livelihood opportunities in the new areas of displacement or return; and different shelter/NFI needs, with a slight increase in the number of people living in critical shelters’.<sup>181</sup>

USDOS reported that in 2020 there were numerous cases of arbitrary arrests and detentions of Sunni Arabs by government forces and that Sunni Arabs were abused and tortured during arrest and pretrial detention.<sup>182</sup> Spouses and family members of Sunni Arabs who were wanted on terrorism charges were reportedly detained to compel their surrender.<sup>183</sup>

<sup>174</sup> International Crisis Group, *Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq*, 19 October 2020, [url](#), p. 3

<sup>175</sup> UN OCHA, *Iraq: Humanitarian Bulletin October 2020*, 30 November 2020, [url](#)

<sup>176</sup> International Crisis Group, *Exiles in Their Own Country: Dealing with Displacement in Post-ISIL Iraq*, 19 October 2020, [url](#), pp. 3-4

<sup>177</sup> AI, *The State of the World's Human Rights; Iraq 2020*, [url](#), p. 198; HRW, *World Report 2021 – Iraq, Events of 2020*, January 2021, [url](#), pp. 349-50; US DOS, *2020 Country Report on Human Rights Practices: Iraq*, 30 March 2021, [url](#), 2d, p. 27

<sup>178</sup> HRW, *Kurdistan Region of Iraq: Arabs Blocked From Returning*, 19 July 2020, [url](#)

<sup>179</sup> US DOS, *2020 Country Report on Human Rights Practices: Iraq*, 30 March 2021, [url](#), 2d, pp. 27-29

<sup>180</sup> IOM, *Protracted Displacement in Iraq: Revisiting Categories of Return Barriers*, January 2021, [url](#), p. 34, footnote 152

<sup>181</sup> UN OCHA, *Iraq: Humanitarian Bulletin*, June 2021, 19 July 2021, [url](#)

<sup>182</sup> USDOS, *2020 Country Report on Human Rights Practices: Iraq*, 30 March 2021, [url](#), 2d, pp. 27-29; Australia, DFAT, *DFAT Country Information Report: Iraq*, 17 August 2020, [url](#), pp. 53-54

<sup>183</sup> USDOS, *2020 Country Report on Human Rights Practices: Iraq*, 30 March 2021, [url](#), 1c-d, g, pp. 5-19



According to sources cited by USDOS, in 2020 ‘the government continued to use the antiterrorism law as a pretext for detaining individuals without due process’.<sup>184</sup> Sunni leaders reported that authorities cited this law when detaining young Sunni men on suspicion of having links with ISIL. A Sunni parliamentarian and member of the Security and Defense Committee described ‘random arrests of Sunnis in areas north of Baghdad’ and alleged that the security forces were ‘arresting innocent people [...] in a humiliating manner and with false accusations’.<sup>185</sup>

In parts of the country where they form the minority, Sunnis ‘continued to face verbal harassment and restrictions from authorities’ during 2020, according to USDOS. The same source reported that Shia militias and the Shia Endowment confiscated properties owned by the Sunni Endowments in Diyala and Ninewa Provinces, leading to sectarian tensions in those provinces.<sup>186</sup> In January 2021, an analyst for the LSE’s Conflict Research Programme reported that Shia militias present across Salah Al-Din Province were ‘applying security pressure’ on the Sunni Arabs. According to this source, ‘They stop, harass, and arrest Sunnis based on their perceived ties to extremist groups like IS’. He reported that the militias have been accused of ‘extreme human rights abuses including unlawful killings of Sunni citizens’, as well as land grabs and economic extortions that have damaged the ‘private and general economic interests’ of Sunnis in the province.<sup>187</sup> In 2020, according to a Sunni Muslim parliamentarian from Diyala Province, ‘government-affiliated Shia militia continued to forcibly displace Sunnis in his province, leading to widespread demographic change along the Iraq-Iran border’.<sup>188</sup> Similarly, according to a former Sunni parliamentarian from Baghdad, government-affiliated Shia militia groups forcibly displaced Sunni residents in Al-Madain District on the outskirts of Baghdad in an attempt to alter the district’s demography.<sup>189</sup>

ISW reported that in 2020 and 2021, ISIL and Shia-led militias operating as part of the PMF carried out attacks in the areas surrounding the capital (known as the ‘Baghdad Belts’) with the aim of perpetuating ethnic conflict and displacement, igniting tension between the local Sunnis and Shia communities and, in the case of ISIL, increasing ‘Sunni disillusion with and isolation from the Iraqi state’. According to ISW, in some instances PMF militias falsely attributed attacks on civilians to ISIL, and in other cases, ISIL carried out attacks under the guise of PMF militias, the net effect of which has been to create a situation of impunity.<sup>190</sup> The same source suggested that the inability of Iraqi security forces to confront PMF militias and to protect local populations from attacks ‘deepens mistrust between Sunnis and the Iraqi government and risks radicalization of the Sunni population’. Sunnis, and other non-Shia populations in Diyala province, reportedly complained that PMF militias failed to protect them, enabling further displacement of their communities, including through relocation to ‘overcrowded camps in the Kurdistan region’. According to ISW, ‘Iranian-backed militias are likely to continue aiding, perpetuating, and taking advantage of ISIS-initiated ethnic population displacement in order to gain a demographic and electoral advantage, as they did in 2016’.<sup>191</sup>

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<sup>184</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), pp. 8-9

<sup>185</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 9

<sup>186</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 14

<sup>187</sup> LSE, Conflict Research Programme, The King of Salah al-Din: The Power of Iraq’s Sunni Elites, 2021, [url](#), p. 16

<sup>188</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 1, 9

<sup>189</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 1, 10

<sup>190</sup> ISW, ISIS and Iranian-backed Militias Compete to Control Baghdad Region, 19 May 2021, [url](#); The New Arab, The Iraq Report: Sectarian killings revive fears of strife under an ‘unsustainable’ system, 23 October 2020, [url](#)

<sup>191</sup> ISW, ISIS and Iranian-backed Militias Compete to Control Baghdad Region, 19 May 2021, [url](#)





Examples where Sunni persons were involved as victims of attacks include the following, although sources were unclear on whether they were targeted specifically due to their Sunni ethnicity:

- 26 October 2021: residents of the majority Shia village of Al-Rashad in the eastern Diyala province killed 11 people in the predominantly Sunni neighbouring hamlet of Nahr Al-Imam, having claimed they were responsible for an attack on Al-Rashad the day before in which 15 people were killed.<sup>192</sup>
- 19 July 2021: a suicide attack on the Shia-dominated Sadr City district of Baghdad led some pro-Iran militias to demand vengeance against Sunnis near Baghdad following speculation that the attack had arisen in a Sunni-majority town north of the capital.<sup>193</sup>
- 8 July 2021: four fishermen were killed and five others injured in an attack by ISIL near the Haditha Dam, a Sunni-majority area in Iraq's western province of Anbar.<sup>194</sup>
- 11 March 2021: six members of a family were killed in three separate, targeted attacks in a Sunni-majority village in the south of Salah Al-Din province, for which ISIL claimed responsibility, although the perpetrators had reportedly entered the village in military uniform.<sup>195</sup>
- 17 October 2020: twelve Sunni men believed to be relatives from the same tribe were abducted in Salah Al-Din Province, eight of whom, including children, were later found executed.<sup>196</sup> Locals accused PMF militias operating in the area of being behind the attack.<sup>197</sup>

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<sup>192</sup> The New Arab, Iraqis kill 11 after Islamic State terror attack, blaming neighbouring village, 28 October 2021, [url](#)

<sup>193</sup> Al-Monitor, Militias call for revenge against Sunni town over suicide attacks in Baghdad, 27 July 2021, [url](#)

<sup>194</sup> Al-Monitor, Islamic State uses hit-and-run tactics in Iraq, 11 July 2021, [url](#)

<sup>195</sup> Al-Monitor, Flurry of Sunni Triangle ops sparks questions over Islamic State, 15 March 2021, [url](#); ISW, ISIS and Iranian-backed Militias Compete to Control Baghdad Region, 19 May 2021, [url](#)

<sup>196</sup> ISW, ISIS and Iranian-backed Militias Compete to Control Baghdad Region, 19 May 2021, [url](#); Al-Monitor, Killing of Sunni youths prompts calls for end to impunity in Iraq, 19 October 2020, [url](#); The New Arab, The Iraq Report: Sectarian killings revive fears of strife under an 'unsustainable' system, 23 October 2020, [url](#)

<sup>197</sup> Al-Monitor, Killing of Sunni youths prompts calls for end to impunity in Iraq, 19 October 2020, [url](#)



## 3. Political opposition activists and protesters

### 3.1 Political opposition and protests in Iraq

For more information on the protest movement and the treatment of protesters and activists, please see [EASO COI Report: Iraq – The protest movement and treatment of protesters and activists](#), published in October 2020.

#### 3.1.1 Recent developments in protests

From October 2019, protests demanding more job opportunities and an end to corruption as well as against pro-Iranian militias' influence have shaken Iraq. The largest protests have taken place in Baghdad. With an interruption due to the outbreak of the COVID-19 pandemic in 2020,<sup>198</sup> demonstrations continued into 2021.<sup>199</sup>

According to the Armed Conflict Location & Event Data Project (ACLED), the targeting of political activists, possibly perpetrated by pro-Iranian militias, has been a fundamental issue ever since the 2019 protest movement and constituted the reason for protests of Iraqis asking for accountability and protection.<sup>200</sup>

In its Annual Report, ACLED highlighted that during 2020 violence against civilians in Iraq increased significantly, due to rise in attacks against activists that participated in the 2019 protests.<sup>201</sup>

Brookings stated in June 2021 that, after the end of the October 2019 protests, violence against activists shifted from 'indiscriminate killings to targeted assassinations'. One of the main, and unmet, demands of the protesters was justice and accountability for the protesters and activists that were killed.<sup>202</sup>

The UN Security Council reported on May 2021 that activists, anti-government protesters and persons openly criticising non-state armed groups were still facing violence, being intimidated and harassed.<sup>203</sup> On February 2021 it stated that violence and targeting of protesters continued taking place without arrests or prosecution of suspects.<sup>204</sup> According to the UN Secretary General 'Ongoing impunity, most notably with regard to the abduction, torture and targeted killing of protesters and activists, remains a concern.'<sup>205</sup> Similarly, in November

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<sup>198</sup> Hasan, S., A Perfect Storm has Hit Iraq's Economy, LSE [Blog], 22 October 2020, [url](#)

<sup>199</sup> NPR, In Iraq's 'Dire' Economy, Poverty Is Rising — And So Are Fears Of Instability, 3 February 2021, [url](#); Tung, N., A Fragile Inheritance: An Iraqi Youth Uprising against a Dire Economy and Foreign Intervention, 21 September 2020, [url](#), p. 56

<sup>200</sup> ACLED, Regional Overview: Middle East 10-16 July 2021, 21 July 2021, [url](#)

<sup>201</sup> ACLED, ACLED 2020: The year in review, March 2021, [url](#), p. 13

<sup>202</sup> Brookings, Iraq's upcoming elections: Voters and likely winners, 24 June 2021, [url](#)

<sup>203</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/426, 4 May 2021, [url](#), p. 10, para. 48

<sup>204</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>205</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 16, para. 80



2020, the UN Security Council noted the targeting of protesters, resulting in fatalities, was still taking place.<sup>206</sup>

In August 2020 protests continued taking place in Iraq's central and southern governorates. The protesters' demands included extensive reform, accountability of those targeting protesters, work opportunities and the improvement of public services.<sup>207</sup> The protests escalated in August 2020 in Basrah and Thi-Qar, due to instances of violence against activists, including what was described as 'targeted killings'.<sup>208</sup>

In early November 2020, anti-government protests took place in relation to the clashes in Basrah on 31 October, where security forces used force to disperse crowds.<sup>209</sup> The same month, protests broke out across the country due to the delay in the payment of monthly wages; there was a significant presence of government employees.<sup>210</sup> Small-scale and mostly peaceful protests continued taking place in late November 2020 in southern and central governorates.<sup>211</sup>

From 22 to 27 February 2021, demonstrations took place in Nasiriyah, in Thi-Qar Governorate, during which clashes occurred between protesters and security forces. The protesters were asking for the resignation of Governor Nadhim al-Waeli.<sup>212</sup> During the protests, the security forces used live ammunition against protesters, which resulted in the deaths of six protesters, including a 16-year-old boy, and in injuries to over 130 other protesters.<sup>213</sup> Following these protests, the governor resigned and the Prime Minister announced the implementation of measures, including the establishment of a committee that would investigate recent violence. According to the UN Security Council report, protesters in Nasiriyah 'announced a suspension of demonstrations to allow time for the Government to implement their demands'.<sup>214</sup>

Protests took place in Karbala from 9 to 11 May 2021, following the killing of the activist Ehab Al-Wazni on 9 May.<sup>215</sup> Al-Wazni's killing triggered riots, with the protesters clashing with security forces across several areas in Iraq, including in Basrah, Nasiriyah and Baghdad, and burning tires in front of the Iranian consulate.<sup>216</sup>

On 25 May 2021 protests took place in the Tahrir Square and elsewhere in Baghdad, with thousands of Iraqis protesting, asking for justice for the victims of the attacks against activists.<sup>217</sup>

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<sup>206</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 10, para. 56

<sup>207</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 3, para. 13

<sup>208</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 3, para. 13

<sup>209</sup> ACLED, Regional Overview: Middle East 1-7 November 2020, [url](#)

<sup>210</sup> ACLED, Regional Overview: Middle East 8-14 November 2020, [url](#)

<sup>211</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 3, para. 12

<sup>212</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/426, 4 May 2021, [url](#), p. 3, para. 9

<sup>213</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/426, 4 May 2021, [url](#), p. 10, para. 47

<sup>214</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/426, 4 May 2021, [url](#), p. 3, para. 9

<sup>215</sup> UN Security Council, Implementation of resolution 2576 (2021), Report of the Secretary-General, S/2021/700, 3 August 2021, [url](#), p. 2, para. 5

<sup>216</sup> Rudaw, Assassination of activist in Karbala sparks rage, 9 May 2021, [url](#)

<sup>217</sup> UN Security Council, Implementation of resolution 2576 (2021), Report of the Secretary-General, S/2021/700, 3 August 2021, [url](#), p. 2, para. 6



Al Jazeera reported on 18 July 2021 that hundreds of Iraqis protested in central Baghdad demanding that the authorities held accountable those responsible for the killing of numerous activists involved in the protest movement.<sup>218</sup>

The USA Congressional Research Service (CRS) stated that protests in Iraq decreased in early 2020 in relation to the COVID-19 mitigation measures. They were reignited and intensified in May 2021, with protesters demanding accountability and prosecution of those involved in the killings and abductions since 2020 of protesters, activists and other individuals.<sup>219</sup> ACLED stated that Iraq had one of the largest increases in demonstration activities in late 2020; protests took place due to the unemployment and delays in the payment of salaries, because of the pandemic, as well as due to the electricity crisis.<sup>220</sup>

On 1 October 2021, approximately 1 000 protesters marched to Tahrir square in Baghdad, to commemorate those killed by the security forces during the protests that started in October 2019. Protesters in favour of in depth change to the current political system were calling for a boycott of the upcoming elections.<sup>221</sup>

In October 2021, following the results of the parliamentary elections in Iraq, many supporters of Shia parties protested in provinces throughout the country against the election results that were announced on 16 October 2021. The protesters were reportedly from different parties, such as the Wisdom Movement, led by Ammar al-Hakim.<sup>222</sup> In addition, following the elections, protests took place in Baghdad. After the results of the October 2021 elections, protesters close to Al-Fatah Alliance<sup>223</sup> were demanding a recount of votes in Baghdad; some attempted to forcibly enter the Green Zone where many government offices and embassies are located.<sup>224</sup> In addition, supporters of Hashd Al-Shaabi (PMF) protested following the election results, claiming that the results were manipulated.<sup>225</sup> According to an Al Jazeera report dated 5 November 2021, protests in Baghdad ‘turned violent’ as supporters of pro-Iranian militias threw stones at security forces who ‘fired tear gas and shot in the air to disperse the crowd’. The source added that two protesters were reportedly killed and dozens injured on both sides.<sup>226</sup>

### 3.1.2 Government response to protests

In the period between October 2019 to April 2020, the United Nations Assistance Mission for Iraq (UNAMI) documented 487 fatalities and more than 7 715 injuries that took place at demonstration sites across Iraq. Most of these incidents were attributed to state security forces. Simultaneously, armed militias, usually anonymous and aiming to suppress demonstrations, attacked protesters and activists at protest sites and elsewhere, in occasion of what was described by UNAMI as ‘limited intervention by security forces’.<sup>227</sup> In the period

<sup>218</sup> Al Jazeera, Iraq protesters demand accountability after killings of activists, 18 July 2021, [url](#)

<sup>219</sup> USA, CRS, Iraq and U.S. Policy, 4 June 2021, [url](#), p. 1

<sup>220</sup> ACLED, ACLED 2020: The year in review, March 2021, [url](#), pp. 22-23

<sup>221</sup> Al Jazeera, Iraqis march in Baghdad to mark protests anniversary, 1 October 2021, [url](#)

<sup>222</sup> BasNews, Iraqi Elections: Supporters of Shia Parties Protest Final Results, 17 October 2021, [url](#)

<sup>223</sup> Fatah (Conquest) Alliance, ‘the political arm of the multi-party Hashed’ or PMF. France 24, Pro-Iran Hashed punished in Iraq vote, 18 October 2021, [url](#)

<sup>224</sup> Al Jazeera, Iraq election body soon to announce final results after recount, 27 October 2021, [url](#)

<sup>225</sup> Al Jazeera, Iraqi protesters demand election recount in Baghdad, 19 October 2021, [url](#)

<sup>226</sup> Al Jazeera, Protests against Iraq election results turn violent, 5 November 2021, [url](#)

<sup>227</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, May 2021, [url](#), pp. 6 - 7



from 1 October 2019 to 15 May 2021, UNAMI reported 48 incidents of attempted or successful targeted killings of protestors and critics, mostly by ‘unidentified armed elements’. These resulted in at least 32 fatalities and 21 injuries.<sup>228</sup> As of May 2021, 20 protestors who had disappeared remained missing.<sup>229</sup>

In its annual report covering 2020, Amnesty International (AI) stated that Iraqi security forces ‘continued to use excessive and unlawful force against largely peaceful protests that had started in 2019’. The security forces used live ammunition and military-grade tear gas grenades, which resulted in the death of many protestors in Baghdad, Basrah, Karbala, Diyala, Najaf and Nasiriyah.<sup>230</sup> Similarly, Human Rights Watch, in its annual report covering 2020, stated that ‘arbitrary arrests, enforced disappearances, and extrajudicial killings of demonstrators by Iraqi security forces’ continued in 2020. In addition, in the period from October 2019 until the end of 2020, clashes between protestors and security forces, including the PMF, resulted in the death of at least 560 protestors and security forces in Baghdad and other southern cities.<sup>231</sup> Iraqi authorities arbitrarily detained protestors and released them later, some within hours or days and others within weeks, without charge.<sup>232</sup>

In early November 2020, protests took place in relation to the clashes in Basrah on 31 October. Security forces used force to disperse crowds resulting in the death of one protester and at least 10 injuries. Security forces arrested more than 100 protestors across the governorate.<sup>233</sup> Moreover, in late November - early December 2020, during the anti-government protests in Basrah, clashes took place between the Iraqi Security Forces and rioters gathered near the main square in the city. There were reported injuries on both sides.<sup>234</sup>

On 10 January 2021, in the third day of protests in Nasiriyah, a policeman was killed while security forces were trying to dispel protests. The military reported that during these incidents 33 other policemen were injured, while medical sources reported that protestors were injured.<sup>235</sup> On 26 February 2021, at least five protestors were killed - most due to bullet wounds - and approximately 120 protestors were injured, in clashes between protestors and security forces in Nasiriya city in Thi-Qar governorate.<sup>236</sup> Between 22 and 27 February 2021, the Iraqi security forces used live ammunition against protestors in Nasiriyah, which resulted in the deaths of six protestors, including a 16-year-old boy, and injuries to over 130 protestors.<sup>237</sup>

During the protests that took place on 25 May 2021 in Baghdad, two protestors were killed from bullet wounds and injuries among protestors and security forces were reported. The

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<sup>228</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, May 2021, [url](#), p. 4

<sup>229</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, May 2021, [url](#), pp. 4 - 5

<sup>230</sup> AI (Amnesty International), Amnesty International Report 2020/21, 2021, [url](#), p. 196

<sup>231</sup> HRW, World Report 2021, Iraq, 13 January 2021, [url](#), p. 345

<sup>232</sup> HRW, World Report 2021, Iraq, 13 January 2021, [url](#), p. 347

<sup>233</sup> ACLED, Regional Overview: Middle East 1-7 November 2020, [url](#)

<sup>234</sup> ACLED, Regional Overview: Middle East 29 November-5 December 2020, [url](#)

<sup>235</sup> MEA, Iraqi policeman shot dead, dozens wounded in Nasiriyah protests, 10 January 2021, [url](#)

<sup>236</sup> Reuters, Five protestors die, dozens injured in clashes in Iraqi city, 26 February 2021, [url](#)

<sup>237</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/426, 4 May 2021, [url](#), p. 10, para. 47





following day, the Iraqi Government ordered an investigation and reiterated the Prime Minister's support for peaceful protests as well as for the protection of protesters.<sup>238</sup>

### 3.1.3 Examples of targeting of protesters/activists

Amnesty International (AI), in its annual report for 2020, reported that dissent in Iraq continued being forcefully suppressed. Protesters were faced with excessive force, arbitrary arrests, torture, other forms of ill-treatment, killings, disappearances and attacks against the freedom of expression.<sup>239</sup>

Washington Post reported in May 2021 on an increase across Baghdad and southern Iraq of attacks against activists and journalists, which was causing alarm to those involved in the protest movement. Prominent figures in the protest movement were being targeted while walking or driving to their house. These killings appeared to be perpetrated by Iraq's militia network and their aim was to 'underscore the reach of Iraq's militia network — to punish citizens who dare to criticize it and control a political system meant to hold it accountable' according to the source. Friends and associates of anti-government activists were also being threatened. According to a Human Rights Watch senior researcher cited by Washington Post, 'Those who are carrying out these assassinations are very powerful armed actors who are beyond the control of the government'. The researcher also noted that 'The human rights situation in Iraq has really become dire when it comes to the safety and security of individuals who are openly critical'.<sup>240</sup>

In a June 2021 article in the New York Times, it was stated that, according to both protesters and Iraqi officials (the latter unofficially) Iran-backed militias were responsible for the killings and targeting of the protest movement, further noting that 'In a country where militias — nominally a part of the security apparatus — operate with impunity, the killers have gone unpunished'.<sup>241</sup>

Belkis Wille, Senior Researcher in Human Rights Watch, stated in May 2021 that, for the previous one and a half years, the targeting and killings of critics of the government, including journalists and activists, were still taking place. She further reported that, due to the targeting taking place, many Iraqis who had a prominent role during the protests and who were willing to play a key part in a new political movement in Iraq, either left their homes because of fear or stopped protesting.<sup>242</sup> According to an October 2021 report by the Enabling Peace in Iraq Center (EPIC), there was a very high number of assassinations, kidnappings and other forms of violence targeting well known activists and government critics through the second half of 2020 and through 2021.<sup>243</sup>

The France 24 Observers<sup>244</sup> reported in December 2020 that in the previous months there was a 'wave of kidnappings, torture and killings of high-profile anti-government activists in

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<sup>238</sup> UN Security Council, Implementation of resolution 2576 (2021), Report of the Secretary-General, S/2021/700, 3 August 2021, [url](#), p. 2, para. 6

<sup>239</sup> AI, Amnesty International Report 2020/21, 2021, [url](#), p. 195

<sup>240</sup> Washington Post (the), In Iraq, powerful militias assassinate protesters with impunity, 12 May 2021, [url](#)

<sup>241</sup> Arraf, J., Iraqi Activism Fights for Survival Amid Murders and Threats, New York Times (the), updated 2 June 2021, [url](#)

<sup>242</sup> Wille, B., Impunity for Killings Will Cast a Pall Over Iraq's Elections, HRW, 20 May 2021, [url](#)

<sup>243</sup> EPIC, The Long Game: Iraq's "Tishreen" Movement and the Struggle for Reform, October 2021, [url](#), p. 62

<sup>244</sup> According to their website, the Observers is a collaborative site who cover international current affairs by using first-hand information, including photos and videos, which they 'verify and contextualize'. After the journalists in the FRANCE 24 Observers fact-check the authenticity of the information they proceed to publish their findings. Source: FRANCE 24 Observers, Who are we?, n.d., [url](#)



Iraq'. The source noted that both protesters and experts were accusing the pro-Iran militias within the PMF as the perpetrators. The source documented at least seven activists who closely managed to survive or escape assassination attempts since the 20<sup>th</sup> of November.<sup>245</sup>

The UN Security Council reported on February 2021 that, up to that point, there was not any significant criminal accountability for violations and abuses against protesters since October 2019; these violations included targeted killings, kidnappings and torture of protesters and activists.<sup>246</sup>

### **Incidents of targeting of activists and protesters in the period August 2020 until October 2021 (non-exhaustive list)**

On 14 and 19 August respectively, unidentified gunmen tried to kill two activists in Nasiriyah city. In addition, unidentified gunmen tried to kill two activists, in two separate incidents, in Baghdad on 19 August and three activists in Babil on 20 August. On 21 August, 11 protesters were injured when an improvised explosive device (IED) detonated in Al-Haboubi Square in Nasiriyah city.<sup>247</sup>

On 19 August 2020, prominent female activist and doctor Reham Yacoub was shot and killed by unidentified gunmen in Basrah when she was in a car. Other passengers were injured and one more passenger later died. Two more incidents of gunmen targeting anti-government political activists took place on that same week, resulting in one activist's death.<sup>248</sup>

Human Rights Watch reported on 26 August 2020 that, since 14 August 2020, unidentified gunmen killed two protesters and wounded four others in Basrah, all with ties to a youth protest group with political ambitions.<sup>249</sup>

On 19 September 2020, according to a testimony of a friend of Sajjad Satar Shanan, an anti-government protester in Nasiriyah, two vehicles stopped their car, eight armed men got out, ordered Shanan out of the car and kidnapped him.<sup>250</sup>

On 19 September, in Nasiriyah city, unidentified gunmen attacked a vehicle with activists; one was seriously injured and another, who had previously received threats, was kidnapped.<sup>251</sup> On 25 November, unidentified gunmen opened fire at a vehicle with two protesters, resulting in the injury of one of them.<sup>252</sup>

On 27 and 28 November 2020, in Haboubi Square in Nasiriyah, armed men killed five protesters, injured 90 and damaged property.<sup>253</sup> Another source reported that followers of

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<sup>245</sup> FRANCE 24 Observers, Iraqi activists go underground after wave of attacks by pro-Iran militias, 2 December 2020, [url](#)

<sup>246</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 9, para. 44

<sup>247</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 10, para. 56

<sup>248</sup> Al Jazeera, Iraq: Prominent female activist killed by unknown gunmen in Basra, 20 August 2020, [url](#)

<sup>249</sup> HRW, Iraq: Basra Political Group Targeted, 26 August 2020, [url](#)

<sup>250</sup> HRW, Iraq: No Justice for Enforced Disappearances, 16 November 2020, [url](#)

<sup>251</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 10, para. 56

<sup>252</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para. 46

<sup>253</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para. 46



the Shia cleric Muqtada al-Sadr attacked a tent camp of anti-government protesters in Haboubi Square. The attack resulted in the death of six people and in numerous injuries.<sup>254</sup>

On 4 December 2020, unidentified gunmen opened fire in Baghdad at a vehicle with four protesters from Tahrir Square, injuring two.<sup>255</sup>

On 11 December 2020, protesters near Tahrir Square were attacked by a group of masked individuals; one protester was stabbed in the back repeatedly.<sup>256</sup>

On 15 December 2020, a prominent Iraqi protester and activist, Salah Al-Iraqi, was shot and killed by unidentified gunmen in Baghdad's Al-Jadida district.<sup>257</sup>

In the period between 28 November 2020 to 2 January 2021, eight separate attacks against protesters and activists in southern Iraq were documented by UNAMI. The attackers used IEDs and targeted activists' homes in Nasiriyah and Basrah, causing material damage.<sup>258</sup>

The UN Security Council reported on February 2021 the ongoing violence and targeting of protesters, including disappearances, abductions and torture, without arrests or prosecution of suspects.<sup>259</sup>

On 9 May 2021, activist Ihab Jawad Al-Wazni was killed in Karbala near his home by unknown gunmen. Al-Wazni was a prominent figure in protests against the government in Karbala. At the time, no group claimed responsibility.<sup>260</sup> According to Washington Post, one week before his death, Al-Wazni, who had already survived one assassination attempt, reached out to a local police chief, reminding him that he had been receiving death threats and stating that he had already shared the names of those who were threatening him with the police.<sup>261</sup>

On 23 May 2021, a protester was injured after an IED detonated on his vehicle, in Nasiriyah, Thi Qar Governorate. This constituted the fifteenth similar attack targeting protesters in Thi Qar in the past few months.<sup>262</sup>

During the protests that took place on 25 May 2021 in Tahrir Square and elsewhere in Baghdad, two protesters were killed from bullet wounds and protesters and members of the security forces were injured.<sup>263</sup>

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<sup>254</sup> MEA, Attack on protest camp leaves six dead, dozens wounded in Iraq's south, 27 November 2020, [url](#)

<sup>255</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>256</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>257</sup> Al Jazeera, Prominent Iraqi activist shot dead in Baghdad: Reports, 15 December 2020, [url](#); UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>258</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>259</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para 46

<sup>260</sup> Al Jazeera, Activist's killing triggers protests in Iraq's Karbala, 9 May 2021, [url](#)

<sup>261</sup> Washington Post (the), In Iraq, powerful militias assassinate protesters with impunity, 12 May 2021, [url](#)

<sup>262</sup> UN Security Council, Implementation of resolution 2576 (2021), Report of the Secretary-General, S/2021/700, 3 August 2021, [url](#), p. 10, para. 60

<sup>263</sup> UN Security Council, Implementation of resolution 2576 (2021), Report of the Secretary-General, S/2021/700, 3 August 2021, [url](#), p. 2, para. 6



On 9 July 2021, members of an unknown militia kidnapped and killed an activist who participated in what was described as the ‘October Revolution’ in Al-Rashid area of Baghdad.<sup>264</sup>

### 3.1.4 Targeting of online activists

Freedom House, in its report on Freedom on the Net 2021, noted that internet freedom in Iraq was limited and that ‘Government authorities, armed groups, and individuals have all carried out physical attacks on internet users for their online activities.’ Online activists were among the categories being targeted due to their online activity, suffering both physical attacks and harassment. In Iraq, intimidation, arrests and killings of online activists were a relatively regular occurrence. Reprisals against online activists could be triggered on occasion by a simple post on Facebook. As a result, online activists refrained from posting content that criticised or expressed their opposition to the government and party policies online.<sup>265</sup>

The France 24 Observers reported in December 2020 that, according to a testimony, online activity could also prove risky since so-called trolls on social media linked to pro-Iranian militias were attacking protesters online.<sup>266</sup>

According to an October 2021 report by the EPIC, social media platforms were no longer safe for the majority of activists in Iraq since they were being monitored by so-called electronic armies and militias, in order to target activists and expose their physical location. Activists and former protesters were still using social media to discuss and be critical of the state, however they had to censure themselves and be cautious, because of the targeting.<sup>267</sup>

While there were cases where courts in Iraq ruled against attempts to penalize activists for the content they posted online, Freedom House reported that those who targeted them were very rarely punished. The source further noted that online activists were regularly detained and arrested in Iraq although long sentences for online content were not frequent.<sup>268</sup>

MENA Rights Group reported that the Iraqi Parliament revised and reintroduced in November 2020 a ‘new draft Law on Combating Cybercrimes [which] still contains problematic provisions restricting fundamental freedoms’. According to the source, the draft law contains provisions that criminalise ‘vague and imprecise acts’ which are ‘subject to broad interpretation by the judge’, such as Article 8(4) which stipulates that the use of the internet or a computer device ‘with the intention of violating religious, family or social principles and values shall be punished with imprisonment for a period of no less than seven years and not exceeding ten years, and a fine of not less than 10 million Iraqi dinars (approx. 8 380 USD) and not exceeding 15 million Iraqi dinars (approx. 12 570 USD)’.<sup>269</sup> Iraqi civilians and activists objected the new bill and labelled it ‘as repressive of freedoms and rights guaranteed in the Iraqi Constitution’.<sup>270</sup>

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<sup>264</sup> ACLED, Regional Overview: Middle East 10-16 July 2021, 21 July 2021, [url](#)

<sup>265</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#)

<sup>266</sup> FRANCE 24 Observers, Iraqi activists go underground after wave of attacks by pro-Iran militias, 2 December 2020, [url](#)

<sup>267</sup> EPIC, The Long Game: Iraq’s “Tishreen” Movement and the Struggle for Reform, October 2021, [url](#), p. 106

<sup>268</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#)

<sup>269</sup> MENA Rights Group, Iraq’s new draft Law on Combating Cybercrimes still contains problematic provisions restricting fundamental freedoms, 1 December 2020, [url](#)

<sup>270</sup> Al-Monitor, Activists fear Iraqi cybercrime law could limit press freedoms, 2 December 2020, [url](#)



## 3.2 Political opposition and protests in the KRI

### 3.2.1 Recent developments in protests

Amnesty International (AI) in its annual report for 2020, reported that protests took place throughout 2020 in the KRI due to civil servants' unpaid or delayed salaries.<sup>271</sup> According to TRT news agency, while protests had taken place in KRI since 2015, the December 2020 ones were 'more intense'.<sup>272</sup> ACLED noted that in 2020 the number of protests in the KRI rose significantly.<sup>273</sup>

In August 2020, protests took place in Sulaymaniyah where protesters demanded the dissolution of the government, the appointment of an interim authority and early elections.<sup>274</sup> Other demands included an end to corruption, the payment of salaries of employees and retirees, and an investigation into the wealth of members of the two main parties in the region, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan party (PUK).<sup>275</sup> The protests took place in the governorates of Sulaymaniyah and Halabja<sup>276</sup> and in the cities of Rania, Darbandikhan and Chamchamal,<sup>277</sup> and the headquarters of the Halabjah municipality was set on fire during the protests.<sup>278</sup>

In August 2020, truck drivers in Duhok protested against a government decision to allow Turkish truck drivers to continue to operate across the Turkish-Iraqi border.<sup>279</sup>

On 27 September 2020, protests took place in Sulaymaniyah asking for civil servants' salaries to be paid.<sup>280</sup>

In December 2020, protests took place in Sulaymaniyah and in other areas of the KRI, in relation to unpaid wages and corruption.<sup>281</sup> In the period between 2 to 12 December 2020, protesters in Sulaymaniyah Governorate demanded the payment of public sector salaries, complained for the lack of government transparency and accountability, and asked for basic services and work opportunities.<sup>282</sup> At the beginning, the protesters were teachers demanding unpaid salaries. They were later joined by other civil servants and unemployed young people.<sup>283</sup> The protesters were forcibly dispersed by security forces, who were firing

<sup>271</sup> AI, Amnesty International Report 2020/21, 2021, [url](#), p. 196

<sup>272</sup> TRT World, Why protests are raging across Iraq's Kurdish region, 14 December 2020, [url](#)

<sup>273</sup> ACLED, ACLED 2020: The year in review, March 2021, [url](#), p. 25

<sup>274</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 3, para. 16

<sup>275</sup> Euro-Med Human Rights Monitor, Cracking down on protesters in Iraqi Kurdistan legitimizes corruption, 25 August 2020, [url](#)

<sup>276</sup> Halabja (Halabcha), located in the south-east of the governorate, was acknowledged as a separate governorate by the Iraqi government in December 2013 (see Rudaw, Years on, Halabja still waiting for full province status, 26 June 2017, [url](#)) and by the KRG in March 2014 (see Iraq, KRG, Kurdistan Region Presidency, Kurdistan Region President Signs Halabja Province Directive, 16 March 2014, [url](#)). However, on a map published by UNOCHA and iMMAP in May 2020, is still depicted as a district of Sulaymaniyah governorate (see UNOCHA and iMMAP, Iraq: Al-Sulaymaniyah Governorate Reference Map 2020, 5 May 2020, [url](#))

<sup>277</sup> Euro-Med Human Rights Monitor, Cracking down on protesters in Iraqi Kurdistan legitimizes corruption, 25 August 2020, [url](#)

<sup>278</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 3, para. 16

<sup>279</sup> Al Jazeera, It is time for a system overhaul in Iraq's Kurdish region, 30 December 2020, [url](#); UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 9

<sup>280</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2020/1099, 10 November 2020, [url](#), p. 3, para. 16

<sup>281</sup> AI, Amnesty International Report 2020/21, 2021, [url](#), p. 197

<sup>282</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), pp. 3 – 4, para. 14

<sup>283</sup> EPIC, The Long Game: Iraq's "Tishreen" Movement and the Struggle for Reform, October 2021, [url](#), p. 60





live ammunition and tear gas.<sup>284</sup> Following that, the protests spread throughout the governorate and became violent; the protesters set fire to political parties' offices and government buildings.<sup>285</sup> In reaction, security forces used live ammunition. UNAMI documented nine fatalities and 85 injuries during these protests.<sup>286</sup>

On 29 September 2021, residents in Erbil's Taajili Nwe neighbourhood protested against the subpar public services. This protest followed previous ones in the area due to the government not providing basic infrastructure.<sup>287</sup>

### 3.2.2 KRG response to protests

During the December 2020 protests in Sulaymaniyah and in other areas of the KRI, the KRI authorities used excessive force against protesters, which resulted in tens of fatalities, including of underage protesters. In addition, the authorities arrested and released activists and also limited internet access and banned press coverage of the protests.<sup>288</sup> Al Jazeera reported that the crackdown on the protests resulted in the death of at least seven people - including a 13 year-old boy - and many injuries as well as the arrest of hundreds.<sup>289</sup> According to ACLED, during the protests in the week 25 November to 5 December in Sulaymaniyah, protesters were hit with tear gas and 23 among them were arrested.<sup>290</sup>

In the August 2020 truck drivers' protests, Al Jazeera reported that security forces were 'deployed immediately to forcefully disperse the crowd and prevent any media coverage of it'. Following the protests, approximately 100 people, mostly activists and journalists, were detained. Campaigns aiming to intimidate political opposition-oriented activists continued taking place in the rest of 2020 in KDP and PUK-controlled areas.<sup>291</sup>

Anadolu Agency reported that, according to local media, security forces opened fire at the protesters who attacked the KDP building in Chamchamal on 7 December 2020, protesting over the worsening economic conditions.<sup>292</sup>

Amnesty International reported that in 2020 in the KRI, the authorities targeted activists and protesters taking part in protests. Some of those detained by the authorities were released but several remained detained.<sup>293</sup>

According to Human Rights Watch, during the civil servants' August 2020 protests in the KRI related to payment of unpaid wages, the KRG security forces hit and arbitrarily detained protesters and journalists.<sup>294</sup>

<sup>284</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), pp. 3 – 4, para. 14; EPIC, The Long Game: Iraq's "Tishreen" Movement and the Struggle for Reform, October 2021, [url](#), p. 60

<sup>285</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), pp. 3 – 4, para. 14

<sup>286</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, S/2021/120, 8 February 2021, [url](#), p. 10, para. 25

<sup>287</sup> NRT, Protest in Erbil's Taajili Nwe neighborhood over poor public services, 29 September 2021 [url](#)

<sup>288</sup> Al, Amnesty International Report 2020/21, 2021, [url](#), p. 197

<sup>289</sup> Al Jazeera, It is time for a system overhaul in Iraq's Kurdish region, 30 December 2020, [url](#)

<sup>290</sup> ACLED, Regional Overview: Middle East 29 November – 5 December 2020, [url](#)

<sup>291</sup> Al Jazeera, It is time for a system overhaul in Iraq's Kurdish region, 30 December 2020, [url](#)

<sup>292</sup> Anadolu Agency, Iraq: Teenager killed in Sulaymaniyah protests, 7 December 2020, [url](#)

<sup>293</sup> Al, Iraq: End impunity for murders, release all kidnapped and detained peaceful activists, 9 December 2020, [url](#)

<sup>294</sup> HRW, World Report 2021, Iraq, 13 January 2021, [url](#), p. 346



Freedom House reported that in 2020 the KRI authorities arrested protesters, amongst others, for criticising COVID-19 lockdown measures, corruption and unpaid salaries.<sup>295</sup>

Euro-Med Human Rights Monitor reported that, after 13 of August 2020, 26 activists and members of trade unions involved in protests, remained detained in an Internal Security Forces (*Asayish*) prison in Erbil. According to the source, they were arrested by ‘militants belonging to the Kurdistan Democratic Party (Hadak) and forces affiliated with the region's Prime Minister, Masrour Barzani’.<sup>296</sup>

### 3.2.3 Examples of targeting of protesters/activists

UNAMI noted in May 2021 that, over the previous year, individuals such as protesters who had questioned or criticised the actions of the KRI, were intimidated, harassed, threatened and subjected to arbitrary arrests and detentions.<sup>297</sup>

Amnesty International, based on interviews it conducted in 2021, documented 14 cases of individuals from Badinan (three journalists and 11 civil society and political activists) who were all arrested in the period August - October 2020. According to its findings, in all cases, *Asayish* and Parastin forces had arbitrarily arrested, detained, and in six cases, forcibly made to disappear individuals, in relation to their participation in protests, criticism of local authorities or to their journalistic work.<sup>298</sup>

On 7 December 2020, a protester was shot and killed in the KRI during protests demanding the payment of salaries and criticizing Kurdish political parties. The protester was shot by armed men guarding the headquarters of the KDP in the town of Chamchamal, west of Sulaimaniya.<sup>299</sup> Anadolu Agency reported that the protester was 16 years old and that two other people were injured during these protests.<sup>300</sup>

### 3.2.4 Targeting of online activists

Freedom House reported in 2021 that internet freedom in Iraqi Kurdistan was limited.<sup>301</sup> While the KRI was for many years a safer place for online activists and journalists, that was no longer the case due to crackdowns on journalists and media in September 2020.<sup>302</sup>

The same source described Iraq, including KRI, as one of the most dangerous places globally for online journalists, activists, bloggers, and social media users. Journalists and activists were regularly targeted and being harassed and intimidated online. There were also cases where they were physically hurt, even killed, by state and non-state actors because of content they would post online. Online journalists and activists were regularly detained and arrested in the KRI; however, long prison sentences for online content were infrequent.<sup>303</sup>

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<sup>295</sup> Freedom House, Freedom in the World 2021, 3 March 2021, [url](#)

<sup>296</sup> Euro-Med Human Rights Monitor, Protesters unlawfully detained and tortured in Iraqi Kurdistan, 8 February 2021, [url](#)

<sup>297</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 4

<sup>298</sup> Al, Kurdistan Region of Iraq: Authorities must end protests-related repression, 15 June 2021, [url](#), p. 1

<sup>299</sup> Al Jazeera, Protester killed in Iraq's Kurdistan region after days of unrest, 7 December 2020, [url](#)

<sup>300</sup> Anadolu Agency, Iraq: Teenager killed in Sulaymaniyah protests, 7 December 2020, [url](#)

<sup>301</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#)

<sup>302</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#); Al Jazeera, Iraq's Kurdish region is not a model for free speech, 25 September 2020, [url](#)

<sup>303</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#)



While there were cases where courts in the KRI ruled against attempts to penalise activists for the content they posted online, Freedom House reported that those who targeted them were very rarely punished.<sup>304</sup> In another report, Freedom House noted that, in December 2020, the KRI authorities arrested many young men because they were calling for protests in posts on social media.<sup>305</sup>

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<sup>304</sup> Freedom House, Freedom on the Net 2021, 21 September 2021, [url](#)

<sup>305</sup> Freedom House, Freedom in the World 2021, 3 March 2021, [url](#)



## 4. Religious and ethnic minorities, and stateless persons

### 4.1 Christians

#### 4.1.1 General situation of Christians in Iraq and the KRI

Iraqi Christians counted roughly 1 500 000 under the Saddam Hussein regime, most of them enjoying 'protection and near-equal rights with the Iraq's Muslim majority'.<sup>306</sup> After the US-led military intervention in 2003, the Iraqi Christian community has been suffering from persecution and discrimination<sup>307</sup> and the number declined to just a few hundred thousand, as most of the Iraqi Christians fled to the west or to the neighbouring countries.<sup>308</sup> Hammurabi Human Rights organisation in its Annual Report on the Human Rights Situations in Iraq for 2020 assessed that more than 1 100 Christians have been victims of terrorism and sectarian violence since 2003.<sup>309</sup> The ISIL occupation of the Ninewa Plain in 2014 led to a massive exodus which almost emptied this region of Christians.<sup>310</sup> After the military defeat of the ISIL Caliphate in Iraq in 2017, Christians have gradually begun to return, but at a low rate mainly due to fear induced by local and Shiite militias that control the territory and over which the government has little control.<sup>311</sup>

On 22 September 2021, the CIA indicated that Christians are estimated to make 1% of the total population of Iraq.<sup>312</sup> The Christian community in Iraq comprises 14 officially recognised sects<sup>313</sup>, the most prominent of which are the following:

- Chaldeans are the most numerous Christian group in Iraq. Referring to Chaldeans of any denomination, a 2021 media article estimated that they represent 80% of the Iraqi Christian population. According to USDOS, 67% of the Christian population in Iraq are Chaldean Catholic.<sup>314</sup>
- Assyrians are linked by their common goal of living in the historical regions of the Ninewa Plain and the Kurdistan Region of Iraq. Being predominantly Christian, they have founded five Eastern Churches during their long history: the Ancient Church of the East, the Assyrian Church of the East, the Chaldean Catholic Church, the Syriac Catholic Church, and the Syriac Orthodox Church.<sup>315</sup> According to USDOS they make

<sup>306</sup> Associated Press, A timeline of disaster and displacement for Iraqi Christians, 5 March 2021, [url](#)

<sup>307</sup> National Interest (The), The Pope Visited Iraqi Christians, Victims of U.S. Foreign Policy, 8 March 2021, [url](#)

<sup>308</sup> Associated Press, A timeline of disaster and displacement for Iraqi Christians, 5 March 2021, [url](#)

<sup>309</sup> Hammurabi Human Rights Organization, Annual Report 2020 on the Human Rights Situations in Iraq, 04 April 2021, [url](#)

<sup>310</sup> Middle East Institute, Waiting for a miracle in Iraq, 26 February 2021, [url](#)

<sup>311</sup> Atlantic Council, Three years after the Caliphate, Iraq's Christians find little incentive to return, 04 August 2020, [url](#); The Jamestown Foundation, Iran's Man in Nineveh: Waad Qado and the PMF's 30th Brigade, 4 June 2021, [url](#)

<sup>312</sup> Central Intelligence Agency (CIA), The World Factbook – Iraq, 22 September 2021, [url](#)

<sup>313</sup> Reuters, Factbox: Iraq's Christian denominations, 1 March 2021, [url](#)

<sup>314</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#); Reuters, Factbox: Iraq's Christian denominations, 1 March 2021, [url](#)

<sup>315</sup> Assyrian Policy Institute (API), Contested control: the future of security in Iraq's Nineveh Plain, 1 June 2020, [url](#), p. 2



20% of the Iraqi Christians, while the Iraqi Christian Foundation attributes them only 5%.<sup>316</sup>

Syriacs 'belong to either the Syriac Catholic Church or the Syriac Orthodox Church' and speak a dialect of Aramaic known as Syriac. Historically, in Iraq, they inhabited Baghdad, Mosul and other smaller towns located in the Ninewa Plains such as Bartella and Qaraqosh, the latter of which had a population of 50 000 Christians before the ISIL invasion in 2014. Syriacs represent 10% of the Iraqi Christians.<sup>317</sup>

Armenians, both Catholic and Orthodox, arrived in Iraq mainly 'after the Armenian genocide in 1915-1923 by the Ottoman Empire'. They constitute approximate 3% of the Iraqi Christian population.<sup>318</sup>

For more information about the situation of Christians in Iraq between 2019 and 2020, as well as the various denominations, see [EASO's 2020 query on Christians](#).

In Iraq, minorities occupy 9 out of 329 parliamentary seats in the Council of Representatives. Five seats are allocated to Christian candidates and one each for Fayli Kurds, Yazidis, Sabean Mandaean, and Shabaks.<sup>319</sup> In June 2020, a Christian woman, member of the Chaldean Church, was appointed as minister of migration and displacement.<sup>320</sup> Allocation for ethnic and ethno-religious minorities is similar in the Kurdish parliament where out of 111 seats, five are allocated to Christians, five to Turkmen and one to Armenians.<sup>321</sup> For other ethnic and ethno-religious minorities that the KRG recognizes as ethnically Kurdish or Arab, such as Yazidis, Shabak, Sabean-Mandaean, Kaka'i, and Fayli Kurds, there are no seats allocated.<sup>322</sup>

On 16 December 2020, Christmas became an annual national holiday after the Iraqi Parliament's unanimous vote. December 25 was already recognised as a Christian holiday but not a national public holiday.<sup>323</sup>

The return of Christian population to Iraq was encouraged in 2021 by visits and statements of high state officials and even a four-day trip of Pope Francis to Iraq which included a meeting with Grand Ayatollah Al-Sistani.<sup>324</sup> Pope Francis made an appeal to peace and unity between Muslims and Christians as he addressed people in the cities of Baghdad, Najaf, Ur, Mosul, Qaraqosh and Erbil.<sup>325</sup>

On 3 June 2021, during an official meeting, the Iraqi President, Barham Salih, stated that 'Iraqi social cohesion must be protected, and Christian displaced persons must be allowed to return home, in Nineveh Plains, Mosul and other Iraqi cities'. He also emphasised that efforts should be made in order to provide Christians with the right to 'fully participate in the political, social and cultural life of the country, in a way that ensures their voice could be heard by the

<sup>316</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#); Iraqi Christian Foundation, Who are the Iraqi Christians?, last update 20 April 2021, [url](#)

<sup>317</sup> Iraqi Christian Foundation, Who are the Iraqi Christians?, last update 20 April 2021, [url](#)

<sup>318</sup> Reuters, Factbox: Iraq's Christian denominations, 1 March 2021, [url](#)

<sup>319</sup> Freedom House: Freedom in the World 2021 - Iraq, 3 March 2021, [url](#)

<sup>320</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>321</sup> Freedom House: Freedom in the World 2021 - Iraq, 3 March 2021, [url](#); USDOS, Iraq 2020 – Country Report on Human Rights Practices, 30 March 2021, [url](#)

<sup>322</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>323</sup> Crux Now, Iraqi parliament formally declares Christmas a national holiday, 18 December 2020, [url](#)

<sup>324</sup> Al Jazeera, Pope Francis's visit to Iraq: Beyond the symbolism, 9 March 2021, [url](#)

<sup>325</sup> France24 Pope visits Iraqi Christians, leads prayer for 'victims of war' in Mosul, 7 March, 2021, [url](#)





government and Iraqi parliament as well'.<sup>326</sup> Iraqi Prime Minister Mustafa Al-Kadhimi also encouraged Christian IDPs to return home 'stressing that full support will be provided to facilitate this return and stability'.<sup>327</sup>

In 2020, after more than five years of displacement, security forces ensured the return of 50 Christian families to their homes in Mosul City, according to a Ninewa police statement released on 9 October.<sup>328</sup> In November, another 200 displaced Christian families returned in Mosul and in other cities and villages of the Ninewa Plain.<sup>329</sup>

In the KRI, Christianity is one of the eight faiths that are recognised by the KRG and one of the three which also receive payments for clergy salaries and infrastructure expenditures.<sup>330</sup> Along with other minorities, Christians benefitted from the passing of the Law of Protecting the Rights of Components in Kurdistan-Iraq as this law 'guarantees efficient and full equality to all ethnic and religious minorities living in the Muslim-Kurdish dominated Kurdistan Region'.<sup>331</sup>

In terms of access to education, the KRG operates 49 schools in which Syriac (the dialect spoken by most Christians) is the used language and the public education system provides Christian education for children.<sup>332</sup> The government also approved private initiatives like the 2021 opening of a high school in Erbil through the efforts of the Archdiocese of Erbil and a US-based Schools Network.<sup>333</sup> The KRG supported the health and education of Christians by funding the construction of churches, hospitals and schools, especially in Erbil (Ankawa neighbourhood).<sup>334</sup>

#### 4.1.2 Instances of targeting of Christians in Iraq and the KRI

Under the previous regime of Saddam Hussein, Iraqi Christians were generally tolerated, enjoying almost the same rights as the Muslim majority.<sup>335</sup> Following the US-led invasion in March 2003, the Christian population in Iraq has declined from approximately 1 500 000 to less than 250 000.<sup>336</sup> Amid the sectarian violence that prevailed for years, Christians were forced to flee the traditionally Christian regions in Northern Iraq seeking protection mostly in the KRI or abroad. In 2014, after ISIL fighters took control of the Christian territories in Northern Iraq, more people were forced to flee as ISIL militants killed thousands of civilians and destroyed religious sites<sup>337</sup> in their attempt of 'religious cleansing of the population and public spaces'.<sup>338</sup>

Since the liberation of Mosul and the rest of Ninewa Province in 2017, paramilitary groups which joined the state security forces during the assault against ISIL, known as the Popular

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<sup>326</sup> Iraqi Presidency, President Salih Meets with Deputy Yonadam Kanna, 03 June, 2021, [url](#)

<sup>327</sup> Rudaw, PM Kadhimi calls on Christians to return to Iraq, 14 August 2021, [url](#)

<sup>328</sup> EPIC, ISHM: October 7 – October 14, 2021, 14 October 2021, [url](#)

<sup>329</sup> Agenzoa Fides, Another 200 families of Christian displaced persons return to Mosul and the Nineveh Plains, 12 November 2020, [url](#)

<sup>330</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>331</sup> United States Institute of Peace (USIP), The Pope's Visit to Iraq and the Future of the Country's Christians, March 3, 2021, [url](#)

<sup>332</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>333</sup> Catholic News, New high school in Iraq with emphasis on classical education has U.S. ties, 4 June 2021, [url](#)

<sup>334</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>335</sup> Associated Press, A timeline of disaster and displacement for Iraqi Christians, 5 March 2021, [url](#)

<sup>336</sup> BBC News, Iraq's Christians 'close to extinction', 23 May, 2019, [url](#)

<sup>337</sup> Associated Press, A timeline of disaster and displacement for Iraqi Christians, 5 March 2021, [url](#)

<sup>338</sup> Al Jazeera, Pope Francis's visit to Iraq: Beyond the symbolism, 9 March 2021, [url](#)



Mobilisation Forces (PMF), have emerged as new stakeholders in the region.<sup>339</sup> In the aftermath of the war against ISIL, these Shiite militias advanced in the Disputed Areas and helped the Iraqi forces to overcome the Kurdish Peshmerga after the referendum of independence conducted by the KRG.<sup>340</sup> Partially converging with government institutions or even replacing them ‘de facto’, the PMF prevented the return of many displaced Christians as part of their attempt to induce demographic changes and secure illegal economic benefits. In the outskirts of Mosul and the Ninewa Plains, Christians have been confronted with discrimination as the Shiite militia groups seized large areas of residential, business and agricultural lands in the traditionally Christian regions with the help of local officials.<sup>341</sup>

It is estimated that less than half of the population of displaced Christians has returned since ISIL was defeated.<sup>342</sup> Between December 2019 and December 2020, 122 820 people returned to the Ninewa Governorate, representing 52 % of all Iraqi returnees for this period.<sup>343</sup> Local militias discouraged the returning of Christian IDPs as they limited their movement by setting up checkpoints<sup>344</sup>, imposed illegal taxes for business owners and refused to return the properties that were occupied during the war.<sup>345</sup>

The most prominent PMF militias present in the Christian regions are the 50<sup>th</sup> Brigade (Babylon Brigades) and the 30<sup>th</sup> Brigade (Liwa Al-Shabak), as well as the Yazidi 36<sup>th</sup> Brigade (Lalish Regiment).<sup>346</sup> The 36<sup>th</sup> Brigade is a Yazidi regiment of the PMF involved in ‘violations against both Muslims and Christians in Mount Sinjar and al-Qayrawan’.<sup>347</sup>

According to USDOS, the PMF 50<sup>th</sup> Brigade is the main reason why Christians IDPs from the Assyrian town of Tal Kayf refuse to return home. Tal Kayf is under the control of the 50<sup>th</sup> Brigade and is hosting a detention center and a court.<sup>348</sup> Even though it imposed itself as a Christian militia, the 50<sup>th</sup> Brigade is composed of fighters foreign to the Ninewa Plains, mainly Shia Arabs and Shabaks.<sup>349</sup> In the cities of Batnaya and Tal Kayf the 50<sup>th</sup> Brigade puts Christians at a disadvantage when it comes to buying property by imposing illegal approvals and bribes.<sup>350</sup>

Reported harassment and intimidation against Christians continued to be committed in 2020 by the Shabak-dominated 30<sup>th</sup> Brigade in the Ninewa Plains<sup>351</sup>, particularly in the cities of

<sup>339</sup> Newlines Institute for Strategy and Policy, Intelligence Briefing: A Thousand Hezbollah: Iraq’s Emerging Militia State, May 2021, [url](#)

<sup>340</sup> Al Jazeera, Iran-backed PMFs are destabilising Iraq’s disputed regions, 8 May 2021, [url](#)

<sup>341</sup> Newlines Institute for Strategy and Policy, Intelligence Briefing: A Thousand Hezbollah: Iraq’s Emerging Militia State, May 2021, p. 4, 7, 19, 39 [url](#)

<sup>342</sup> United States Commission on International Religious Freedom (USCIRF), Annual Report 2021, April 2021, [url](#)

<sup>343</sup> IOM, Returns in Iraq: 2020 Overview December 2019 (Round 7) – December 2020 (Round 11), July 2021, [url](#)

<sup>344</sup> Netherlands Institute of International Relations ‘Clingendael’ – CRU Report, May 2021, [url](#)

<sup>345</sup> Newlines Institute for Strategy and Policy, Intelligence Briefing: A Thousand Hezbollah: Iraq’s Emerging Militia State, May 2021, [url](#)

<sup>346</sup> The Jamestown Foundation, Iran’s Man in Nineveh: Waad Qado and the PMF’s 30th Brigade, 4 June 2021, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); Newlines Institute for Strategy and Policy, Intelligence Briefing: A Thousand Hezbollah: Iraq’s Emerging Militia State, May 2021, p. 20, 24, [url](#)

<sup>347</sup> Newlines Institute for Strategy and Policy, Intelligence Briefing: A Thousand Hezbollah: Iraq’s Emerging Militia State, May 2021, [url](#)

<sup>348</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); 1001 Iraqi Thoughts, Security in the Nineveh Plains: What it means for Assyrians, 19 January 2021, [url](#)

<sup>349</sup> 1001 Iraqi Thoughts, Security in the Nineveh Plains: What it means for Assyrians, 19 January 2021, [url](#)

<sup>350</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>351</sup> Aid to the Church in Need (ACN), Iraq’s Christians remain at risk of eradication, 8 July 2020, [url](#); Jamestown Foundation (The), Iran’s Man in Nineveh: Waad Qado and the PMF’s 30th Brigade, 4 June 2021, [url](#); USDOS, Iraq 2020 – Country Report on Human Rights Practices, 30 March 2021, [url](#)



Bartella, Bazwiya and Bashiqa.<sup>352</sup> It was reported that they imposed traffic restrictions in and between Christian-populated towns in the Ninewa Plains. In July 2020, at Bartella main checkpoint, 30<sup>th</sup> PMF Brigade members assaulted two Christians by forcing them out of their car and beating them. Reportedly, Shabak members used social media to threaten Christian priests that talked against them.<sup>353</sup> Also, according to USDOS Annual Report 2020 on the Human Rights Situations in Iraq, the 30<sup>th</sup> Brigade detained 1 000 persons in secret facilities located in Ninewa Province on false religious motives and along with the 50<sup>th</sup> PMF Brigades was involved ‘in extortion, illegal arrests, kidnappings, and detention of individuals without warrants’.<sup>354</sup>

According to Father Behnam Benoka of the Syriac Catholic Church in the Bartella Subdistrict, in February 2020, Asa’ib Ahl al-Haq (AAH), a US-designated Foreign Terrorist Organization, used false pretext to harass Christian families in Bartella by running investigations against them and trying to convince them to leave the city.<sup>355</sup>

Several media outlets reported that more than 14 Christian and Yezidi-owned liquor stores were attacked in Baghdad, in 2020. Some Iraqi Christian business owners claimed that Shiite Iran-backed militia members bombed their stores in an attempt to intimidate them.<sup>356</sup>

In November 2020, Christians from the town of Tal Kayf have complained about the Iraqi Security Forces (ISF) intimidating them by running searches, imposing movement restrictions and using some of their houses without offering compensations. According to the mayor of Tal Kayf, Christians were also worried about the use of a youth centre as a jail for ISIL members due to concern that ISIL fighters could try to attack the facility in order to set free their imprisoned members.<sup>357</sup>

Although one of the representatives of Christians in the Iraqi parliament, Yonadam Kanna, signalled an improvement of the situation of Christians in 2020, the Christian community complained about the general treatment by Shiite militias that disadvantaged them in terms of real estate purchases, trade opportunities and free movement. While ISIL is considered to be defeated in Iraq, Yonadam Kanna stated in November 2020 that ‘threats, kidnappings, extortion and deaths still persist’.<sup>358</sup> According to Open Doors, a Christian advocacy organisation, the presence of Islamist extremists is reflected in the increased level of violence committed against Christians in 2020 who continued to be targeted by attacks and kidnappings.<sup>359</sup> On 17 August 2020, unknown gunmen opened fire on a car carrying a 27-year-old Christian activist in southern region of Basrah, injuring her leg.<sup>360</sup> In November 2020, a lawyer working with the Chaldean Catholic Church in Baghdad was attacked by unidentified gunmen.<sup>361</sup>

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<sup>352</sup> Netherlands Institute of International Relations ‘Clingendael’ – CRU Report, May 2021, [url](#)

<sup>353</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>354</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>355</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>356</sup> Middle East Monitor Middle East Monitor, 3 explosions target liquor stores in Iraq’s Baghdad, 16 December 2020, [url](#); Arab Weekly (The), Baghdad liquor stores live in ‘constant fear’ of firebombings, 16 December 2020, [url](#); Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#)

<sup>357</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>358</sup> France24, Nightmare over but Iraqi Christians still dream of leaving, 22 November 2020, [url](#)

<sup>359</sup> Open Doors, Country Report – Iraq, 13 January 2021, [url](#)

<sup>360</sup> Hammurabi Human Rights Organization, Annual Report 2020 on the Human Rights Situations in Iraq, 04 April 2021, p. 70, [url](#)

<sup>361</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)



In an interview with Agence France-Presse (AFP), the head of the Chaldean Catholic Church stated that while Christians are not subject to ‘direct pressure’ from the society in the present, they face ‘day-to-day discrimination’ as they remain outside state institutions. He added that this is mainly due to corruption and is one of the reasons why Christians continue to emigrate.<sup>362</sup> Christians have been reported to be socially pressured to withhold from celebrating religious feasts overlapping with the Islamic holidays like Ramadan or Ashura. Also, Christian women have been reported to be harassed for not following the Islamic practice of wearing the hijab.<sup>363</sup>

According to local media, only one church remains open in Kirkuk out of a total of 12, seven of which were destroyed in car bomb attacks after 2003.<sup>364</sup> In northern Iraq several churches have been closed as a result of attacks by Turkish military forces.<sup>365</sup>

In the KRI, the Christian villages near the Turkey border were under threat as the conflict between Turkey and Iraqi Kurds persisted and also as the tensions between the Kurdish political groups continued.<sup>366</sup> Even though Christians in Iraqi Kurdistan Region (IKR) have better living opportunities, they still face discrimination in terms of land disputes and property issues as they were subjected to expropriations for different reasons.<sup>367</sup>

### 4.1.3 Situation of Christian converts in Iraq and the KRI

Iraqi personal status law and regulations ‘prohibit the conversion of Muslims to other religions.’<sup>368</sup> Even though religious freedom is guaranteed by the Iraqi constitution, national laws continue to violate the rights of non-Muslim minorities, including Christians.<sup>369</sup> Children with one of the parents converted to Islam or if one of the parents is considered Muslim are automatically designated as Muslim, ‘even if the child is a product of rape’.<sup>370</sup> Furthermore, families who practice Christianity in private have to register their children as Muslim in order to be eligible for government benefits such as access to education and allocation of basic food items.<sup>371</sup>

According to Open Doors, Muslims who have converted to Christianity may face discrimination from society, religious leaders, and extended family members. The source added that ‘Christian converts risk losing inheritance rights or the right to marry—and they are not allowed to marry Christians, as the law still considers them Muslim’.<sup>372</sup>

Iraqi laws do not allow the conversion from Islam to another religion, however facilitate the reverse process of converting to Islam.<sup>373</sup> Legal provisions establish the rules of marriage

<sup>362</sup> France24, Nightmare over but Iraqi Christians still dream of leaving, 22 November 2020, [url](#)

<sup>363</sup> Middle East Institute, Waiting for a miracle in Iraq, 26 February 2021, [url](#)

<sup>364</sup> Kirkuk Now, Christians in Kirkuk feel marginalized, 02 November 2021, [url](#)

<sup>365</sup> Open Doors, Country Report – Iraq, 13 January 2021, [url](#); The Jerusalem Post, Turkey bombs Christian villages in Iraq’s Kurdish region – analysis, 26 May 2021, [url](#); see also: Rudaw, Turkish bombardment damages church in Duhok village, terrifying villagers, 25 May 2021, [url](#); Rudaw, Christian villagers under fire in Turkey-PKK clashes, 17 June 2021, [url](#)

<sup>366</sup> Modern Diplomacy, Iraq’s Nineveh Plains Christians Need the Pope’s Support, 11 March 2021, [url](#)

<sup>367</sup> IRB – Immigration and Refugee Board of Canada: Iraq: Situation and treatment of Christians, particularly in the north, the Kurdistan region, and Baghdad; government protection and support programs (2017–September 2020, 9. October 2020, [url](#)

<sup>368</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>369</sup> Hammurabi Human Rights Organization, Annual Report 2020 on the Human Rights Situations in Iraq, 04 April 2021, [url](#)

<sup>370</sup> Freedom House, Freedom in the World 2021 - Iraq, 3 March 2021, [url](#)

<sup>371</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>372</sup> Open Doors, Country Report – Iraq, 13 January 2021, [url](#)

<sup>373</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)



between women and men according to their confession. Thus, a Muslim man can marry a woman of another religion, but a Muslim woman cannot marry a non-Muslim man.<sup>374</sup>

## 4.2 Turkmen

### 4.2.1 General situation of Turkmen in Iraq and the KRI

Turkmen are the third-largest ethnic group in Iraq, behind Arabs and Kurds. As noted by UN Rapporteur on minority issues in 2017, community representatives claimed that the Turkmen population was reaching up to two million;<sup>375</sup> before 2003, the number of Turkmen in Iraq was in a range between 600 000 and two million.<sup>376</sup> Turkmen are the second largest group in the Kurdistan region.<sup>377</sup> Turkmen inhabit largely the areas stretching from Tal Afar (Telafar) to Mosul, Erbil, Altun Kopru (Altun Kupri), Kirkuk, Tuz Khurmatu, Kifri, and Khanaqin,<sup>378</sup> which constitute the largest part of the so-called ‘disputed territories’.<sup>379</sup> In Tel Afar city, Turkmen—consisting of both Sunni and Shia religious denomination<sup>380</sup>—constitute the majority of the population.<sup>381</sup>

Sunni Turkmen constitute approximately 50 %<sup>382</sup> – 60 %<sup>383</sup> of the Turkmen population of Iraq and one percent of all Sunni Muslims in the country.<sup>384</sup> The other part of the Turkmen community is comprised of Shia.<sup>385</sup> The number of Christian Turkmen was estimated at around 30 000.<sup>386</sup>

According to the Iraqi constitution, the Turkmen language is an official language in the administrative units in which Turkmen ‘constitute density of population’.<sup>387</sup> In its report covering 2020, USDOS noted on the existence of 18 schools operating in Turkmen in the KRI.<sup>388</sup>

In Iraq’s parliamentary elections of May 2018, Turkmen political parties won eight seats out of 329: the Turkmen bloc got five seats and the Iraqi Turkmen Front (ITF) three.<sup>389</sup> In the KRI, Turkmen representatives were allocated five seats out of 11 seats reserved for minorities in the 111-seat Kurdistan Parliament.<sup>390</sup> Since 2020, Kirkuk became divided into three electoral districts, allocated to Kurds, Turkmen, and Arabs. Turkmen fractions were given three seats

<sup>374</sup> US Embassy and Consulates in Iraq, Marriage in Iraq, n. d., [url](#)

<sup>375</sup> UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), para 40

<sup>376</sup> MRG, Still Targeted: Continued Persecution of Iraq’s Minorities, June 2010, [url](#), p. 7;

<sup>377</sup> Al-Hamoud, A. H., Iraqi Turkmen: Controversy of Identity and Affiliation, Friedrich Ebert Stiftung, August 2021, [url](#), p. 17

<sup>378</sup> MRG, Still Targeted: Continued Persecution of Iraq’s Minorities, June 2010, [url](#), p. 7; Australia, DFAT, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 25

<sup>379</sup> US Congressional Research Service, Iraq: Issues in the 116<sup>th</sup> Congress, updated 17 July 2020, [url](#), p. 26; Mako, Sh.,

Negotiating Peace in Iraq’s Disputed Territories: Modifying the Sinjar Agreement, Lawfare, 17 January 2021, [url](#)

<sup>380</sup> REACH Initiative, Telafar City, Area-Based Assessment, August-September 2020, n.d., [url](#), pp. 3, 11

<sup>381</sup> Sanbar, S., Barriers to Post-ISIS Reconciliation in Iraq, Case Study of Tel Afar, Ninewa, Sciences Po Kuwait Program, 30 April 2020, [url](#), p. 6; USIP, Four Years After ISIS, Iraq’s Tal Afar Remains Riven by Communal Divisions, 2 August 2021, [url](#)

<sup>382</sup> Kirkuk Now, Turkmen & Arabs: We Don’t want the Peshmerga in Kirkuk, 26 May 2021, [url](#)

<sup>383</sup> Australia, DFAT, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 25

<sup>384</sup> USDOS, Iraq 2020 International Religious Freedom Report, [url](#), 12 May 2021, p. 3

<sup>385</sup> Australia, DFAT, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 25

<sup>386</sup> MRG, Crossroads: The future of Iraq’s minorities after ISIS, 7 June 2017, [url](#), p. 10

<sup>387</sup> USDOS, Iraq 2020 International Religious Freedom Report, [url](#), 12 May 2021, p. 7

<sup>388</sup> USDOS, Iraq 2020 International Religious Freedom Report, [url](#), 12 May 2021, p. 7

<sup>389</sup> Kirkuk Now, Turkmen & Arabs: We Don’t want the Peshmerga in Kirkuk, 26 May 2021, [url](#)

<sup>390</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 37





reserved for Kirkuk governorate in Iraq's parliament.<sup>391</sup> In the elections of 10 October 2021, Turkmen representatives won two seats in Kirkuk.<sup>392</sup>

Khanaqin, Kirkuk, the Ninewa Plains, Tal Afar, Mandali, Tuz Khurmatu, as well as Sinjar, constitute the so-called 'disputed territories.'<sup>393</sup> According to a study published in August 2021, Turkmen argued that the areas of their residence, 'including Kirkuk and many cities and villages,' were historically Turkmen areas, and refused to name them 'disputed.'<sup>394</sup>

Shia Turkmen were recruited to the Popular Mobilisation Forces' (PMF, also known as *Al-Hashd al-Shabi* or Popular Mobilisation Units, PMU<sup>395</sup>) 53<sup>rd</sup> Brigade in Ninewa Governorate and the 16<sup>th</sup> Brigade in Taza district in Kirkuk Governorate; they were also recruited in the 52<sup>nd</sup> Brigade.<sup>396</sup> Turkmen-led PMF were reported to be a dominant element in organisation of security in Tal Afar, and especially in its Zummar sub-district.<sup>397</sup> In Kirkuk city, Shia Turkmen, most of whom are affiliated with the Badr Organisation, were reported to belong to the key military and political leadership of the PMF active in the city.<sup>398</sup> The relations of PMF 'with the civilian population and other military units' was reported as 'tense.'<sup>399</sup>

As noted by USDOS, a member of the Iraqi Turkmen Front (ITF) in Tal Afar district reported in August 2020 that 400 Turkmen from Tal Afar—described by him as poor, unemployed young men mostly from Shia Turkmen community, but also some Sunni Turkmen—joined the Kurdistan Workers' Party (PKK) in 2020. Many of the new recruits were reportedly 'sent to PKK camps for trainings and indoctrination,' while PKK was offering them 'monthly salaries,' aiming at the increase of PMF influence in the areas inhabited by Turkmen. According to an ITF parliamentarian, PKK and PMF were sharing 'common interests' in Iraq.<sup>400</sup>

The UN Special Rapporteur on minority issues noted in 2017 that 'Turkmen claim to have historically faced violence and intimidation from all sides, including the central Government, the Kurdistan Regional Government and Sunni and Shia militias.'<sup>401</sup> After the Iraqi central government restored its control over Kirkuk governorate in October 2017,<sup>402</sup> Turkmen, as well as other ethnoreligious minorities, were reported to have faced 'discrimination, displacement, and in some cases, violence from government forces, particularly Iran-aligned PMF groups.' PMF were also reported to have conducted arbitrary and unlawful detainment of Kurds and Turkmen in Kirkuk, while incidents of violence were reported in Kirkuk and Khanaqin.<sup>403</sup> According to an international NGO working in Iraq interviewed in 2018 by DIS and Landinfo,

<sup>391</sup> Amwaj Media, Turkey on the back foot as Kurds, PMU aim high in Kirkuk elections, 23 September 2021, [url](#)

<sup>392</sup> Kirkuk Now, PUK pushes for Kirkuk Governor position, 3 November 2021, [url](#)

<sup>393</sup> US Congressional Research Service, Iraq: Issues in the 116<sup>th</sup> Congress, updated 17 July 2020, [url](#), p. 26; Mako, Sh., Negotiating Peace in Iraq's Disputed Territories: Modifying the Sinjar Agreement, Lawfare, 17 January 2021, [url](#)

<sup>394</sup> Al-Hamoud, A. H., Iraqi Turkmen: Controversy of Identity and Affiliation, Friedrich Ebert Stiftung, August 2021, [url](#), p. 18. This study is based on 20 interviews with activists, academics, media figures, and members of political parties residing in the governorates of Baghdad, Saladin, Diyala, Mosul, Kirkuk, and Erbil, which were conducted in April 2021, see p. 8

<sup>395</sup> Al-Monitor, Turkish-Iranian rivalry heats up over Mosul, 25 February 2021, [url](#)

<sup>396</sup> Palani, K., Iran-backed PMFs are destabilising Iraq's disputed regions, Al Jazeera, 8 May 2021, [url](#); see also: Knights, M., et al., Honored, not Contained: The future of Iraq's Popular Mobilization Forces, March 2020, [url](#)

<sup>397</sup> USIP, Four Years After ISIS, Iraq's Tal Afar is Riven by Communal Divisions, 2 August 2021, [url](#)

<sup>398</sup> Bakr, M. J., Kirkuk in Iraq's Upcoming Elections, Konrad Adenauer Stiftung, September 2021, [url](#), p. 7

<sup>399</sup> ICG, Iraq: Fixing Security in Kirkuk, Middle East Report N° 215, 15 June 2020, [url](#), p. 13

<sup>400</sup> USDOS, Iraq 2020 International Religious Freedom Report, 12 May 2021, [url](#), p. 21

<sup>401</sup> UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 11

<sup>402</sup> ICG, Iraq: Fixing Security in Kirkuk, 15 June 2020, [url](#)

<sup>403</sup> USDOS, Country Report on Human Rights Practices, 2018 – Iraq, [url](#)



Turkmen in Kirkuk, seemed to be ‘for unknown reasons’ more targeted than other groups inhabiting the city.<sup>404</sup>

The capture of the Ninewa Plains by ISIS in 2014 brought destruction of non-Sunni minorities, with Yazidis, Christians, and Turkmen being particularly affected.<sup>405</sup> As noted by the UN Special Rapporteur on minority issues, many Shia Turkmen fled from their villages in Ninewa governorate ‘to southern governorates, including Najaf and Karbala.’<sup>406</sup> For Tal Afar city, it was reported that while its Shia population fled,<sup>407</sup> many Sunni residents stayed in the city.<sup>408</sup> Turkmen civil society NGOs estimated that 1 300 Turkmen from Tal Afar were abducted by ISIS, including 470 women and 130 children.<sup>409</sup> According to a representative of the ITF, as noted by USDOS in its 2020 report, the number of the abducted Turkmen was estimated at 1 200, including around 450 women; 800 of those who were abducted were believed to have been killed.<sup>410</sup> As reported by USDOS, Ninewa Governorate’s Advisor for Women’s Affairs estimated that 900 Shia and Sunni Turkmen remained missing at the end of 2020.<sup>411</sup>

The largest number of Turkmen women captured by ISIS were reportedly Shia Turkmen, abducted after they fled from Tal Afar to Sinjar. As reported by the Middle East Eye (MEE) in February 2021, 131 women out of 600 were freed, mostly with families ‘paying ransoms to militants who they reached through mediators working to liberate Yazidi women held by IS in Syria.’ MEE reported that most of abducted Turkmen women were not registered as missing and ‘there were no real official or non-governmental campaign efforts to find them and to bring them home’ from camps in Syria due to the ‘state of denial’ by their families and ‘the acquiescence of influential government institutions and Shia political and religious forces.’<sup>412</sup> Only a small number of abducted Turkmen women reportedly returned to their community; it was also reported that the stigma around sexual violence could lead to honour killings.<sup>413</sup>

After the seizure of Tal Afar by ISIL in 2014, many Turkmen of the area joined the Shia militias to fight ISIL and returned to the area victorious in summer 2017. As noted by Fabrice Balanche in May 2021, since the return of Shia Turkmen to Tal Afar, ‘no ethnic cleansing has taken place so far against the Sunni population.’<sup>414</sup>

Based on IOM Displacement Tracking Matrix (DTM) of October 2020, the REACH Initiative noted on the return of the majority of the Tal Afar’s pre-war inhabitants. Households which remained in the city during the ISIL occupation became reportedly displaced to escape the fighting in 2017 or out of fear of persecution due to perceived affiliation with ISIS.<sup>415</sup> The main obstacles behind unwillingness of former residents to return were reportedly lack of

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<sup>404</sup> Denmark, DIS, and Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, 5 November 2018, [url](#), p. 16

<sup>405</sup> Ezzeddine, N., Pietrantonio Pellise, A. di, Trapped into a vicious cycle, Factors of instability in the Ninevah Plains, Clingendael (Netherlands Institute of International Relations), May 2021, [url](#), p. 3

<sup>406</sup> UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, [url](#), p. 12

<sup>407</sup> Balanche, F., From the Iranian Corridor to the Shia Crescent, A Hoover Institution Essay, 21 May 2021, [url](#), p. 4

<sup>408</sup> Australia, DFAT, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 26

<sup>409</sup> Kirkuk Now, Turkmen women call to uncover fate of 1300 missing Turkmen abducted by ISIS, 4 February 2021, [url](#)

<sup>410</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 18

<sup>411</sup> USDOS, Iraq 2020 International Religious Freedom Report, 12 May 2021, [url](#), p. 13

<sup>412</sup> MEE, The untold tragedy of Shia Turkmen women abducted by Islamic State, 18 February 2021, [url](#)

<sup>413</sup> McKay, H., The ISIS War Crime Iraqi Turkmen Won’t Talk About, New Lines Magazine, 5 March 2021, [url](#)

<sup>414</sup> Balanche, F., From the Iranian Corridor to the Shia Crescent, A Hoover Institution Essay, 21 May 2021, [url](#), p. 4

<sup>415</sup> REACH Initiative, Telafer City Area-Based Assessment, August-September 2020, 14 April 2021, [url](#), pp. 3, 11. In Tal Afar city, an Area-Based Assessment (ABA) by REACH Initiative was conducted between 24 August and 10 September 2020 and covered 55 key informant interviews with 23 community leaders and 23 subject-matter experts, as well as 707 household-level surveys.



economic opportunities, destroyed homes and fear of perceived ISIS affiliation.<sup>416</sup> According to data collected by the US Institute of Peace (USIP), there was ‘a positive trend with regard to security’ in Hamdaniya, Tal Afar, and Sinjar districts of Ninewa Governorate; Turkmen residents in Tal Afar were found to ‘feel the security actors have too much influence over governance in their districts.’<sup>417</sup>

## 4.2.2 Treatment of Sunni and Shia Turkmen

As noted by the Yazidi NGO Yazda, quoted by USDOS in its report covering 2020, Turkmen were among the ethnoreligious minorities discriminated by the KRG authorities in the disputed territories.<sup>418</sup> According to DFAT, Turkmen faced discrimination particularly in issues related to land and property disputes.<sup>419</sup> According to ‘a media director of Diaya Governorate,’ Turkmen in the KRI-controlled locations of Kifri, Jalawla, Mandali, Qazaniyah, and Hamrin were feeling ‘harmed, marginalized, and mistreated’ in matters related to ‘administrative issues, financial allocations, government appointments, and the distribution of positions.’<sup>420</sup>

In June 2020, the International Crisis Group reported that the Sunni population of Kirkuk city was ‘suspicious’ of such structures as federal police and PMF, composed largely of Shia members.<sup>421</sup> PMF were reported to have committed violence against ethnoreligious minorities in the Ninewa Plains and Sinjar.<sup>422</sup> According to the International Crisis group reporting, PMF were also engaged in illegal income-generating activities, such as collecting duties from petrol stations and truck drivers; illegal checkpoints were reportedly established in Daquq and Hawija.<sup>423</sup> According to the Enabling Peace in Iraq Center (EPIC), ‘dozens of inhabitants of the Ninewa Plains’—Arabs, Kurds, Shabaks, Yazidis, Christians, and Turkmen, many of whom were IDPs—participated in a protest in the beginning of February 2020 against the presence of PMF and affiliated militias, accusing them of causing displacements of IDPs and ‘imposing illegal taxation on road traffic through the plains.’<sup>424</sup>

Tensions between ethnoreligious communities in Ninewa and Kirkuk governorates were reported to have increased with the entrance of Shia Turkmen into PMF. In Kirkuk city, the PMF backing was reported to have made Shia Turkmen ‘more politically assertive,’ despite being a minority in the city, compared to Sunni Turkmen. A similar situation among Shia-Sunni Turkmen was reported in Tal Afar district.<sup>425</sup> As reported by Al-Monitor, based on ‘a Turkmen source from Mosul,’ Mosul, Shia Turkmen, as well as Yazidis and other minorities ‘value[d] the role of the PMU’ in the area.<sup>426</sup>

Sources interviewed by the Danish Immigration Service (DIS) and Landinfo in 2018 noted that the PMF were targeting Sunni Arabs and Sunni Turkmen, seeking revenge for ISIL-committed incidents.<sup>427</sup>

<sup>416</sup> REACH Initiative, Telafar City Area-Based Assessment, August-September 2020, 14 April 2021 (seems to be this but not September 2020), 14 April 2021, [url](#), pp. 3-4.

<sup>417</sup> USIP, Unemployment Replaces ISIS as Top Security Concern for Minorities in Iraq, 22 June 2021, [url](#)

<sup>418</sup> USDOS, Iraq 2020 International Religious Freedom Report, 12 May 2021, [url](#), p. 17

<sup>419</sup> Australia, DFAT, DFAT Country Information Report – Iraq, 17 August 2020, [url](#), p. 28

<sup>420</sup> Al-Hamoud, A. H., Iraqi Turkmen: Controversy of Identity and Affiliation, Friedrich Ebert Stiftung, August 2021, [url](#), p. 14

<sup>421</sup> International Crisis Group, Iraq: Fixing Security in Kirkuk, Middle East Report N° 215, 15 June 2020, [url](#), pp. 12-13

<sup>422</sup> USCIRF, Annual Report 2021 – Iraq, [url](#), p. 1

<sup>423</sup> ICG, Iraq: Fixing Security in Kirkuk, Middle East Report N° 215, 15 June 2020, [url](#), p. 14

<sup>424</sup> EPIC, ISHM (Iraq Security and Humanitarian Monitor): January 30 – February 6, 2020, 6 February 2020, [url](#)

<sup>425</sup> Palani, K., Iran-backed PMFs are destabilising Iraq’s disputed regions, Al Jazeera, 8 May 2021, [url](#)

<sup>426</sup> Al-Monitor, Turkish-Iranian rivalry heats up over Mosul, 25 February 2021, [url](#)

<sup>427</sup> Denmark, DIS, and Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, 5 November 2018, [url](#), p. 23



Security forces were reportedly treating relatives of the Tal Afar inhabitants who had joined ISIL as ISIL-supporters.<sup>428</sup> As found by USIP, particularly in Al-Ayadhiya sub-district, Turkmen (as well as Arabs) were reported to have expressed their concerns of ‘being collectively blamed or accused of a crime;’ they also indicated ‘higher levels of restriction on movement than other groups.’<sup>429</sup> According to REACH initiative, 99 % of households in Tal Afar city reported they were not facing stigmatisation or discrimination; however, 10 % of households indicated they were not feeling ‘safe from harm.’<sup>430</sup>

For more information on the treatment of (perceived) ISIL affiliates, see [Chapter 1](#) of this report; for more information on the treatment of Sunni Arabs, see [Chapter 2](#) of this report.

### 4.2.3 Instances of targeting of Turkmen

In the reporting period, ISIL was reported to have conducted attacks in the governorates of Kirkuk, Salah Al-Din, and Diyala, which have a significant Turkmen population.<sup>431</sup> On 3 May 2021, one Turkmen security officer was killed, and three other persons were injured when ISIL conducted an attack in the surroundings of Turkmen-inhabited Beshir village, Kirkuk province.<sup>432</sup>

On 9 November 2020, a military convoy in the village of Palkana, Tuz Khurmatu district, Salah Al-Din governorate, was targeted by an IED. In the incident, two members of the Oil Protection Force (OPF) were killed and seven persons, including Turkmen PMF, were injured. No group claimed responsibility for the attack.<sup>433</sup>

In 2020, the PKK was reported to be active in the areas with Turkmen populations, and particularly in Kirkuk.<sup>434</sup> In June 2020, locals reported on an attack by PKK on a Turkmen martyrs’ cemetery in Kirkuk city. According to a media report, Turkmen flags were removed in some locations in Kirkuk city.<sup>435</sup>

On 20 October 2020, the office of the ITF in the area of Altun Kupri in Kirkuk city was attacked, the perpetrators of the attack were reported as unidentified.<sup>436</sup>

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<sup>428</sup> Çalışkan S. and Zineelabdin, A., 2020 Irak Değerlendirmesi: Türkmenlerin Durumu ve 2021'den Beklentiler [informal translation: Iraq Assessment 2020: The Situation of Turkmen and the Expectations for 2021], ORSAM, February 2021, [url](#), p. 13

<sup>429</sup> USIP, Four Years After ISIS, Iraq's Tal Afar is Riven by Communal Divisions, 2 August 2021, [url](#)

<sup>430</sup> REACH Initiative, Telafar City Area-Based Assessment, August-September 2020, 14 April 2021, [url](#), p. 30

<sup>431</sup> Çalışkan S. and Zineelabdin, A., 2020 Irak Değerlendirmesi: Türkmenlerin Durumu ve 2021'den Beklentiler [informal translation: Iraq Assessment 2020: The Situation of Turkmen and the Expectations for 2021], ORSAM (Ortadoğu Araştırmaları Merkezi), February 2021, [url](#), p. 5; AA, Iraq hunts down Daesh/ISIS terrorists in Nineveh, 17 October 2021, [url](#)

<sup>432</sup> QHA, Kerkük'te DEAŞ saldırısı: 1 Türkmen şehit oldu [Daesh attack in Kirkuk: One Turkmen martyred], 4 May 2021, [url](#)

<sup>433</sup> Garda World, Iraq: IED targets military convoy in Tuz Khurmatu (Salah-al-Din province) November 9, 10 November 2020, [url](#)

<sup>434</sup> Çalışkan S. and Zineelabdin, A., 2020 Irak Değerlendirmesi: Türkmenlerin Durumu ve 2021'den Beklentiler [informal translation: Iraq Assessment 2020: The Situation of Turkmen and the Expectations for 2021], ORSAM, February 2021, [url](#), p. 5

<sup>435</sup> Cengiz, S., Iraq, Syria's Turkmen communities a useful tool for Turkey, Arab News, 7 August 2020, [url](#)

<sup>436</sup> AA, Kerkük'te Irak Türkmen Cephesi bürosuna saldırı [informal translation: Attack on the Kirkuk office of the Iraq Turkmen Front], 20 October 2020, [url](#)



## 4.3 Yazidis

The Yazidis<sup>437</sup> are ‘a heterodox ethnoreligious group’<sup>438</sup> that represents a minority in Iraq.<sup>439</sup> According to Eva Savelsberg, Siamend Hajo and Irene Dulz, who wrote the article ‘Yezidis in the Collective Towns of Sheikhan and Sinjar’ for OpenEdition, a platform dedicated to academic information in social sciences,

‘the majority of Yezidis in Sinjar speak Arabic today, with Kurdish more or less relegated to the status of a domestic language. Numerous Arabic words are used in place of Kurdish terms; as a written language, Arabic takes preference over Kurdish. The private as well as the official language in the Kurdistan Region of Iraq, in contrast, is Kurdish.’<sup>440</sup>

Although most Yazidis see themselves as Kurdish, ‘the relationship between Yazidis and Muslim Kurds is complicated.’<sup>441</sup> In confidential conversations with the source, Yazidis stated that Muslim Kurds discriminate them in the Kurdistan Region of Iraq (KRI).<sup>442</sup>

Yazidis lived in the plains of Ninewa in north-western Iraq.<sup>443</sup> Sinjar<sup>444</sup>, one of the eight districts of Ninewa, was predominantly populated by Yazidis.<sup>445</sup> The Public Library of Science (PLOS), a non-profit open-access science publisher, wrote that according to UN and Kurdish officials, prior to the presence of ISIL<sup>446</sup> in 2014, ‘the largest Yazidi community - approximately 400,000 people - resided in the area of Mount Sinjar’ in Ninewa.<sup>447</sup>

Estimates on the Yazidi population differ significantly. Pew Research Center noted in 2014 that there is little reliable information on the size of the Yazidi community. According to the source, ‘published estimates of the size of the Yazidi population vary [...] from fewer than 300,000 in the entire world to about 700,000 in northern Iraq alone.’<sup>448</sup> While in 2013, the Institute for International Law and Human Rights, wrote that ‘USCIRF reports that the Yezidi population has fallen from around 700,000 in 2005, to approximately 500,000 [in 2013].’<sup>449</sup> IOM wrote in 2019, that estimates on the number of Yazidis ‘in northern Iraq hover between 400 000 and 500 000.’<sup>450</sup>

Yazidis identify themselves first by religion and then by ethnicity.<sup>451</sup> Under the Islamic belief, Yazidis are not considered to be ‘People of the Book’. This distinction excludes the Yazidis

<sup>437</sup> Yazidis are sometimes also referred to as Yezidis or Êzîdî. Allison, C., The Yazidis, n.d., [url](#), p. 2

<sup>438</sup> DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>439</sup> Savelsberg, E. et al, Effectively Urbanized, Yezidis in the Collective Towns of Sheikhan and Sinjar, 29 March 2010, [url](#), p. 1

<sup>440</sup> Savelsberg, E. et al, Effectively Urbanized, Yezidis in the Collective Towns of Sheikhan and Sinjar, 29 March 2010, [url](#), p. 10

<sup>441</sup> Savelsberg, E. et al, Effectively Urbanized, Yezidis in the Collective Towns of Sheikhan and Sinjar, 29 March 2010, [url](#), p. 2

<sup>442</sup> Savelsberg, E. et al, Effectively Urbanized, Yezidis in the Collective Towns of Sheikhan and Sinjar, 29 March 2010, [url](#), p. 10

<sup>443</sup> IOM, Iraq, Rural areas in Ninewa - Legacies of conflict on rural economies and communities in Sinjar and Ninewa Plains, 28 November 2019, [url](#), p. 8

<sup>444</sup> Also known as ‘Shingal’ in Kurdish. Kurdish Project (The), Sinjar (Shingal), n.d., [url](#)

<sup>445</sup> IOM, Iraq, Rural areas in Ninewa - Legacies of conflict on rural economies and communities in Sinjar and Ninewa Plains, 28 November 2019, [url](#), p. 8

<sup>446</sup> ISIL is also referred to as ISIS, IS or Da'esh. BBC, Isis, Isil, IS or Daesh? One group, many names, 2 December 2015, [url](#)

<sup>447</sup> PLOS, Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, 9 May 2017, [url](#), p. 3

<sup>448</sup> Pew Research Center, Iraqi Yazidis: Hazy population numbers and a history of persecution, 12 August 2014, [url](#)

<sup>449</sup> Institute for International Law and Human Rights, Iraq's Minorities and Other Vulnerable Groups, Legal Framework, Documentation and Human Rights, May 2013, [url](#), p. 148

<sup>450</sup> IOM Iraq, Rural areas in Ninewa - Legacies of conflict on rural economies and communities in Sinjar and Ninewa Plains, 28 November 2019, [url](#), p. 14

<sup>451</sup> IOM, Understanding ethno-religious groups in Iraq: Displacement and Return, February 2019, [url](#), p. 26



from ‘the protection of religious edicts that exhort Muslim believers not to kill “people of the book.”’<sup>452</sup>

The Iraqi constitution under Article 2, identifies Islam as the nation’s official religion and stipulates that ‘no law may be enacted that contradicts the established provisions of Islam,’ while furthermore mentioning that the ‘constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as [...] Yazidis.’<sup>453</sup>

For more background information on Yazidis in Iraq see [EASO’s COI Query - Iraq - What is the security context and treatment of Yazidis in Iraq](#).

### 4.3.1 General situation of Yazidis in Iraq and the KRI

#### Situation of Yazidi IDPs

According to the International Organisation for Migration (IOM) and Al-Monitor, in 2021 around 200 000 Yazidis remained displaced.<sup>454</sup> The Iraqi writer Hamad Shehab Ahmad, writing for the Tehran Times in August 2021, said that ‘more than 70 % of the Yazidis are still displaced and living in camps in the Kurdistan Region of Iraq’ and they are unable to return to Iraq’s Sinjar district due to lack of services, security issues and bureaucratic hurdles.<sup>455</sup> The Newlines Institute described the economic and security situation in Ninewa as ‘very bad’ and added that ‘economic offices are involved in selling land belonging to the families of those involved with ISIS and the land and farms of [...] Yazidis who left Iraq.’<sup>456</sup>

As regards the situation in IDP camps, the Washington Institute wrote in March 2021, that ‘most internally displaced Yazidis feel that living conditions in the camps are difficult and that the deteriorating economic situation in the Kurdistan region has significantly affected their lives, exacerbating poverty in the camps that has in turn led to higher incidences of suicide, domestic violence, and abandonment of children.’<sup>457</sup>

The USDOS stated that many of the women and children formerly held in ISIS captivity, were ‘pregnant as a result of rape, forced marriage, and sex trafficking; these women and girls, including IDPs among this population, remain highly vulnerable to various forms of exploitation, including re-trafficking’. The source added that ‘some Yezidi women and girls reportedly reside in Iraqi IDP camps or Al-Hawl camp in Syria where they continue to live with Sunni families that formerly exploited them under ISIS rule.’<sup>458</sup>

USDOS in its 2020 Report on International Religious Freedom for Iraq, wrote that ‘the KRG continued to actively support and fund the rescue of captured Yezidis and provide psychosocial support services at a center in Dohuk Province [in the KRI].’<sup>459</sup>

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<sup>452</sup> Yale MacMillan Center - Genocide Studies Program, Before it’s too late, June 2019, [url](#), p. 5

<sup>453</sup> Iraq, Constitution of the Republic of Iraq of the year 2005, 15 October 2005, Translated by: the National Authorities, [url](#)

<sup>454</sup> IOM, Six years after the Yazidi genocide, investment in services is crucial for returning Yazidi families, 16 July 2020, [url](#); Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>455</sup> Tehran Times (The), More than 70% of the Yazidis are still displaced: Iraqi writer, 11 August 2021, [url](#)

<sup>456</sup> Newlines Institute, A Thousand Hezbollah’s, May 2021, [url](#), p. 39

<sup>457</sup> The Washington Institute, Tensions in Sinjar Continue to Threaten Yazidis’ Return, 2 March 2021, [url](#)

<sup>458</sup> USDOS, 2021 Trafficking in Persons Report: Iraq, 2021, [url](#)

<sup>459</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 13





Although the Iraqi government vowed to help Yazidi survivors, Jane Arraf, an NPR correspondent, reported that ‘little concrete help’ has been provided to Yazidi returnees.<sup>460</sup> Another source, the Yazidi activist Shahab Ahmed, ‘emphasize[d] on the Yazidi disappointment towards the lack of the Iraqi governmental efforts to facilitate the Yazidi IDPs return to Sinjar’; he stated that most Yazidis are unable to return and that the Iraqi government ‘did not even cover the transportation costs for the returning families.’<sup>461</sup>

### Security situation in Sinjar

The Washington Institute wrote that ‘tensions continue to simmer in Sinjar’ region.<sup>462</sup> The Istituto Affari Internazionali (IAI) noted that the security situation around Sinjar ‘remains complex and menacing.’<sup>463</sup> The area is of strategic interest; it has been disputed between the Kurdish Regional Government (KRG) and the Iraqi central government.<sup>464</sup> Al-Monitor also classified the security situation as fragile and informed that armed extremists’ groups remain in Sinjar’s mountain region.<sup>465</sup>

On 1 March 2021, Al-Monitor stated that the Kurdistan Workers’ Party (PKK), who settled in Sinjar’s region to fight ISIL, has been attacked by Turkey.<sup>466</sup> In a report published on 10 March 2021, IAI observed that both the PKK and spill overs from the war in Syria worsened the security situation around Sinjar. The same source further reported, that ‘Sinjar district has been witnessing airstrikes by the US-led anti-IS international coalition forces, intra-Kurdish clashes, military confrontations between Iran-backed Iraqi militias and Kurdish armed forces, the return of the Iraqi army and federal police and, last but not least, intensified Turkish bombardment of PKK positions.’<sup>467</sup>

Kirkuk Now reported in February 2021, that ‘three more brigades of pro-Shiite Popular Mobilization Forces PMF have been deployed in Shingal, west of Mosul [...] to confront any sudden offensive by Turkey in Iraq.’ Kirkuk Now reported that in Sinjar five different security forces are present: ‘the PMF, pro-PKK Shingal Protection Units (YBS), local Police, Iraqi Security Forces (ISF), and KRG’s Yazidkhan Peshmerga.’<sup>468</sup>

In October 2020, Al-Monitor reported that the YBS was ‘targeted by Turkish forces in Iraq for its connection with the Kurdistan Workers Party [PKK].’<sup>469</sup> According to Al-Monitor, the YBS, ‘an officially recognized forced by the Iraqi government and registered as part of the Popular Mobilization Units (PMU)’, continued to be shelled by Turkey. The source explained that ‘YBS members are Iraqi Yazidis from Sinjar.’<sup>470</sup> Jamil Mohsen Barakat, a researcher on Yazidi affairs stated that ‘the actual influence of the PKK within the Yazidi community and on the YBS in particular needs further analysis’ - the YBS has a religious base while the PPK does not have a religious base.<sup>471</sup>

<sup>460</sup> NPR, A Yazidi Survivor’s Struggle Shows The Pain Endures After ISIS Attack, 8 August 2020, [url](#)

<sup>461</sup> IRAM, Iraq’s Yazidi Existential Crisis Amidst Sinjar’s Hyper-militarization, 24 March 2021, [url](#)

<sup>462</sup> Washington Institute (The), Tensions in Sinjar Continue to Threaten Yazidis’ Return, 2 March 2021, [url](#)

<sup>463</sup> IAI, Iraq’s Yazidis: Among the World’s Most Threatened Minorities, 10 March 2021, [url](#), p. 3

<sup>464</sup> IAI, Iraq’s Yazidis: Among the World’s Most Threatened Minorities, 10 March 2021, [url](#), p. 3

<sup>465</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>466</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>467</sup> IAI, Iraq’s Yazidis: Among the World’s Most Threatened Minorities, 10 March 2021, [url](#), p. 3

<sup>468</sup> Kirkuk Now, PMF doubles troops in Shingal to face probable Turkey Offensive, 12 February 2021, [url](#)

<sup>469</sup> Al-Monitor, Turkey targets Yazidi militia in Iraq over PKK links, 6 October 2020, [url](#)

<sup>470</sup> Al-Monitor, Turkey targets Yazidi militia in Iraq over PKK links, 6 October 2020, [url](#)

<sup>471</sup> Al-Monitor, Turkey targets Yazidi militia in Iraq over PKK links, 6 October 2020, [url](#)



The PKK, making use of a power vacuum, increased its influence along the Iraqi-Syrian border. Additionally, the PKK's 'ideological and organizational ties with local groups, such as the People Protection Units (YPG) in Syria and Sinjar Resistance Units (YBS) in Iraq, enabled it to exert security and political influence.'<sup>472</sup> According to the Carnegie Middle East Center, since 2010, Al-Faw, an Iraqi-Syrian border crossing, was used as an entry point 'between northern and southern Sinjar on the Iraqi side [...] and al-Hawl subdistrict' in Syria. According to the same source, 'PKK-affiliated elements used it to secure a safe corridor to Syria for tens of thousands of Yazidis who fled the Islamic State's onslaught on Sinjar, allowing the refugees to travel to Duhok.' This led to a boosted presence of both, the PKK and the YBS near Al-Faw.<sup>473</sup>

In October 2019, Iraq's central government and the KRI reached common ground, resulting in a security agreement - the Sinjar agreement<sup>474</sup> - with the aim to expel the PKK from Sinjar district and surrounding areas.<sup>475</sup> The agreement would allow for 'a safe return of thousands of Yazidi refugees', however the PKK, 'a number of pro-PKK Yazidi militias' and the Iraqi Popular Mobilization Forces (PMF) rejected the Sinjar agreement.<sup>476</sup> The Center for Iranian Studies in Ankara (IRAM) noted that Sinjar area continued to experience 'geopolitical escalations.' When Yazidi families considered returning, the situation re-escalated and Sinjar area witnessed the 'deployment of many Iran-backed groups from the PMU - a move that undermines the most recent Sinjar Agreement.'<sup>477</sup> DW wrote in an article published in August 2020, that

'IS fighters are still hiding in the region, Kurdish and Shi'ite militias are fighting there, and the Turkish military has come into play. In late June [2020], [...] Turkey] attacked militias there with fighter planes. One hundred and fifty families had just then decided to leave the camps and return to their villages. One day later everything had been turned to rubble.'<sup>478</sup>

In addition to the complex security and political situation, the Yazidi community is also geographically scattered and internally divided. Not all Yazidis are in favour of Mir Hazim Tahsin Beg, who in 2020, became 'the religious-political leader of the Yazidi community' thus undermining his leadership. Yazidis in Sinjar proclaimed another leader. These divisions are 'weakening traditional leadership and the Yazidi community's social and spiritual ties.'<sup>479</sup>

### 4.3.2 Treatment of Yazidis in Iraq and in the KRI

With regards to Yazidi's political representation, DFAT noted that Iraq's legislative branch of the government 'consists of an elected Council of Representatives.'<sup>480</sup> Out of the total 329 seats, 9 seats were designated to minorities, out of which one seat was designated to the

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<sup>472</sup> Carnegie Middle East Center, The Making of the Kurdish Frontier: Power, Conflict, and Governance in the Iraqi-Syrian Borderlands, March 2021, [url](#), p. 1

<sup>473</sup> Carnegie Middle East Center, The Making of the Kurdish Frontier: Power, Conflict, and Governance in the Iraqi-Syrian Borderlands, March 2021, [url](#), pp. 8, 11

<sup>474</sup> Daily Sabah, Sinjar agreement not implemented yet, KRG PM Barzani says, 10 February 2021, [url](#)

<sup>475</sup> Kirkuknow, Content of the Baghdad-Erbil Agreement on Shingal, 10 October 2020, [url](#)

<sup>476</sup> IAI, Iraq's Yazidis: Among the World's Most Threatened Minorities, 10 March 2021, [url](#), p. 3

<sup>477</sup> IRAM, Iraq's Yazidi Existential Crisis Amidst Sinjar's Hyper-militarization, 24 March 2021, [url](#)

<sup>478</sup> DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>479</sup> IAI, Iraq's Yazidis: Among the World's Most Threatened Minorities, 10 March 2021, [url](#), p. 4

<sup>480</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 17



Yazidi community.<sup>481</sup> DFAT further noted, that ‘Yazidi advocates, considering the number of their community, pressed the Federal Supreme Court in 2018 to hold a ruling, resulting in the Supreme Courts’ decision, that ‘the Yazidi should have additional parliamentary representation.’ As of 2020 no consensus regarding Yazidis’ parliamentary representation was reached within the Parliament.<sup>482</sup>

In May 2021, the UN investigation team concluded that the crimes committed by ISIL during its rule against the Yazidi community constituted a genocide, as the UN established that ‘clear and convincing evidence’ was available to support their finding.<sup>483</sup> In March 2021, Al-Monitor reported that ‘in total, at least 10,000 Yazidis were killed or abducted by the Islamic State’ (IS).<sup>484</sup> The Irish Times and DW stated that 10 000 Yazidis were killed.<sup>485</sup> Moreover, approximately 7 000 Yazidi women and girls were abducted according to DW, Reuters and The Irish Times.<sup>486</sup> The New York Times mentioned a slightly lower number of abducted Yazidis as the source wrote that ISIL captured 6 000 women and girls.<sup>487</sup> Reuters and the New York Times mentioned that 3 000 Yazidis were killed.<sup>488</sup> With reference to targeting by ISIL, The Irish Times summarised that

‘nearly 2,000 Yazidi children suffered indoctrination, rape, torture, starvation, and slavery at the hands of the terror group. Boys were forced to serve as child soldiers and girls to “marry” Islamic State fighters. Children were denied schooling and compelled to abandon their Yazidi faith by adopting Islam.’<sup>489</sup>

Both DW and The Irish Times noted the discovery of ‘more than 70 mass graves.’<sup>490</sup> In October 2020, the UN reported that the Iraqi government ‘resumed the exhumations of mass graves’ in Ninewa Governorate, while the government ‘plans to open all mass graves.’<sup>491</sup> The USDOS reported in October 2021 that ‘the number of [Yazidi] people [...] [ISIL] killed remains unknown, and discoveries of mass graves continue.’<sup>492</sup> In March 2021, IAI claimed that ‘almost none of the Islamic State perpetrators of the Yazidi genocide have been brought to justice.’<sup>493</sup>

The USDOS reported that Yazidis in the KRI faced discrimination if they did not identify as Kurdish, as ‘only those Yazidis who identified publicly as Kurdish could obtain senior positions in the IKR [KRI] leadership.’<sup>494</sup> DFAT noted, that ‘a number of religious minority communities [including the Yazidis] have reported cases of discrimination from KRG authorities in territories

<sup>481</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 17; ORSAM, Early Parliamentary elections in Iraq and Nineveh, September 2021, [url](#)

<sup>482</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 17

<sup>483</sup> UN, ISIL crimes against Yazidis constitute genocide, UN investigation team finds, 10 May 2021, [url](#)

<sup>484</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>485</sup> Irish Times (The), Yazidi children still traumatised by ordeal at hands of Isis, 4 August 2020, [url](#); DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>486</sup> DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#); Irish Times (The), Yazidi children still traumatised by ordeal at hands of Isis, 4 August 2020, [url](#); Reuters, Seven years on, Yazidi survivor buries father slain by Islamic State, 8 February 2021, [url](#)

<sup>487</sup> New York Times (The), 3 000 Yazidis Are Still Missing. Their Families Know Where Some of Them Are, 3 October 2021, available by subscription at [url](#)

<sup>488</sup> Reuters, Seven years on, Yazidi survivor buries father slain by Islamic State, 8 February 2021, [url](#); New York Times (The), 3 000 Yazidis Are Still Missing. Their Families Know Where Some of Them Are, 3 October 2021, available by subscription at [url](#)

<sup>489</sup> Irish Times (The), Yazidi children still traumatised by ordeal at hands of Isis, 4 August 2020, [url](#)

<sup>490</sup> Irish Times (The), Yazidi children still traumatised by ordeal at hands of Isis, 4 August 2020, [url](#); DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>491</sup> UN News, Government of Iraq Resumes Exhumation Activities; Opens Two New Yazidi Mass Graves from ISIL, 28 October 2020, [url](#)

<sup>492</sup> USDOS, Statement on Missing Yazidi Women and Children, 18 October 2021, [url](#)

<sup>493</sup> IAI, Iraq's Yazidis: Among the World's Most Threatened Minorities, 10 March 2021, [url](#), p.2

<sup>494</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 13



claimed by both the central government and KRG, particularly in relation to land and property disputes.<sup>495</sup>

The USDOS stated in May 2021 that ‘the Yazidi community in Sinjar District reported [...] that the Kurdistan Workers Party (PKK) had kidnapped hundreds of Yazidi children with the aim of recruiting them in the years since ISIS was defeated in Sinjar in 2015 and that 70 children were still missing.’<sup>496</sup> According to the USODS, by 2020, ‘authorities in the KRG’s Yazidi Rescue Coordinating Office reported 2,874 Yazidis, mainly women and children, were still missing both inside and outside the country, compared with up to 3,000 reported missing in 2019.’<sup>497</sup> Forbes reported in September 2021 that in total ‘2,763 Yazidi women and children’ remain missing in while it is unclear how many of them are still alive.<sup>498</sup> In Sinjar district, on 9 November 2020 anti-PPK demonstrations by Yazidis who ‘demanded the release of their kidnapped children’ reportedly took place.<sup>499</sup>

Human rights observers cited in DFAT report, noted that the YBS and the People’s Defence Forces (HPG), militias operating in Sinjar and the KRI, recruited children.<sup>500</sup>

UNOCHA pointed out that missing, destroyed and damaged identification documents as well as a ‘legacy of discriminatory policies’ towards the Yazidi community, often makes it hard for Yazidis to prove land ownership or to occupy land rights.<sup>501</sup> In 2020, USCIRF reported that ‘the Yazidi community continued to face severe challenges to reclaiming its homeland along with its religious and ethnic identity.’<sup>502</sup>

In April 2021, the Daily Sabah reported that Yazidis were prevented from returning home to Sinjar region by the PKK. The source wrote that ‘Yazidi people living in the camps in Duhok widely believe that the Sinjar district is still not a safe place to return due to the PKK’s presence in the region.’ The same source reported on an incident in which Yazidis who were abducted by the PKK were later tortured by members of the PKK.<sup>503</sup> According to another source, Yazidis faced challenges by the PMF upon their return. The Newlines Institute wrote that ‘even though some [...] Yazidis returned after the liberation operations, PMF forces refused to give up the farms on the pretext of using them to combat ISIS cells.’<sup>504</sup>

### 4.3.3 Situation of Yazidi women and children

Amnesty International wrote that ISIL separated married and unmarried women, as well as girls aged 9 and older and boys aged 12 and older from their mothers.<sup>505</sup> Yazidi women and girls aged nine years and older, were considered to be ISIL’s property.<sup>506</sup> According to Samar El-Masri, researcher on ethnic conflict resolution and women’s rights, Yazidi women and girls

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<sup>495</sup> Australia, DFAT, DFAT Country information report Iraq, 17 August 2020, [url](#), p. 28

<sup>496</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#)

<sup>497</sup> USDOS, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), p. 13

<sup>498</sup> Forbes, The Missing Yazidis Women And Children Must Be Located And Rescued, 25 September 2021, [url](#)

<sup>499</sup> Daily Sabah, Yazidi families stage anti-PKK protests, demand return of their children in Iraq’s Sinjar, 9 November 2020, [url](#)

<sup>500</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 47

<sup>501</sup> UNOCHA Iraq, Humanitarian Bulletin, April 2021, available at [url](#), pp. 1-2

<sup>502</sup> USCIRF, Iraq Annual Report, 2021, [url](#), p. 75

<sup>503</sup> Daily Sabah, PKK presence prevents Yazidis’ return to Sinjar: Turkish envoy, 2 April 2021, [url](#)

<sup>504</sup> Newlines Institute, A Thousand Hezbollah’s, May 2021, [url](#), p. 39

<sup>505</sup> Al, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 13-14

<sup>506</sup> UN News, Remarks of Under-Secretary-General Pramila Patten at the Free Yazidi Foundation Panel on Genocide and Recovery for the Commemoration of the Sinjar Massacre of 3 August 2014, 3 August 2020, [url](#); UN Commission of Inquiry on Syria, They came to destroy, 15 June 2016, [url](#), para. 54; Al, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of IS, 29 July 2020, [url](#), p. 14



were sold as sexual slaves by ISIL. ISIL considered them ‘commodities that were in need of regulation and oversight.’ El-Masri stated that ‘sexual slavery against Yazidi women and girls was extreme because it was organized, deeply institutionalised, legalized, and legitimized in ISIL-controlled territory’.<sup>507</sup>

After becoming ISIL’s property, Yazidi women and girls faced different acts of sexual violence, including rape and torture, they lacked adequate food and were ‘used’ as domestic servants, while ‘in some rare cases Yezidi women and older girls were forced to marry IS members.’<sup>508</sup> Many children witnessed violence and abuse against their mothers. Younger boys, aged seven to twelve, were separated from their mothers and transferred to military camps where they faced indoctrination by ISIL, beating and torture. Young boys received military training, served as human shields and had to fight at the frontline.<sup>509</sup> Additionally, Amnesty International noted that Yazidi children under ISIL captivity ‘were also forced to turn their backs on their native language, religion, and identity [... and] propaganda videos to which they were regularly exposed contained specific instructions on how to kill *kuffar*, or infidels, such as the Yezidis.’<sup>510</sup>

On 1 March 2021, the Iraqi parliament passed a new law, the ‘Yazidi [Female] Survivors Bill (the Bill)’ with the goal to assist survivors of the Daesh<sup>511</sup> atrocities.<sup>512</sup> Al-Monitor, citing the Yazidi Nobel laureate Nadia Murad, stated that the Yazidi Survivors Bill was a landmark bill as it formally recognised the sexual abuse ‘and the trauma of sexual violence’ that Yazidi women had faced and provided for compensation and rehabilitation for survivors.<sup>513</sup> The Yazidi Survivors Bill created ‘a new directorate for survivor’s affairs and a civil court’ in Ninewa and outlined the ‘punishment for people involved in abduction and sexual crimes.’<sup>514</sup> The UN observed that

‘after the enactment of the Yazidi Female Survivors Law on 1 March, the Council of Ministers established a General Directorate of Yazidi Survivors Affairs under the Federal Ministry of Labour and Social Affairs in May and appointed a Yazidi female lawyer as Director General [...] in accordance with article 11 of the Law, the General Secretariat of the Council of Ministers, supported by the International Organization for Migration, initiated the development of by-laws to facilitate its implementation, including by ensuring that the law prioritizes the needs of survivors.’<sup>515</sup>

For the first time, the bill established a framework for reparations in various forms for ISIL survivors.<sup>516</sup> With regards to compensation, the bill ‘provides for, among other assistance, a monthly salary, a plot of land or housing unit, support to re-enter school, and access to

<sup>507</sup> El-Masri, S., The Failure of National Prosecution to Bring Justice to Yazidi Victims of Sexual Slavery, 29 April 2021, [url](#)

<sup>508</sup> Al, Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS, 29 July 2020, [url](#), p. 14

<sup>509</sup> Al, Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 13-15

<sup>510</sup> Al, Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS, 29 July 2020, [url](#), p. 32

<sup>511</sup> IS/ISIL is also referred to as Daesh. ‘In 2014, Daesh, a terror organization, unleashed genocidal atrocities against religious minorities: Yazidis, Christians and others.’ Forbes, Iraq Adopts New Law To Assist Survivors Of The Daesh Genocide, 4 March 2021, [url](#); DW, Iraq’s Yazidis warn of ongoing threats from extremists, 26 March 2021, [url](#)

<sup>512</sup> Al Jazeera, We do not accept those children’: Yazidis forbid ISIL offspring, 24 March 2021, [url](#); UN News, New Iraqi law ‘major step’ in assisting ISIL’s female victims but more must be done, 21 April 2021, [url](#)

<sup>513</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>514</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>515</sup> UN Security Council, Implementation of resolution 2576 (2021), 3 August 2021, [url](#), para. 63

<sup>516</sup> UN News, Iraq: ‘Moral obligation’ to ensure justice for Yazidi and other survivors of ISIL crimes, 30 September 2021, [url](#); Reuters, Six years on: Yazidi survivors see ‘only empty promises’ in aftermath of massacre, 4 August 2020, [url](#); Al Jazeera, Iraq’s reparations law for Yazidi survivors is a positive step, 28 June 2021, [url](#)



psychosocial and other health services.<sup>517</sup> While Al Jazeera noted that although the ‘Yazidi (Female) Survivors Law [...] formally recognised the Yazidi genocide, [...] called for compensation, rehabilitation, and education [...] it does not address the fate of the children born to ISIL fathers.’<sup>518</sup> Al-Monitor also mentioned this shortcoming and wrote that the bill was limited to women and should have included boys and men.<sup>519</sup> According to Al-Monitor, members of the Yazidi community recognised the importance of the bill, yet they underlined the continued needs for support and indicated that the bill would not solve all their problems and the implementation of the law remains a challenge due to lack of public services, security and infrastructure in Sinjar.<sup>520</sup>

Many Yazidis escaped captivity through the help of smugglers by paying ransom to ISIL or a smuggler or the family capturing them, or to all of them. With ransoms paid, this left many Yazidi families indebted. Although the KRG established a fund to reimburse these families, reimbursement payments have been delayed or not made at all.<sup>521</sup>

According to NPR, within the Yazidi community, societal attitudes and traditions persist; ‘the closed Yazidi community doesn’t accept children fathered by ISIS [...] Under Yazidi religious law, only a child born to two members of the faith can be considered Yazidi.’ A mother, freed from ISIL in Syria, who returned to the KRI, told NPR that her child was called a daughter of ISIS and people threatened to kill either her child or both of them. Moreover, despite the fact that Yazidi religious leaders announced that ISIL-abducted survivors are to be respected, in practice, this was not always the case. A formerly ISIL-captured woman explained that upon return to her family in Iraq, she was insulted by her brother ‘for having been held as a slave.’<sup>522</sup> Yazidi women who had children with ISIS fighters, were, according to The Guardian in 2020, forced to leave their children behind in Syria upon return to Iraq as

‘their communities in Iraq have demanded they leave their children in Syria before they are accepted home. The forced separations have led to dozens of women being estranged from their children, some of whom they were told to hand over as soon as they gave birth. Nearly two years after the collapse of Isis, what to do with the children born to extremists, and how to reunite families created and broken in such circumstances, remains far from being resolved among Yazidi communities and Iraqi officials.’<sup>523</sup>

DFAT also stated that Yazidi women were forced to leave children behind and noted that ‘the Yazidi community frequently forced Yazidi women to give up to orphanages babies and children fathered by Da’esh fighters (through rape) [...] as a result, such children are without parents, identification, clear country of birth or settled nationality.’<sup>524</sup> The same source indicated that according to one Yazidi elder, children could even risk being killed if their mothers brought them back to their community.<sup>525</sup> Approximately 30 children remain in orphanages in northeastern Syria as their mothers either gave them up or were too afraid to ask about them.<sup>526</sup>

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<sup>517</sup> Al Jazeera, Iraq’s reparations law for Yazidi survivors is a positive step, 28 June 2021, [url](#)

<sup>518</sup> Al Jazeera, We do not accept those children: Yazidis forbid ISIL offspring, 24 March 2021, [url](#)

<sup>519</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>520</sup> Al-Monitor, Iraq passes law addressing women survivors of Yazidi genocide, 1 March 2021, [url](#)

<sup>521</sup> Al, Legacy of Terror, The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 16-17

<sup>522</sup> NPR, A Yazidi Survivor’s Struggle Shows The Pain That Endures After ISIS Attack, 8 August 2020, [url](#)

<sup>523</sup> Guardian (The), After Isis, Yazidi women forced to leave their children behind, 16 October 2020, [url](#)

<sup>524</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 12

<sup>525</sup> New York Times (The), ISIS Forced Them Into Sexual Slavery, 12 March 2021, available by subscription at [url](#)

<sup>526</sup> New York Times (The), ISIS Forced Them Into Sexual Slavery, 12 March 2021, available by subscription at [url](#)





DW wrote in August 2020 that although some Yazidi children were liberated from ISIL captivity and sent to their families, they remained traumatised as they have been abused, tortured, forced into armed combat, humiliated, exploited, indoctrinated, kidnapped, and enslaved by ISIL.<sup>527</sup> Amnesty International outlined that trauma affected both girls and boys. Boys commonly forcibly became child soldiers; one former child soldier reported to Amnesty International that ‘he was beaten continually with cables and plastic pipes, he was starved and forced to fight.’<sup>528</sup>

Children fathered by ISIS fighters and born to Yazidi women who were forced to give them up, are without identification documents.<sup>529</sup> Caregivers of children born in captivity as a result of sexual violence and rape may face numerous challenges in obtaining documentation. Children born out of sexual violence were born in IS-controlled areas and therefore ‘lack officially-recognised civil documents.’ Under Iraqi law, proof of paternity is required for children born outside of marriages. However, this often represents a challenge, as according to UNICEF and UNAMI, ‘for children born of rape and sexual slavery, where proof of paternity may be impossible, the Iraqi law [as of 2020] does not have any provisions [...] which means that it can be extremely difficult or even impossible to register them.’<sup>530</sup>

According to outcomes from Amnesty International interviews, civil documentation was not existent when families were forced to flee, or it got lost when families fled their homes forcefully, or was absent because children were born in captivity.<sup>531</sup> Caregivers and NGO workers indicated that obtaining civil documentation can be costly, unsafe (as travel to certain unsafe areas may be required) and slow, while one female interviewee indicated that she was scared that ISIL would recognise her or her children, and one male interviewee indicated that he had spent 3 000 US Dollars<sup>532</sup> to obtain documents for his son.<sup>533</sup>

Yazidi mothers often faced challenges in registering their children in the ‘absence of a father.’<sup>534</sup> Under Iraqi law, children born with unregistered fathers or Muslim fathers, are registered as Muslim; further hindering the documentation process of these children. Yazidi tradition only allows Yazidis to marry Yazidis.<sup>535</sup> If they are registered as Muslim children, they would not qualify to be Yazidi children, which in turn could expel them from the Yazidi community and further ostracize them from their roots.<sup>536</sup>

The lack of civil documentation can result in a lack of access to education and school attendance, denied freedom of movement, inability to collect government food ration and the denial of other basic rights. While children without civil documentation are at risk of becoming stateless. There are several reasons why children might have to either get new documentation or replace or update existing civil documentation after they were freed from ISIL.<sup>537</sup> The UN and local and international NGOs are offering services to support the documentation for Yazidi children. While these services have brought progress, Amnesty

<sup>527</sup> DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>528</sup> DW, Yazidi children abused by 'IS' urgently need help, 3 August 2020, [url](#)

<sup>529</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 12

<sup>530</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020k, [url](#), pp. 33-35

<sup>531</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 33-35

<sup>532</sup> 2574,22 EUR according to the European Commission, InforEuro, 1 October 2021, [url](#)

<sup>533</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 33-35

<sup>534</sup> UN News, New Iraqi law ‘major step’ in assisting ISIL’s female victims but more must be done, 21 April 2021, [url](#)

<sup>535</sup> DW, Who are the Yazidis?, 10 April 2018, [url](#)

<sup>536</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020k, [url](#), pp. 33-35

<sup>537</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 33-35



International still heard of several children without documentation for whom these services were not reachable or inadequate or they were not aware of their existence at all.<sup>538</sup> For more information on the situation of children born in territories under ISIL control and who lack civil documentation, see [section 1.3.3](#) of this report.

According to the UN Protection cluster, lack of access to education and child labour represented some of the main threats affecting children in Iraq.<sup>539</sup> Amnesty International indicated that many Yazidi families who had to pay ransoms, on average between 5 000 - 20 000<sup>540</sup> USD<sup>541</sup> to release abducted family members, struggle to send their children to school and afford school-related costs. Many children previously held captive are missing several years of school. The UN, in cooperation with KRG's Ministry of Education and the Iraqi government are working on reintegrating these children into the education system. While efforts are in place to provide special programmes, barriers remain, such as access, language of instruction, bureaucratic hurdles, and transportation costs. Education provided is limited to primary level schooling. Additionally, former child soldiers often face difficulties attending school institutions due to experiences with ISIL 'institutions', which may have included beating and other physical and psychological harm.<sup>542</sup>

Amnesty International noted that Yazidi former child soldiers, indoctrinated by ISIL, continued to 'endure an isolated existence' even after return to their families as families struggle to recognise or acknowledge their experiences in captivity.<sup>543</sup> The language barrier presented one major obstacle to successful reintegration of child survivors of ISIL captivity. Children freed from ISIL's captivity and who returned to their family often were unable to speak or understand (Kurmanji) Kurdish, the language spoken by their families, as they spoke Arabic. Some Yazidi children abducted by foreign families spoke Turkish and English only. An exception to this situation were children who were only held captive for a short time or together with family members. According to Amnesty International, neither Amnesty International nor its interviewees were aware of any governmental or non-governmental support to deal with freed ISIS children's language barrier to reintegration.<sup>544</sup>

## 4.4 Palestinians

For information regarding the situation and targeting of Palestinians in Iraq, see the EASO query on [Palestinians in Iraq](#) published on 5 August 2021.

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<sup>538</sup> AI, Iraq: Legacy of Terror: The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 33-35

<sup>539</sup> Protection Cluster Iraq, Protection Monitoring System Report 1, February 2021, [url](#), p. 9

<sup>540</sup> According to Al Jazeera one woman reported the ransom pay of 20 000 US. Al Jazeera, Sold, whipped and raped: A Yazidi woman remembers ISIL captivity, 16 October 2020, [url](#)

<sup>541</sup> 4290.37 EUR to 17161.48 EUR according to the European Commission, InforEuro, 1 October 2021, [url](#)

<sup>542</sup> AI, Legacy of Terror, The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), pp. 29-31

<sup>543</sup> AI, Legacy of Terror, The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), p. 32

<sup>544</sup> AI, Legacy of Terror, The Plight of Yazidi Child Survivors of ISIS, 29 July 2020, [url](#), p. 28



## 5. Journalists, media workers and human rights activists

On several occasions, sources consulted during the drafting of this profile did not make clear distinction between journalists, media workers and human rights activists. Moreover, many of the incidents in which journalists, media workers and human rights activists were targeted were directly linked to protests and political activism. For information related to the targeting of protesters and political activists, please see [Chapter 3](#) of this report.

### 5.1 General situation of journalists and other media workers in Iraq and the KRI

The World Press Freedom Index for 2021 by Reporters Without Borders (Rapporteurs sans frontières, RSF) ranked Iraq 163<sup>rd</sup> out of 180 countries, which is one point down from 2020 and the lowest ranking since 2013, when Iraq held 150<sup>th</sup> place.<sup>545</sup> The Iraqi Constitution of 2005 guarantees ‘freedom of the press, printing, advertisement, media and publication’ if such ‘does not violate public order and morality’ (Art. 38).<sup>546</sup> As noted by RSF, reporting on ‘political or religious figures still regarded as untouchable could lead to prosecution or to media bans for disrespecting “national or religious symbols.”’<sup>547</sup> For the reporting period between January 2020 and October 2021, the sources noted that both the Government of Iraq and the KRG used their security forces to restrict broadcasting, shut television and radio channels, and threaten or target journalists.<sup>548</sup>

In 2020, the Press Freedom Advocacy Association in Iraq (PFAAI), as reported by local media, documented 305 cases of targeting of media workers in the country, including ‘assassination, arrest, detention, beating, obstruction of coverage, confiscation of photographic equipment, as well as attacks on or closure of media institutions.’<sup>549</sup> Most of these incidents reportedly occurred during protests and demonstrations.<sup>550</sup> According to the number of the cases documented by PFAAI, the highest number of incidents was registered in Baghdad and Kirkuk provinces, with 61 and 58 incidents respectively; in total, the violations were documented in 17 provinces.<sup>551</sup> In the period between 5 March 2020 and 2 May 2021, the PFAAI recorded 268 incidents of violence against journalists in 16 governorates, including the KRI, with 77 incidents registered in Baghdad, 36 in Kirkuk, and 29 in Basrah.<sup>552</sup> Despite the decrease in the number of protests, the PFAAI documented 141 incidents of prevention of

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<sup>545</sup> RSF, Iraq, accessed 26 October 2021, [url](#)

<sup>546</sup> Constitution, Iraq’s Constitution of 2005, n.d., [url](#)

<sup>547</sup> RSF, Iraq, accessed 26 October 2021, [url](#)

<sup>548</sup> HRW, “We Might Call You in at Any Time,” Free Speech Under Threat in Iraq, 15 June 2020, [url](#); USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 21; Cornish, C., Iraqi dreams of democracy fade with arrests of journalists, FT, 24 March 2021, [url](#)

<sup>549</sup> K24, Press freedom groups document over 300 violations in Iraq during 2020, 1 May 2021, [url](#)

<sup>550</sup> IWPR, Iraq: Radio Stations Fear for Future, 1 May 2021, [url](#)

<sup>551</sup> Kirkuk Now, 2020 was abysmal for press freedom in Iraq, 1 April 2021, [url](#); K24, Press freedom groups document over 300 violations in Iraq during 2020, 1 May 2021, [url](#)

<sup>552</sup> PFAAI, Media Observatory Report on the violations against Iraqi Journalists, n.d., [url](#), p. 9



coverage, including with the use of physical force, 63 incidents of arbitrary arrests and detentions, and ten armed attacks; 11 journalists were injured and two received threats.<sup>553</sup>

As underlined by RSF, killings of journalists remained frequently unpunished due to a lack of proper investigation or absence of investigation.<sup>554</sup> In its annual Global Impunity Index, the Committee to Protect Journalists (CPJ) ranked Iraq as the third highest country as regards impunity level with 21 unsolved murders of journalists between 1 September 2010 and 31 August 2020.<sup>555</sup>

### 5.1.1 Situation of journalists and media workers in Iraq

The situation of journalists and media workers was reported to have deteriorated since the eruption of anti-government protests in October 2019.<sup>556</sup> In September 2021, the Gulf Centre for Human Rights (GCHR)<sup>557</sup> reported that many Iraqi journalists feared for their safety because of ‘an increase in targeted violence’ against journalists ‘during the past two years,’ while the authorities ‘failed to implement measure to support journalists and protect the rights to freedom of expression both online and offline.’<sup>558</sup> Besides being subjected to censorship, journalists and media workers risked arbitrary arrests<sup>559</sup> and detention,<sup>560</sup> intimidation and attacks,<sup>561</sup> and abductions.<sup>562</sup> RSF reported that three journalists were killed in 2020 by a gunshot to the head by unidentified gunmen while covering the protests.<sup>563</sup> Relatives of journalists were reportedly targeted as well.<sup>564</sup>

As noted by USDOS in its Human Rights Report for 2020, journalists who covered sensitive topics, were threatened by various ‘nongovernmental and quasi-governmental actors, including militias outside of state control, terrorist groups, and criminal organizations.’<sup>565</sup>

### 5.1.2 Situation of journalists and media workers in the KRI

According to a joint report by UNAMI and UNOHCHR, published in May 2021, journalists and activists who worked in the KRI, faced threats and arbitrary arrests by the authorities. Most of the incidents were related to the attempts by the authorities to prevent media coverage of the protests and were recorded between March and August 2020.<sup>566</sup>

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<sup>553</sup> PFAAI, Baghdad: The Most Dangerous Area For Journalists, n.d., [url](#); PFAAI, Media Observatory Report on the violations against Iraqi Journalists, n.d., [url](#), pp. 5-7

<sup>554</sup> RSF, Iraq, accessed 26 October 2021, [url](#)

<sup>555</sup> CPJ, Getting Away with Murder, 28 October 2020, [url](#)

<sup>556</sup> HRW, “We Might Call You in at Any Time,” Free Speech Under Threat in Iraq, 15 June 2020, [url](#); IWPR, Iraq: Radio Stations Fear for Future, 1 May 2021, [url](#); RSF, Iraq, accessed 26 October 2021, [url](#)

<sup>557</sup> The GCHR is a Lebanon-based NGO, which documents the situation of human rights defenders in the Gulf region and neighbouring countries since 2011, see GCHR, webpage, [url](#)

<sup>558</sup> GCHR, Iraq: GCHR’s 18th Periodic Report on Human Rights Violations in Iraq, 19 September 2021, [url](#).

<sup>559</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 2

<sup>560</sup> Cornish, C., Iraqi dreams of democracy fade with arrests of journalists, FT, 24 March 2021, [url](#)

USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 2

<sup>561</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 22; RSF, Iraq, accessed 26 October 2021, [url](#)

<sup>562</sup> RSF, Iraq, n.d., 2021, [url](#); Cornish, C., Iraqi dreams of democracy fade with arrests of journalists, FT, 24 March 2021, [url](#)

<sup>563</sup> RSF, RSF’s 2020 Round-up: 50 journalists killed, two-thirds in countries “at peace,” updated 29 December 2020, [url](#)

<sup>564</sup> OMCT, Systematic Targeting of Human Rights Defenders, 26 May 2021, [url](#)

<sup>565</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 24

<sup>566</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 9. The report is based on 361 confidential interviews with ‘journalists, protesters, activists, arrested and detained individuals, family members of activists, lawyers, civil society organizations, KRG representatives and security officials, and other relevant sources with direct involvement or knowledge of the issues covered’ in the report; the interviews were conducted between 1 March 2020 and 30 April 2021, see p. 5.



In August 2020, the offices of the Kurdish Nalia Radio and Television (NRT) were closed down in Erbil and Dohuk, allegedly because the station was covering protests.<sup>567</sup> Both offices were reportedly raided by the *Asayish* forces, without any court documentation being presented, and remained closed for over a month.<sup>568</sup> According to a commentary made on 9 September 2020 by Dindar Zebari, KRG coordinator for international advocacy, ‘NRT violated the Article 2 of Law 12 of 2010, which bars encouraging a public disturbance or harming social harmony in accordance with IKR [KRI] law.’<sup>569</sup> In July 2021, PUK-affiliated security forces raided the headquarters of PUK co-president-owned iPlus TV channel in Sulaymaniyah,<sup>570</sup> which, as reported by Al-Monitor, reflected the Talabani family ‘power struggle’ over the leadership in PUK.<sup>571</sup> iPlus reported on the raid through its Facebook page, mentioning that the raid involved about 50 armed men, who kept the employees under arrest for about an hour, injuring some of them.<sup>572</sup>

RSF reported that in 2020 a journalist was killed in the KRI, while trying to escape clashes between protesters and the security forces.<sup>573</sup>

As reported by UNAMI and UNOHCHR, several cases of criminal proceedings were initiated in the KRI from March 2020 to 30 April 2021 against journalists and social media activists, who either covered the protests or wrote critical opinions about the KRI authorities.<sup>574</sup> According to the same report, ‘basic rights and procedural safeguards’ were either disrespected or limitedly respected during respective court trials.<sup>575</sup> In the overview for 2021, RFS noted that journalists were detained ‘on charges of spying or endangering state security’ after their confession was ‘extracted under torture or by means of threats.’<sup>576</sup>

## 5.2 Incidents of targeting journalists in Iraq and the KRI

### 5.2.1 Incidents of targeting journalists and media workers in Iraq

In January 2020, three journalists were killed while covering protests in Baghdad and Basrah.<sup>577</sup> On 10 January 2020, a correspondent of Dijlah TV, Ahmed Abdul Samad, and a cameraman of the same TV station, Safaa Ghali, were shot dead by unknown gunmen when they were driving in their car in Basrah after finishing reporting of a protest.<sup>578</sup> Four persons suspected in conducting the attack were reportedly arrested and detained on 13 February 2021.<sup>579</sup> On 20 January 2020, Yusuf Sattar, a photojournalist, was fatally shot in central Baghdad after the Iraqi security forces used tear gas and live bullets to disperse a protest.<sup>580</sup>

<sup>567</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 22

<sup>568</sup> HRW, Kurdish Region of Iraq: Media Offices Shut Down, 6 October 2020, [url](#)

<sup>569</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 22

<sup>570</sup> RSF, Authorities close RT bureau in Baghdad, new TV station in Sulaymaniyah, 15 July 2021, [url](#)

<sup>571</sup> Al-Monitor, Talabani family feud at center of power struggle in Iraqi Kurdistan Party, 14 July 2021, [url](#)

<sup>572</sup> iPlus, Facebook, 13 July 2021, [url](#)

<sup>573</sup> RSF, RSF’s 2020 Round-up: 50 journalists killed, two-thirds in countries “at peace,” updated 29 December 2020, [url](#)

<sup>574</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 10

<sup>575</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 4

<sup>576</sup> RFS, Iraq, n.d., [url](#)

<sup>577</sup> RSF, Iraq: Three journalists killed in January, murder attempt on fourth, 3 February 2020, [url](#)

<sup>578</sup> CPJ, Gunmen open fire on car, kill 2 Dijlah TV journalists at Iraq protest, 10 January 2020, [url](#); GCHR, Iraq: Prominent journalist Ahmed Abdul Samad and cameraman Safaa Ghali assassinated, 11 January 2020, [url](#)

<sup>579</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, May 2021, [url](#), p. 13

<sup>580</sup> Al Jazeera, ‘Here to stay’, vow Iraqi protesters as deadly violence surges, 20 January 2020, [url](#); ANHRI, Iraq: Iraqi security forces open fire on journalists... Photojournalist Youssef Sattar shot dead, 22 January 2020, [url](#)



Targeted killings of journalists and media workers and assassination attempts were reported in 2020 and 2021. On 29 January 2020, Mohammed Hussein al-Quraishy, a professor of journalism at Al-Mustansiriyah University and a member of the Iraqi Journalists Syndicate, was fatally shot by unknown gunmen in Baghdad's Banook neighbourhood.<sup>581</sup> On 11 February 2020, Nizar Thanoun, a journalist and chief executive officer of Al-Rasheed Satellite TV, was shot dead by unknown men on a motorcycle in front of his home on Al-Jamaa neighbourhood of western Baghdad.<sup>582</sup> On 6 July 2020, Hisham Al-Hashimi, a security analyst and researcher on armed groups in Iraq, who frequently appeared on Iraqi television, was shot dead near his home in the Zeyouneh area in Baghdad.<sup>583</sup> According to an Iraqi official, the person who killed Al-Hashimi was 'a police first lieutenant who occasionally worked for the Hashd al-Shaabi paramilitary's 47<sup>th</sup> Brigade' and was a Kata'ib Hezbollah (KH) member.<sup>584</sup> On 10 May 2021, Ahmed Hassan, a reporter of Al-Forat TV was critically injured after being shot twice in front of his home in Al-Diwaniya city.<sup>585</sup>

Journalists and bloggers were reported to have been threatened and slandered via the use of social networks; in some cases, the threats were followed by attacks.<sup>586</sup> As reported by USDOS, a reporter for Al-Sumaria satellite TV, Istiaq Adel, said she survived an attack after receiving several threatening text messages.<sup>587</sup>

On 4 September 2021, Ali Fadel, who has worked as a journalist for 20 years and collaborated with various local and foreign agencies, reported that his home in Shafra village in the Baqubah district in Diyala Governorate was targeted by a sound bomb, placed by unidentified gunmen in front of the house.<sup>588</sup> According to PFAAI, a probable reason for the attack was Fadel's reports in which he criticised the situation and the local government in Diyala.<sup>589</sup> GCHR reported that Fadel was using 'his Facebook page to post his personal opinions and comment on public issues that concern citizens.'<sup>590</sup>

Journalists were reported to have frequently faced abductions.<sup>591</sup> On 19 February 2020, journalist Raed Salam Dahham was reportedly abducted by unidentified armed men.<sup>592</sup> On 9 March 2020, journalist Tawfiq Al-Tamimi who worked for Al-Sabah, a newspaper issued by the Public Authority for Information and Communication was reportedly abducted by unknown armed men, who intercepted his car after he left his home in Ur neighborhood in Baghdad.<sup>593</sup> On 2 May 2021, journalist, poet, and civil society activist, Abbas Al-Rafi'i, who covered protests, was abducted by 'unidentified armed elements' in Karbala and released on 6 May 2021.<sup>594</sup> On 9 July 2021, freelance reporter and activist Ali Al-Mikdam was abducted after accepting an invitation to meet someone at a coffee shop in Karrada district, downtown Baghdad. The next evening, Al-Mikdam was found injured in Dora district in southern

<sup>581</sup> Iraq News Gazette, Baghdad journalism professor shot dead by unknown gunmen, 29 January 2020, [url](#)

<sup>582</sup> CPJ, Al-Rasheed TV CEO Nizar Thanoun shot and killed in Baghdad, 12 February 2020, [url](#)

<sup>583</sup> Al Jazeera, Iraq armed groups expert Hisham al-Hashemi shot dead in Baghdad, 6 July 2020, [url](#)

<sup>584</sup> MEE, Hisham al-Hashimi: Iraq's PM says analyst's killers arrested, 16 July 2021, [url](#)

<sup>585</sup> CPJ, Iraqi journalist Ahmed Hassan shot, critically wounded, 10 May 2021, [url](#)

<sup>586</sup> OMCT, Systematic Targeting of Human Rights Defenders, 26 May 2021, [url](#)

<sup>587</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 22

<sup>588</sup> GCHR, Iraq: GCHR's 18th Periodic Report on Human Rights Violations in Iraq, 14 September 2021, [url](#)

<sup>589</sup> PFAAI, Diyala Journalist Targeted by Sound Bomb, 4 September 2021, [url](#)

<sup>590</sup> GCHR, Iraq: GCHR's 18th Periodic Report on Human Rights Violations in Iraq, 14 September 2021, [url](#)

<sup>591</sup> MEE, Iraq: Journalist Ali Abdel Zahra recounts abduction days before elections, 13 October 2021, [url](#)

<sup>592</sup> GCHR, Iraq: Sixth periodic report on violations during popular demonstrations, 3 July 2020, [url](#)

<sup>593</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#); GCHR, Iraq: Sixth periodic report on violations during popular demonstrations, 3 July 2020, [url](#)

<sup>594</sup> UN Special Rapporteur on Human Rights Defenders, Iraq: Killing and kidnapping of Human Rights Defenders engaged in popular protest (joint communication), 11 October 2021, [url](#)





Baghdad.<sup>595</sup> In October 2021, journalist Ali Abdel Zahra was abducted in Sadr City district in Baghdad and was reportedly interrogated for two days about ‘his work on the elections and why, as a journalist, he seemed to “target certain candidates”’. Allegedly, he was also accused of ‘working against the country.’<sup>596</sup>

As reported by USDOS in its report covering 2020, ‘militias and government officials used arrest warrants in defamation cases to intimidate, silence, and in some instances apparently “flush out” activists and journalists from hiding.’<sup>597</sup> Under the Iraqi legislation, defamation can be punishable by imprisonment and/or financial compensation.<sup>598</sup> In October 2020, a defamation complaint by Harakat Al-Nujaba, an Iran-backed militia, against Suadad al-Salihi, a Middle East Eye (MEE) correspondent who reported on their activities, led to an arrest warrant against the journalist issued by Baghdad’s Karrada Investigative Court.<sup>599</sup> In March 2021, on the charges of defamation of public authorities<sup>600</sup>, the Supreme Judicial Council in Baghdad issued an arrest warrant for political analyst, lawyer, and journalist Ibrahim al-Sumaidaie<sup>601</sup> and political analyst Yahya al-Kubaisi.<sup>602</sup>

## 5.2.2 Incidents of targeting of journalists and media workers in the KRI

RSF reported that a journalist was killed in the KRI, while trying to escape clashes between protesters and the security forces.<sup>603</sup>

Reporting on the situation in the KRI, UNAMI and UNOHCHR reported on ‘a pattern’, in which journalists, human rights defenders, and other civil society activists were arrested by the KRG following their publications or online posts as well as after attending or covering protests.<sup>604</sup> As noted by Amnesty International (AI), a wave of arrests of ‘tens of protesters, activists, journalists, and individuals who may have been bystanders during a protest’, took place in January 2020 in Duhok Governorate. Thus, a journalist and two online activists were arrested by the *Asayish* in the area of Baadre in Duhok Governorate, while they allegedly were heading to join a demonstration.<sup>605</sup> Journalists who were covering the protests, were arrested in the towns of Zakho, Duhok,<sup>606</sup> Erbil, Sulaymaniyah, and Baziyan.<sup>607</sup> For instance, on 19 August 2020, a reporter was arbitrarily arrested while covering a truck drivers’ protest at a border crossing point in Duhok. Reportedly, he was detained by the KRI security forces for ten days ‘without being brought before an investigating judge’ while he was also refused communication with his lawyer and family, before being released on 30 August 2020.<sup>608</sup>

In August 2020, the journalist Omed Baroshki was arrested after criticising the KRI authorities on social media<sup>609</sup> and sentenced to one year in prison in June 2021.<sup>610</sup> In September 2021,

<sup>595</sup> CPJ, Iraqi freelance journalist Ali al-Mikdam abducted, found beaten, 13 July 2021, [url](#)

<sup>596</sup> MEE, Iraq: Journalist Ali Abdel Zahra recounts abduction days before elections, 13 October 2021, [url](#)

<sup>597</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 24

<sup>598</sup> Rudaw, Media coalition demands Iraq retract arrest warrant of journalist Suadad al-Salhy, 26 October 2020, [url](#)

<sup>599</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 24

<sup>600</sup> Cornish, C., Iraqi dreams of democracy fade with arrests of journalists, FT, 24 March 2021, [url](#)

<sup>601</sup> Shafaq News, The Political Analyst Ibrahim Al-Sumaidaie to be released on Monday, 30 March 2021, [url](#)

<sup>602</sup> CNN, Arrest warrants for two Iraqi government critics spark outrage, 22 March 2021, [url](#)

<sup>603</sup> RSF, RSF’s 2020 Round-up: 50 journalists killed, two-thirds in countries “at peace,” 29 December 2020, [url](#)

<sup>604</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 9

<sup>605</sup> AI, Iraq/Kurdistan Region-Iraq: Journalists must be released immediately, 26 February 2021, [url](#), p. 2

<sup>606</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 9

<sup>607</sup> Kirkuk Now, 2020 was abysmal for press freedom in Iraq, 1 April 2021, [url](#)

<sup>608</sup> UNAMI and UN OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 9

<sup>609</sup> RSF, Three jailed reporters charged with “undermining national security”, 16 February 2021, [url](#)

<sup>610</sup> CPJ, Iraqi Kurdish Court Extends Journalist Omed Baroshky’s Prison Sentence by 1 Year, 23 September 2021, [url](#)



Baroshki was ‘found guilty on two counts of defamation, one for comments about Duhok’s provincial government and the other about the Duhok Police’, for which he was additionally sentenced to six months in prison on each charge.<sup>611</sup>

On 22 September 2020, the journalist Bahroz Jaafar was detained for defamation charges in Sulaymaniyah, after writing an editorial in which he criticized Iraq’s President Bahram Saleh.<sup>612</sup> In October 2020, the *Asayish* arrested Sherwan Ameen Sherwani, a freelancer journalist, in Erbil and Kohidar Mohammed Zebari, a journalist working for Wilat News in KRI,<sup>613</sup> in Akré. After being transferred to a prison in Erbil, both journalists, according to their lawyers, were allegedly subjected to acts of ill-treatment and intimidation and were denied access to their lawyers during the interrogations.<sup>614</sup> In February 2021, the Erbil Criminal Court, in a joint trial, found Sherwani, Zebari and the journalist and activist Ayaz Karam Bruji, as well as two other activists, guilty of ‘undermining national security’, and sentenced them in a joint trial to six years in prison.<sup>615</sup>

In January 2021, a reporter of Roj News, Qahraman Shukri, was arrested after criticising the KRI authorities in social media posts and ‘sentenced to seven years in prison in June without any specific charge being brought against him.’<sup>616</sup> In June 2021, a court in Halabja city sentenced journalist and civil society activist Naseh Abdulrahim Rashid to six months in prison on the charges of ‘the misuse of social media and in accordance with Article (182) of the Code of Criminal Procedure’; as reported by GCHR, Rashid was writing on matters of corruption in the healthcare sector in Halabja Governorate.<sup>617</sup>

## 5.3 General situation of human rights activists in Iraq and the KRI

Based on information by government officials, representatives of NGOs, and media reports, USDOS noted that both the Iraqi central government and the KRG were arresting activists who expressed their critique of the authorities.<sup>618</sup> In December 2020, eight human rights organisations, including AI, FIDH, GCHR, and HRW, signed a petition, in which they called on the Iraqi authorities to investigate cases of detention, forcible disappearance, and killing ‘of dozens of Iraqi activists, journalists, lawyers, and other civil society members,’ which took place after October 2019, as well as to release the individuals arbitrary detained and ‘to bring to justice all those responsible for these acts.’<sup>619</sup>

### 5.3.1 The situation of human rights activists in Iraq

Human rights defenders were reported to have been targeted with assassination attempts, attacks, abductions, and arbitrary arrests and detentions.<sup>620</sup> According to the World Organisation Against Torture (OMCT), the targeting of human rights defenders in Iraq was

<sup>611</sup> NRT, Imprisoned Journalist Omed Baroshki Sentenced to Additional Year in Prison, 23 September 2021, [url](#)

<sup>612</sup> RSF, Iraqi Kurdish journalist jailed for defaming Iraq’s president, 25 September 2020, [url](#)

<sup>613</sup> Cornish, C., Iraqi dreams of democracy fade with arrests of journalists, FT, 24 March 2021, [url](#)

<sup>614</sup> OMCT, Iraq: Sentencing of journalists Sherwan Sherwani, Ayaz Karam Bruji and Kohdar Mohammed Amin Zebari, 26 February 2021, [url](#)

<sup>615</sup> RSF, Three jailed reporters charged with “undermining national security”, 16 February 2021, [url](#)

<sup>616</sup> RSF, Call for release of five journalists held in Iraqi Kurdistan, 29 September 2021, 1 October 2021, [url](#)

<sup>617</sup> GCHR, General: Iraqi Kurdistan: GCHR’s periodic report on human rights violations in the Kurdistan Region, 23 August 2021, [url](#)

<sup>618</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 21

<sup>619</sup> HRW, Iraq: End Impunity for Murders, Release All Kidnapped and Detained Peaceful Activists, 9 December 2021, [url](#)

<sup>620</sup> FIDH, Iraq and Iraqi Kurdistan: Systematic targeting of human rights defenders, 26 May 2021, [url](#)



related to protests that started across Iraq in October 2019 and involved incidents of attacks, killings, assaults, and threats by unidentified armed groups.<sup>621</sup> As noted by UNAMI and UNOHCHR in the report for October 2019 – April 2020, the targeting of protestors and political, civil, and/or human rights activists, comprising the incidents of targeted killings, abductions, and enforced disappearances, increased in October and November 2019.<sup>622</sup> The report further noted on a ‘pattern’ between killings by unidentified armed actors and a person’s belonging to one of the abovementioned profiles.<sup>623</sup>

In the period between 1 October 2019 and 21 March 2020, UNAMI reported on receiving 154 ‘allegations of missing protestors and human rights activists who were presumed to have been abducted or detained.’. Among these, it verified 99 incidents in which 123 missing persons were involved. UNAMI was able to confirm the whereabouts of 98 persons out of 123: ‘at least 28 individuals’ were reportedly abducted by militias, 33 were detained by the Iraqi Security Forces, and 37 persons did not provide UNAMI with details ‘mainly due to security concerns, including the risk of reprisal.’<sup>624</sup> In the update of the report and for the period between October 2019 and May 2021, UNAMI reported on having documented ‘premeditated killings and abductions targeting prominent protestors, activists, and other persons’, including ‘48 incidents of attempted or completed targeted killings,’ which largely consisted of attacks by unidentified gunmen and caused 32 deaths.<sup>625</sup>

According to ‘a legal advisor at an Iraqi human rights NGO,’ interviewed by USDOS, at least 75 human rights and political activists were abducted from protest squares and ‘held by unknown parties presumed to be Iranian-backed militias’ in 2020.<sup>626</sup> In its report for 2020, AI noted that at least 30 activists were killed by unidentified gunmen and PMU members in Baghdad, Nasiriyah, and Basrah while more than 30 others were injured.<sup>627</sup> As reported by Ali Al-Bayati, a member of the Iraqi High Commission of Human Rights, quoted by Rudaw in July 2021, there were 81 attempted killings of activists since the start of the anti-government protests in October 2019; 34 activists were killed.<sup>628</sup>

In July 2021, Amwaj Media quoted a Germany-based Iraqi activist who stated that the threats Iraqi activists were receiving were ‘continuous and announced publicly through media channels on Telegram or through various other social media platforms,’ with the names of activists being ‘explicitly mentioned.’<sup>629</sup>

### 5.3.2 The situation of human rights activists in the KRI

In the KRI, the targeting of civil society activists has been reported to intensify since August 2020.<sup>630</sup> As noted by AI in June 2021, the ‘crackdown’ on activists, as well as journalists and protesters, in the KRI included arbitrary arrests, lack of fair trial, and ill-treatment in

<sup>621</sup> OMCT, Iraq: Systematic targeting of human rights defenders, 21 May 2021, [url](#)

<sup>622</sup> UNAMI and OHCHR, Human Rights Violations and Abuses in the Context of Demonstrations in Iraq, October 2019 to April 2020, August 2020, [url](#), p. 13

<sup>623</sup> UNAMI and OHCHR, Human Rights Violations and Abuses in the Context of Demonstrations in Iraq, October 2019 to April 2020, August 2020, [url](#), p. 33

<sup>624</sup> UNAMI, Human Rights Special Report – Demonstrations in Iraq: 3rd update, Abductions, torture and enforced disappearances in the context of ongoing demonstrations in Iraq, 23 May 2020, [url](#), p. 2

<sup>625</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, May 2021, [url](#), p. 8

<sup>626</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 15

<sup>627</sup> AI, Amnesty International Report 2020/21, [url](#), p. 197

<sup>628</sup> Rudaw, One year since Hashimi assassination, impunity remains rife in Iraq, 6 July 2021, [url](#)

<sup>629</sup> Amwaj Media, Activists launch campaign to ‘end impunity in Iraq,’ 17 July 2021, [url](#)

<sup>630</sup> HRW, Iraq: End Impunity for Murders, Release All Kidnapped and Detained Peaceful Activists, 9 December 2020, [url](#)



detention.<sup>631</sup> As reported by Euro-Med Human Rights Monitor in October 2021, 55 out of 81 activists arrested by the KRI authorities in the period between August and October 2020 remained in detention, with only five activists being brought to trial. As noted by the source, most activists were arrested under the charges of ‘undermining the security and stability of the region, which is punishable by life imprisonment under Article 1 of Law No. 21 of 2003.’<sup>632</sup>

## 5.4 Incidents of targeting human rights activists in Iraq and the KRI

### 5.4.1 Incidents of targeting human rights activists in Iraq

Human rights defenders/activists who were taking part in the protests were targeted by unidentified armed actors.<sup>633</sup> On 10 March 2020, Abdulqudus Qasim, a human rights defender and a theatre and television producer and actor, and Karar Adel, a human rights lawyer at the Maysan Federal Appeal Court, were fatally shot by masked gunmen who stopped their car in the centre of Al-Amarah city.<sup>634</sup> On 5 April 2020, a woman human rights defender, Anwar Jassem Mhawwas, known as ‘Umm Abbas’ and described as ‘one of the most prominent field activists and organizers of the Thi Qar Governorate demonstrations’ who worked to provide protestors with food, was killed by unknown gunmen; two of her sons were reported to have been injured.<sup>635</sup> On 9 May 2020, a human rights defender, Azhar Al-Shammari, who participated in the protests at Al-Habboubi Square in Nasiriyah since their start, was targeted by unidentified gunmen near his house in the Sumer neighborhood of the city and died in a hospital the next day.<sup>636</sup> On 17 August 2020, several unidentified men in a car shot and injured human rights defender Lodya Remon Albarty when she was leaving her home in Basrah; two colleagues of Albarty, who were waiting for her in her car, were also targeted. As reported by Frontline Defenders, no security measures were implemented to prevent future attacks against the human rights defender; at the same time, she reportedly became targeted with a defamation campaign on social media.<sup>637</sup>

On 10 March 2021, Jaseb Hattab Al-Heliji—a father of Ali Jaseb Hattab Al-Heliji, a human rights lawyer who was abducted in Amarah city in October 2019 by the PMU members—<sup>638</sup> was fatally shot dead in Amarah. In a video, which he reportedly had shared on social media, Jaseb Hattab Al-Heliji claimed that the *Ansar Allah Al-Awfiya* militia was behind the abduction of his son.<sup>639</sup> On 15 April 2021, a civil society activist Hassan Ashour was killed in front of his home in Thi Qar Governorate, after reportedly receiving threats by armed groups.<sup>640</sup> On 8 May 2021, Ihab Jawad Al-Wazni, a human rights defender and the head of the Karbala

<sup>631</sup> AI, Kurdistan Region of Iraq: Arbitrary arrests and enforced disappearance of activists and journalists, 15 June 2021, [url](#)

<sup>632</sup> Euro-Med Human Rights Monitor, Iraqi Kurdistan’s authorities must release Badinan detainees, 31 October 2021, [url](#)

<sup>633</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#); Civicus, Popular Protests: Demonstrators, Journalists and Human Rights Defenders Killed, Attacked & Silenced, 7 August 2020, [url](#)

<sup>634</sup> Civicus, Popular Protests: Demonstrators, Journalists and Human Rights Defenders Killed, Attacked & Silenced, 7 August 2020, [url](#)

<sup>635</sup> WHRDMENA, Alert: WHRD Anwar Jassem Mhawwas assassinated in Iraq, 6 April 2020, [url](#)

<sup>636</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#)

<sup>637</sup> Front Line Defenders, Iraq: Assassination attempt against woman human rights defender Lodya Remon Albarty, 19 August 2020, [url](#)

<sup>638</sup> AI, Amnesty International Report 2020/21, [url](#), p. 197

<sup>639</sup> MENA Rights Group, Human rights lawyer Ali Jaseb Hattab Al Heliji disappeared since arrest in Amarah on October 8, 2019, updated 22 April 2021, [url](#)

<sup>640</sup> OMCT, Iraq: Systematic targeting of human rights defenders, 21 May 2021, [url](#)



Coordination for the Civil Movement<sup>641</sup> and an anti-corruption campaigner,<sup>642</sup> was fatally shot by unknown gunmen on a motorbike in front of his home in the centre of Karbala.<sup>643</sup> Previously, in December 2019, Al-Wazni was seriously injured, when two gunmen attacked him and his colleague Fahim Al-Tai, who was fatally shot in that incident.<sup>644</sup>

On 28 August 2021, Hamdiya Al-Saadi, a civil society activist was targeted with a sound bomb, placed in front of her house in Sumer neighbourhood in the centre of Nasiriyah, the capital of Thi Qar Governorate, by unknown persons.<sup>645</sup>

Human rights defenders and activists were reported to have been abducted by armed groups from the city streets, protest squares, and their homes.<sup>646</sup> For instance, in May 2020, several civil society activists, including a woman, were reportedly kidnapped in Al-Hillah city, the capital of Babel Governorate, in the proximity to the protest square.<sup>647</sup> On 1 April 2021, a civil society activist Haider Al-Khashan was abducted in front of his home in Samawah city<sup>648</sup>, the capital of Al-Muthanna Governorate, by four masked people in a car<sup>649</sup> and released several hours later. He was also reported to have received death threats by unknown persons.<sup>650</sup>

On 25 July 2021, in Basrah, Ali Karim, the 26-year-old son of human rights activist Fatima Al-Bahadly, was found fatally shot after he was abducted by unidentified actors a day before. As reported by the media sources, based on AFP reporting, Fatima Al-Bahady was a founder of the Al-Firdaws Society, which ‘focuses on the protection and education of women and campaigns against the recruitment of young people into armed groups’ and reportedly was a target of threats and pressure before.<sup>651</sup>

Due to their involvement in the protests, human rights defenders and civil society activists were reported to have faced arrests.<sup>652</sup> In April 2020, human rights defender Ayham Al-Nuaimi was arrested in Al-Muthanna Governorate; as reported by GCHR, he had also received death threats from a militia.<sup>653</sup> The same month, human rights defender Mortada Naim was arrested by the National Security Agency in Al-Diwaniyah city. Both were reportedly released on bail.<sup>654</sup> As was the case with journalists, human rights defenders and activists were also reported to have been tried on charges of defamation.<sup>655</sup> For example, on 25 April 2021, Hassan Maharj Al-Toufan, a human rights lawyer, was sentenced by the Babylon Governorate Criminal Court to two years in prison on charges of ‘insulting the states and the courts.’<sup>656</sup>

<sup>641</sup> GCHR, Iraq: GCJR’s 14<sup>th</sup> periodic report on human rights violations during popular protests, 9 May 2021, [url](#)

<sup>642</sup> France24, Iraqi reporter shot a day after activist’s killing sparks protests, 10 May 2021, [url](#)

<sup>643</sup> GCHR, Iraq: GCJR’s 14<sup>th</sup> periodic report on human rights violations during popular protests, 9 May 2021, [url](#); OMCT, Iraq: Systematic targeting of human rights defenders, 21 May 2021, [url](#)

<sup>644</sup> GCHR, Iraq: Photojournalists and civil society activists among victims in targeted attacks by militants, 13 December 2019, [url](#)

<sup>645</sup> GCHR, Iraq: GCHR’s 18th Periodic Report on Human Rights Violations in Iraq, 14 September 2021, [url](#)

<sup>646</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#)

<sup>647</sup> FIDH, Iraq and Iraqi Kurdistan: Systematic targeting of human rights defenders, 26 May 2021, [url](#)

<sup>648</sup> FIDH, Iraq and Iraqi Kurdistan: Systematic targeting of human rights defenders, 26 May 2021, [url](#)

<sup>649</sup> Rudaw, Calls for protests in southern Iraqi city of Samawah after activist kidnap, 1 April 2021, [url](#)

<sup>650</sup> FIDH, Iraq and Iraqi Kurdistan: Systematic targeting of human rights defenders, 26 May 2021, [url](#)

<sup>651</sup> MEE, Iraq: Son of prominent women’s rights activist found dead near Basra, 25 July 2021, [url](#); Al-Arabiya News, Iraqi activist’s son found shot dead in Basra, [url](#)

<sup>652</sup> Civicus, Popular Protests: Demonstrators, Journalists and Human Rights Defenders Killed, Attacked & Silenced, 7 August 2020, [url](#)

<sup>653</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#)

<sup>654</sup> GCHR, Iraq: Fifth periodic report on violations during popular demonstrations, 15 May 2020, [url](#)

<sup>655</sup> HRW, “We Might Call You in at Any Time,” Free Speech Under Threat in Iraq, 15 June 2020, [url](#); OHCHR, Freedom of expression increasingly curtailed in Kurdistan Region of Iraq – UN report, 12 May 2021, [url](#)

<sup>656</sup> FIDH, Iraq and Iraqi Kurdistan: Systematic targeting of human rights defenders, 26 May 2021, [url](#)



### 5.4.2 Instances of targeting human rights defenders in the KRI

Like journalists, human rights defenders were reported to have faced arrests by the KRI authorities.<sup>657</sup> In the period between 24 March and 28 April 2020, an Erbil-based human rights defender Hemin Mamand, who, as reported by Front Line Defenders, worked with ‘Azhan newspaper and Mewda press, focusing on the issue of corruption in the Kurdish government,’ was arrested and detained at Erbil Central Prison several times. According to Front Line Defenders, the arrests of Mamand likely took place in the wake of a post on social media, in which he ‘criticised the economic measures taken by the Kurdish government in response to the COVID-19 outbreak as violating the economic rights of the Kurdish people.’<sup>658</sup> In February 2021, the court in Erbil sentenced activists Shivan Saed Omar Brushki and Harwian Issa Ahmed, who were frequently criticising the authorities, to six years in prison in a joint trial with Sherwan Ameen Sherwani and two other journalists.<sup>659</sup>

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<sup>657</sup> UNAMI and OHCHR, Freedom of Expression in the Kurdistan Region of Iraq, May 2021, [url](#), p. 9

<sup>658</sup> Front Line Defenders, Arbitrary Detention of Human Rights Defender Hemin Mamand, 28 April 2020, [url](#)

<sup>659</sup> HRW, Kurdish Region of Iraq: Flawed Trial of Journalists, Activists, 22 April 2021, [url](#)





## 6. Individuals perceived to transgress moral codes

### 6.1 Perception and treatment of individuals perceived as westernised in the Iraqi society

A specific definition for what constitutes westernisation in the context of Iraq could not be found in the limits of the research conducted for this chapter. The information available in English on this topic was limited.

A Middle East researcher, who has significant experience researching legal issues and human rights in Iraq, including field work, was consulted in order to understand what can constitute westernised behaviour in Iraq and this chapter was structured also based on the information that was provided. According to the expert, the concept of westernization in Iraq can be described as an umbrella term. Groups that can be perceived as transgressing moral codes and that therefore may be perceived as westernised in Iraq include:

- members of the LGBTIQ community;
- atheists;
- individuals perceived as ‘amoral’;<sup>660</sup>
- individuals running liquor shops.<sup>661</sup>

As regards members of the LGBTIQ community, USDOD stated that Iraq’s Penal Code ‘criminalizes consensual same-sex conduct if those engaging in the conduct are younger than age 18, while it does not criminalize any same-sex activities among adults.’<sup>662</sup> Human Rights Watch noted that, according to Article 394 of Iraq’s penal code, it is illegal to engage in extra-marital sex, which heavily affects individuals of the LGBTIQ community.<sup>663</sup> Article 401 of Iraq’s Penal Code, states ‘Any person who commits an immodest act in public is punishable by a period of detention not exceeding 6 months plus a fine not exceeding 50 dinars or by one of those penalties.’<sup>664</sup>, which according to Human Rights Watch can be used to target sexual and gender minorities.<sup>665</sup> On 15 February 2021, Omar Gulpi, member of the Kurdistan Parliament, filed a lawsuit against Rasan Organization, a non-profit advocating for LGBT+ rights in the region of Kurdistan, claiming that homosexuality is a “violation” of public rights and morals’.<sup>666</sup> On 1 April 2021, Kurdish security forces in Sulaymaniyah arrested several members of the LGBTIQ community. The purpose of that operation was, according to the operation’s supervisor to ‘arrest people they suspected of being LGBTQ+ and for immorality.’<sup>667</sup>

According to the Middle East expert interviewed, members of the LGBTIQ community, or individuals perceived as such, are mostly harassed online. For instance, there have been

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<sup>660</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>661</sup> Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#)

<sup>662</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 53

<sup>663</sup> It also significantly impacts women, since pregnancy can be considered evidence of violation of the above article. Source: USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 53

<sup>664</sup> Iraq, Iraqi Penal Code (Law No. 111 of 1969), 1969, [url](#), p. 73

<sup>665</sup> HRW, World Report 2021, Iraq, 13 January 2021, [url](#), p. 350

<sup>666</sup> Rudaw, LGBT+ activists slam ‘immoral’ lawsuit against Sulaimani organization, 22 February 2021, [url](#)

<sup>667</sup> MEE, Iraq: Arrests among LGBTQ+ community in Kurdish city sparks fierce debate, 7 April 2021, [url](#)



attempts of using gay dating websites to try and trap members of this community. Although there have been cases where individuals perceived as members of the LGBTIQ community have been harassed physically, mostly harassment and targeting took place online.<sup>668</sup> For more information on the Situation of LGBTIQ persons in Iraq, see [EASO COI Query Response - Iraq - Situation of LGBT](#).

Another category that can fall under the westernized profile are individuals who are perceived as ‘amoral’, i.e., the general perception that an individual is leading an ‘amoral’ lifestyle in the way they behave. This perception is mainly based on the individual’s presence on social media. Examples of this include perceived provocative clothing, showing sexuality, flirting with men, being unmarried and flirting, engaging in sexual acts before marriage.<sup>669</sup> According to Freedom House, ‘both men and women face pressure to conform to conservative standards on personal appearance’.<sup>670</sup>

Based on this perception, women involved in the public life can also be targeted and can face backlash and harassment.<sup>671</sup> Individuals perceived as leading an ‘amoral’ lifestyle and women involved in the public sphere face harassment, particularly online through social media. Online harassment can be aggressive, and according to the expert interviewed, women activists are harassed to a much higher degree and their photos and addresses could be shared online alongside messages calling for their rape or assassination.<sup>672</sup>

Reuters noted in 2021 that, for female politicians, ‘elections can be an excruciating experience’. One of the female candidates who participated in the 2021 elections reported being targeted and harassed: many of her banners were destroyed or disappeared.<sup>673</sup> Similarly, International Crisis Group noted that, in early 2020 during the Tishreen protests, campaigns painting female activists as promiscuous were discouraging families from allowing their daughters to join the protests. A female arts student at the Diwaniya encampment reported that she had to be escorted by her mother daily in order to prevent rumours being spread about her. The source further reported that parties against the protests ran campaigns on social media claiming that activists were committing ‘immoral acts’ such as drug abuse, homosexual acts or premarital sex.<sup>674</sup>

The Tahrir Institute for Middle East Policy reported in 2021 that women’s character and morality were being targeted on social media through the distortion of hashtags. For instance, militia affiliates distorted the hashtag #بناتك\_يا\_وطن (which translates to ‘the homeland’s daughters’) to #عاهراتك\_يا\_وطن (which translates to ‘the homeland’s whores’). They also created online accusations of promiscuity during protests and at tents. The source stressed that ‘sexual defamation has dangerous consequences, especially for women and girls who are at risk of “honor killings.”’<sup>675</sup>

In November 2020, Iraq’s parliament finished the second reading of a new draft bill against cyber-crime.<sup>676</sup> This bill’s aim was to promote ‘public order and morals’. According to the US

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<sup>668</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>669</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>670</sup> Freedom House, Freedom in the World 2021, 3 March 2021, [url](#)

<sup>671</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>672</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>673</sup> Reuters, Braving intimidation, hundreds of Iraqi women run for parliament, 16 September 2021, [url](#)

<sup>674</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, 26 July 2021, [url](#), pp. 9 - 10

<sup>675</sup> TIMEP, Hate Speech, Social Media and Political Violence in Iraq: Virtual Civil Society and Upheaval, 2 November 2021, [url](#)

<sup>676</sup> MENA Rights Group, Iraq’s new draft Law on Combating Cybercrimes still contains problematic provisions restricting fundamental freedoms, 1 December 2020, [url](#)



Library of Congress, it included provisions to punish any individual who used a computer or any information system to create, manage or assist the creation of a website that promotes or encourages immorality, or programs, information, images, or videos perceived to not respect public decency and morals.<sup>677</sup> Human Rights Watch reported in May 2021 that, in February 2021, Iraq's Parliament stated that they would stop promoting this bill and would amend it, in order to ensure that the bill promoted and not limited freedom of speech.<sup>678</sup>

According to the expert interviewed, atheists can fall under the profile of individuals perceived to transgress moral codes in Iraq, and this stems from the broader concept that if an individual is not leading what is perceived as a 'good' Muslim lifestyle, they can be exposed to harassment or threats.<sup>679</sup> For more information on the treatment of atheists, see Chapter 10: [Atheists, converts and individuals considered to have committed apostasy](#).

Freedom House reported that restaurants serving alcohol and liquor stores have faced harassment and attacks, further limiting religious freedom in the country.<sup>680</sup> ACLED noted in 2021 that the issue of alcohol sales in Iraq was framed in terms of morality and religion.<sup>681</sup> In 2016, the Parliament in Iraq voted a ban for the sale, import and production of alcohol, with the supporters of this ban claiming that alcohol's availability 'contradicts Islam'.<sup>682</sup> Different sources reported incidents of systematic targeting of places such as liquor stores and a massage parlour<sup>683</sup> in an attempt to restrict personal freedoms in Iraq.<sup>684</sup> According to ACLED, since late 2020, Kataib Hezbollah (KH) – an Iran-backed militia – started 'patrolling Islamic morality'.<sup>685</sup> According to Al-Monitor, seven attacks against liquor stores had taken place in the period between 24 November to 14 December 2020.<sup>686</sup> A group called 'People of the Good', an unknown group likely affiliated with Iran-backed Kataib Hezbollah, warned Iraqi security forces - which had increased their presence in order to protect liquor stores that were being attacked - to stop protecting these shops because the group would continue targeting them in order to clean Baghdad from their 'filth'. On 26 November 2020, armed group Rab'Allah (God's Fellows), with links to Iran, attacked a massage parlour in Baghdad, hitting two female workers and destroying equipment.<sup>687</sup> Following this attack, accounts supporting Rab' Allah stated that 'To all the centers of disobedience and prostitution in Iraq, we are on the lookout and the worst is yet to come.'<sup>688</sup> According to news website Diyaruna<sup>689</sup>, this attack was part of the campaign led by pro-Iranian militias including Rab' Allah with the aim to 'fight immorality', which is the alleged reasoning behind the attacks on liquor stores, massage parlours and nightclubs.<sup>690</sup>

<sup>677</sup> USA, LOC, Iraq: Parliament Considers New Anti-cybercrimes Bill, 14 January 2021, [url](#)

<sup>678</sup> HRW, Iraq Parliament Suspends Draconian Cybercrimes Bill, 7 May 2021, [url](#)

<sup>679</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>680</sup> Freedom House, Freedom in the World 2021, 3 March 2021, [url](#)

<sup>681</sup> ACLED, Religious repression and disorder: Bahrain, Iran, Iraq, and Yemen, 4 June 2021, [url](#)

<sup>682</sup> BBC, Iraq alcohol: Parliament imposes ban in a surprise move, 23 October 2016, [url](#)

<sup>683</sup> Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#); MEMO, Iraq: Liquor store explodes in Baghdad, 27 November 2020, [url](#); MEMO, Street sweeper killed in latest attack on liquor stores in Iraq, 22 December 2020, [url](#); Gulf News, Bomb hits Baghdad liquor store, 12 January 2021, [url](#); MEMO, 3 blasts target liquor stores in Iraq's Baghdad, 25 February 2021, [url](#); MEMO, 3 explosions target liquor stores in Iraq's Baghdad, 16 December 2020, [url](#); Kurdistan24, Militia group attacks spa center, migrant workers in Baghdad, 27 November 2020, [url](#)

<sup>684</sup> Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#)

<sup>685</sup> ACLED, Religious repression and disorder: Bahrain, Iran, Iraq, and Yemen, 4 June 2021, [url](#)

<sup>686</sup> Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#)

<sup>687</sup> Kurdistan24, Militia group attacks spa center, migrant workers in Baghdad, 27 November 2020, [url](#)

<sup>688</sup> Al Monitor, Armed groups target liquor shops in Iraq, 15 December 2020, [url](#); It was not possible to check the original source since the hyperlink provided by Al-Monitor leads to an unavailable YouTube video

<sup>689</sup> In its website, Diyaruna states that it is sponsored by the USCENTCOM, the United States Central Command 'to highlight movement toward greater regional stability through bilateral and multilateral cooperative arrangements.'. Source: Diyaruna, About us, n.d., [url](#)

<sup>690</sup> Diyaruna, Rubu Allah is an instrument of Kataib Hizbullah, 17 December 2020, [url](#)



## 6.2 Instances of targeting of individuals perceived as westernised in Iraq and the KRI

Below follows some non-exhaustive instances of targeting of individuals who were perceived as westernized.

In the period between the end of 2020 and early 2021, a young male student at the medical school in Baghdad was targeted in relation to a Facebook group for atheists that he was running. His fellow students found out, started harassing him and informed a professor. The professor in turn informed other professors who also harassed the young man; the latter was eventually expelled from medical school.<sup>691</sup>

USDOS noted that, in 2020, according to representatives of Christian NGOs, there were cases of Muslims continuing to harass and threaten women and girls – irrespective of their religious affiliation – because they were not wearing the hijab, for dressing in Western-style clothing or for not following strict interpretations of Islamic norms related to public behaviour.<sup>692</sup>

USDOS reported that, in September 2020, two young women were found killed near the town of Chamechamal, in Sulaymaniyah. Allegedly they were killed by their father because he did not approve of them dating outside of marriage.<sup>693</sup>

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<sup>691</sup> Middle East Researcher, video-chat Interview with EUAA, 3 November 2021

<sup>692</sup> USDOS (United States Department of State), Iraq 2020 International Religious Freedom Report, 12 May 2021, [url](#), p. 23

<sup>693</sup> USDOS, Iraq 2020 Human Rights Report, 30 March 2021, [url](#), p. 44



## 7. Women

### 7.1 General situation of women in Iraq and the KRI

Women in Iraq continue to face violence,<sup>694</sup> socio-economic restrictions and discriminatory practices, as a result of traditional stereotypes,<sup>695</sup> patriarchal norms, discriminatory laws as well as weakness of state institutions.<sup>696</sup>

Iraqi laws regulating personal status, family, religion, labour, inheritance and criminal procedure discriminate against women and their rights are not the same as for men. Women face discrimination in areas such as employment, education, housing, judicial procedure, marriage, divorce, child custody, owning and managing properties or businesses.<sup>697</sup> Gender equality in the KRI is described as ‘relatively higher’ compared to the rest of the country, especially in legal terms.<sup>698</sup> However, despite the additional legal protections for women in the KRI and despite the establishment of a High Council of Women’s Affairs and a Women’s Rights Monitoring Board, ‘such protections were applied inconsistently’ during 2020, and women were subject to discrimination<sup>699</sup> and violence.<sup>700</sup>

The right to freedom of movement is legally restricted for women in Iraq, since they need consent of a male relative to obtain a passport and the Civil Status Identification Document, which is required to access education, employment,<sup>701</sup> healthcare, housing and food assistance.<sup>702</sup>

Although women have legally the same rights as men in owning land and other properties, in practice property rights of women are hindered by cultural and religious norms, particularly in rural areas.<sup>703</sup>

Significant barriers, such as traditional gender roles and norms, family levels of education, poverty, perceived protection concerns, continue to limit girls’ access to education, especially in territories formerly under ISIS’ control. There are accounts collected by UNAMI/ OHCHR about girls not allowed to attend school by their families in some rural areas.<sup>704</sup>

There is no law prohibiting the participation of women in the political process, and women do participate.<sup>705</sup> Both the national Council of Representatives (CoR) and the Kurdish parliament

<sup>694</sup> Abed A., Violence Against Women in Iraq: Between Practice and Legislation, LSE’s Middle East Centre Blog, 8 July 2020, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); UNAMI, Opposing Violence Against Women - Remarks by SRSJ Jeanine Henniss-Plasschaert Baghdad - 11 September 2021, [url](#)

<sup>695</sup> UNAMI/ OHCHR, The Right to Education in Iraq, Part Two: Obstacles to Girls’ Education after ISIL, 24 January 2021, [url](#) p. 5

<sup>696</sup> Alkhudary T., Iraqi Women are Engaged in a Struggle for their Rights, LSE’s Middle East Centre Blog, 15 June 2020, [url](#)

<sup>697</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>698</sup> Kaya, Z. N., Gender equality in Iraq and Iraqi Kurdistan, LSE’s Middle East Centre Blog, 5 January 2018, [url](#)

<sup>699</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>700</sup> Inside Arabia, ‘Alarming Increase in “Honor Killing” of Kurdish and Iraqi Women’, 1 January 2021, [url](#)

<sup>701</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); Freedom House, Freedom in the world 2021 – Iraq, 3 March 2021, [url](#)

<sup>702</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>703</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>704</sup> UNAMI/ OHCHR, The Right to Education in Iraq, Part Two: Obstacles to Girls’ Education after ISIL, 24 January 2021, [url](#) pp. 3, 7

<sup>705</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)



foresee 25 % and 30 % of seats for women respectively.<sup>706</sup> However women are often marginalised in political discussions<sup>707</sup> and excluded from leadership positions.<sup>708</sup> Moreover, the participation of women in the political and electoral processes has been impeded by various factors, including harassment, intimidation,<sup>709</sup> physical, sexual and psychological violence, gender-biased scrutiny by the public and the media.<sup>710</sup>

Women played an important role in the anti-government demonstrations<sup>711</sup> that took place in Iraq during 2019<sup>712</sup> and 2020,<sup>713</sup> taking to the streets to demand for equal rights as well as for broader social, political, and economic change.<sup>714</sup>

## 7.2 Sexual and gender-based violence (SGBV) in Iraq and the KRI

Iraq ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986.<sup>715</sup> However, many Iraqi laws do not comply with the CEDAW and those in line with the Convention are not properly implemented.<sup>716</sup> Further, there is lack of investigation of and accountability for violence against women in Iraq.<sup>717</sup>

Official national statistics on different forms of violence against women are not available,<sup>718</sup> and in general, there is lack in systematic collection of data on SGBV in Iraq.<sup>719</sup> The major forms of sexual and gender-based violence (SGBV) across the country are sexual violence, domestic violence, so-called honour crimes, child marriage, trafficking in women and girls, Female Genital Mutilation (FGM).<sup>720</sup>

SGBV has been historically rooted within the Iraqi society prior to the US-led invasion in 2003. Since 2003, however, recurring armed conflicts have exacerbated the use of violence against women, further undermining the already inadequate mechanisms in place to protect women. A mapping report on SGBV in Iraq between 2003 and 2018 found an increase in the number of honour killings. The study also revealed cases of human trafficking, incest and rape never reported, cases of sexual violence committed by security forces and other state entities as well as non-state armed groups, cases of female genital mutilation, virginity testing, rape, murder, and child marriage.<sup>721</sup> A 2021 study conducted by Oxfam on the community perception of SGBV specifically in Diyala and Anbar governorates found that SGBV is

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<sup>706</sup> Freedom House, Freedom in the world 2021 – Iraq, 3 March 2021, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>707</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>708</sup> Freedom House, Freedom in the world 2021 – Iraq, 3 March 2021, [url](#)

<sup>709</sup> UNAMI/ESCWA, Women Running for Elected Office in Iraq: Needs and Challenges, 1 November 2020, [url](#), p. 7

<sup>710</sup> UNAMI, Opposing Violence Against Women - Remarks by SRSJ Jeanine Hennis-Plasschaert Baghdad - 11 September 2021, [url](#)

<sup>711</sup> Al-Mayali I., Iraqi Women Will Not Be Silenced, 9 February 2021, in IWPR, available at: [url](#)

<sup>712</sup> Independent, Women in Iraq defiantly take to the streets despite fears they 'could die at any moment', 23 November 2019, [url](#)

<sup>713</sup> France 24, Hundreds of Iraqi women defy cleric to protest authorities, 13 February 2020, [url](#)

<sup>714</sup> Alkhudary T., Iraqi Women are Engaged in a Struggle for their Rights, LSE's Middle East Centre Blog, 15 June 2020, [url](#)

<sup>715</sup> UN Treaty Collection, Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979, Iraq 13 August 1986, [url](#)

<sup>716</sup> Alkhudary T., Iraqi Women are Engaged in a Struggle for their Rights, LSE's Middle East Centre Blog, 15 June 2020, [url](#)

<sup>717</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>718</sup> UN Women, Iraq: Prevalence Data on Different Forms of Violence against Women, n.d., [url](#)

<sup>719</sup> Impunity Watch, Iraqi Al-Amal Association, PAX, Sexual and Gender-Based Violence in Iraq 2003-2018, 20 July 2020, [url](#), p. 13

<sup>720</sup> Abed A., Violence Against Women in Iraq: Between Practice and Legislation, LSE's Middle East Centre Blog, 8 July 2020, [url](#)

<sup>721</sup> Iraqi Al-Amal Association, Impunity Watch, PAX, Sexual and Gender-Based Violence in Iraq 2003-2018, 20 July 2020 [url](#), pp. 7, 18-19





widespread in both governorates and that is still justified within the communities. In both governorates, there is either lack of services for SGBV survivors or lack of accessibility to the limited services provided, mainly due to societal barriers and lack of awareness on their existence.<sup>722</sup>

During the COVID-19 pandemic, there was an increase in SGBV cases in Iraq, including spousal abuse,<sup>723</sup> and the use of harmful coping mechanisms, such as child marriage,<sup>724</sup> ‘immolation and self-immolation, self-inflicted injuries due to spousal abuse, sexual harassment of minors, and suicide’.<sup>725</sup> Likewise, the KRI saw an increase in sexual and domestic violence, honour crimes, child marriages, trafficking and FGM. A rising number of Kurdish women have reportedly committed suicide.<sup>726</sup>

## 7.2.1. Rape

Iraqi law criminalises rape and sexual assault of women, men, and children but information on the effectiveness of government enforcement of the law was lacking.<sup>727</sup> In the provisions related to rape, there is no clear definition of ‘consent’, leaving the interpretation up to the judges. Moreover, authorities are required to drop a rape case if the perpetrator marries the victim, and sometimes families of the victims agree with such arrangement to avoid social stigma associated with rape.<sup>728</sup> This is a practice that is often encouraged by government authorities. There is no specialised care provided by the Iraqi government for rape victims.<sup>729</sup>

## 7.2.2 Domestic violence

Article 29 of the Iraqi constitution prohibits ‘all forms of violence and abuse in the family’.<sup>730</sup> However, the Iraqi federal government has not yet adopted a law combatting domestic violence,<sup>731</sup> and there is no law specifically criminalising spousal rape.<sup>732</sup> Article 41 of the Penal Code (No.111 of 1969)<sup>733</sup> grants husbands the right to discipline their wives. Within such a patriarchal legal framework, domestic violence is described as normalised.<sup>734</sup> During 2020, domestic violence, including the killings of women by their families and husbands, continued to remain ‘endemic’.<sup>735</sup>

Although the government stated to have set up family protection units at police stations across the country, these units prioritise family reconciliation over protection of the victims and most of them do not serve as shelters.<sup>736</sup> Provision of shelters remains lacking in the country, with the exception of the KRI.<sup>737</sup> The Kurdistan Regional Government (KRG) adopted

<sup>722</sup> Oxfam, Community perceptions of sexual and gender based violence, July 2021, [url](#), pp. 4, 5

<sup>723</sup> UN Women, UN in Iraq raises the alarm: Time to endorse the anti-domestic violence law, 17 April 2020, [url](#); Al Jazeera, Iraqi women struggle to escape abuse as domestic violence rises, 12 February 2021, [url](#)

<sup>724</sup> UNSC, Conflict-related sexual violence, S/2021/312, 30 March 2021, [url](#), p. 13

<sup>725</sup> UN Iraq, UN in Iraq raises the alarm: Time to endorse the anti-domestic violence law, 16 April 2020, [url](#)

<sup>726</sup> Al Jazeera, ‘As if she had never existed’: The graveyards for murdered women, 8 March 2021, [url](#)

<sup>727</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>728</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>729</sup> USDOS, 2021 Trafficking in Persons Report – Iraq, (covering April 2020 to March 2021), 1 July 2021, [url](#)

<sup>730</sup> Iraq, Constitution of the Republic of Iraq, Art. 29, 15 October 2005, [url](#)

<sup>731</sup> World Bank (The), Iraq Economic Monitor: Seizing the Opportunity for Reforms and Managing Volatility, 27 May 2021, [url](#), p. 26; HRW, Iraq: Urgent Need for Domestic Violence Law, 22 April 2020, [url](#)

<sup>732</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>733</sup> Iraq, Penal Code, No. 111 of 1969, July 1969, Art. 41 (1), available at: [url](#)

<sup>734</sup> Abed A., Violence against women in Iraq: between practice and legislation, LSE’s Middle East Centre Blog, 8 July 2020, [url](#)

<sup>735</sup> HRW, World report 2021 - Events of 2020, 13 January 2021, [url](#), p. 350

<sup>736</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>737</sup> Abed A., Violence against women in Iraq: between practice and legislation, LSE’s Middle East Centre Blog, 8 July 2020, [url](#)



the Law N. 8 Against Domestic Violence in 2011,<sup>738</sup> which criminalises physical and psychological abuse, threats of violence and spousal rape. A special police force has been set up in the KRI to implement the law and investigate cases of gender-based violence, while a family reconciliation committee has been established within the judicial system. Nonetheless, these measures<sup>739</sup> as well as efforts by civil society organisations were not effective and domestic violence still occurs in the KRI.<sup>740</sup> The frequent practice by the authorities is to mediate between the women and their families, so that women return to their home. There are four government shelters and two private shelters, which provided some protection to women victims of SGBV in the KRI; while there are NGOs providing key support with legal and psychological aid, which is not provided by the authorities.<sup>741</sup>

For more detailed information on domestic violence in Iraq and the KRI, including availability and access to shelters, it is possible to consult the [EASO COI Query Response on Domestic violence in Iraq and the KRI, 14 October 2021](#).

### 7.2.3 Child forced-marriage and trafficking

Although Iraq's Personal Status Law sets the legal age for marriage at 18, the law also allows a judge to permit girls as young as 15 to be married in 'urgent' cases.<sup>742</sup> According to the latest available UNICEF data on child marriage, as of 2018, 24.3 % of women were first married or in union before the age of 18.<sup>743</sup> During 2020, traditional early, so-called temporary marriage and forced marriages of women occurred throughout the country.<sup>744</sup> In a June 2021 report, Save the Children noted that due to loopholes in laws, children in Iraq are exposed to a wide range of protection risks, including the exploitation of girls through temporary marriages.<sup>745</sup> Under the so-called temporary or pleasure marriages, a man can marry a girl for a limited period of time in exchange for dowry money to her family. The traditional practices of *nahwas* and *fasliya*,<sup>746</sup> whereby women are traded to settle tribal disputes, continued to occur especially in areas where tribes have more influence than state institutions.<sup>747</sup>

### 7.2.4 Conflict-related sexual violence

Conflict-related sexual violence continued to be underreported in Iraq, due to 'lack of trust in the justice system, a fear of reprisals, pressure from family members, and stigma codified in the law, which allows perpetrators to quash a criminal case by marrying their victims.' The UN reported cases of sexual abuse by members of Iraqi security forces against women in camps, such as in Ninawa.<sup>748</sup> For information on conflict-related sexual violence targeting specifically Yazidi women, see [section 4.3.3](#).

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<sup>738</sup> Iraq/KRG, Act No. 8 from 2011, The Act from combating domestic violence in Kurdistan Region, Iraq, 21 June 2011, [url](#); Abed A., Violence against women in Iraq: between practice and legislation, LSE's Middle East Centre Blog, 8 July 2020, [url](#)

<sup>739</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>740</sup> Abed A., Violence against women in Iraq: between practice and legislation, 8 July 2020, [url](#)

<sup>741</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>742</sup> HRW, Iraq: Parliament Rejects Marriage for 8-Year-Old Girls, 17 December 2017, [url](#); Tahirih Justice Center, Forced Marriage Overseas: Iraq, n.d., [url](#)

<sup>743</sup> UNICEF, Data Warehouse, 2018, [url](#)

<sup>744</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>745</sup> Save the Children, Married by exception: Child marriage policies in the Middle East and North Africa, 25 June 2021, [url](#)

<sup>746</sup> *Nahwah* is described as 'obstruction of marriage by a cousin suitor', while *fasliya* as 'forced marriage by immediate family member'. See Iraqi Women Network, Iraqi Women challenges of Security, Peace and Justice, Shadow Report to the CEDAW Committee, 2019, [url](#), p. 15

<sup>747</sup> USDOS, 2021 Trafficking in Persons Report – Iraq, (covering April 2020 to March 2021), 1 July 2021, [url](#)

<sup>748</sup> UNSC, Conflict-related sexual violence, S/2021/312, 30 March 2021, [url](#), p. 13



### 7.2.5 Female Genital Mutilation (FGM)

Despite advocacy efforts to eradicate the practice, FGM continues to occur in some parts of Iraq, mainly in rural areas of the KRI.<sup>749</sup> According to the latest available data based on the 2018 Multiple Indicator Cluster Survey (MICS) conducted by the Iraqi Central Statistical organisation (CSO), the Kurdistan Regional Statistics Office (KRSO), UNICEF and the Iraqi Ministry of Health, 7.4 % of women aged between 15 and 49 underwent FGM in Iraq. The majority of FGM procedure occurred in Kurdistan region (37.5 %), compared with 0.4 % in central and southern Iraq.<sup>750</sup> Updated information regarding FGM in Iraq within the reference period of this report was scarce. For previous information on prevalence and practice of FGM in Iraq and the KRI, please see an [EASO COI Query Response](#), published on 15 March 2019, and the EASO 2019 report, [Iraq: Targeting of Individuals](#).

For information regarding the so-called honour killings, see section 7.4 [Treatment of women perceived to transgress moral codes in Iraq and the KRI](#).

## 7.3 Treatment of single/divorced/widowed women in Iraq and the KRI

According to the Article 37 of the Iraqi Personal Status Law No. 188/1959 (IPSL), only the husband has the right to unilateral divorce by ‘pronouncing three repudiations.’<sup>751</sup> Iraqi women have the right to initiate divorce,<sup>752</sup> under both the aforementioned IPSL<sup>753</sup> and the Kurdistan Personal Status Law, Act No. 15/2008.<sup>754</sup> However, there are reports of breaches of the law, due to tribal and religious norms, and weakness in law enforcement.<sup>755</sup> The law however does not foresee any financial assistance for a divorced woman, other than child support or in some cases two years’ financial support. There are cases when divorced women must return their dowry or a sum of money to their husband. Although the father is the guardian of the children under Iraqi law, a divorced woman may obtain custody of her children until they reach age 10, and up to age 15 upon a court decision. Although the Ministries of Health and Interior provide birth certificates upon registration of birth, single women and widows face problem in registering their children, and the registration process may be lengthy and complicated.<sup>756</sup> Obtaining identity cards and access to services continued to be a problem for women with children conceived as a result of rape, and the lack of identity documents could lead to statelessness.<sup>757</sup>

Citing a local judiciary source, the news agency Anadolu reported in 2018 that divorce rate in Iraq has risen noticeably in recent years.<sup>758</sup> In 2019, a local media source, referring to official

<sup>749</sup> UNFPA Iraq, FGM: an infringement on morals and rights, 22 July 2021, [url](#)

<sup>750</sup> CSO, KRSO, UNICEF, Iraqi Ministry of Health, Multiple Indicator Cluster Survey (MICS), 2018, [url](#), p. 19

<sup>751</sup> Oxfam, Community perceptions of Sexual and Gender Based Violence, July 2021, [url](#), p. 14

<sup>752</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#); Musawah, Thematic report on article 16, Muslim family law and Muslim women’s rights in Iraq, 74th CEDAW Session Geneva, Switzerland November 2019 [url](#), p. 2

<sup>753</sup> Iraq, Personal Status Law No. 188/1959, Art. 40-41, [url](#)

<sup>754</sup> Iraq/KRG, Personal Status Law, Act No. 15/2008, [url](#)

<sup>755</sup> Musawah, Thematic report on article 16, Muslim family law and Muslim women’s rights in Iraq, 74th CEDAW Session Geneva, Switzerland November 2019, [url](#), p. 2

<sup>756</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>757</sup> UNSC, Conflict-related sexual violence, S/2021/312, 30 March 2021, [url](#), p. 6

<sup>758</sup> AA, Iraq’s divorce rate steadily mounting: Judicial source, 31 January 2018, [url](#)



statistics, reported that there has been an increase in divorce also in the KRI.<sup>759</sup> However, official statistics on divorce rate across the country could not be verified. Interviewed by local news website Basnews, women's rights activist Fatima Al-Assadi noted that there might be several reasons for such an increase in divorce cases, including 'the opening of society'.<sup>760</sup> Despite the reported increase in divorce rate, divorced women in Iraq still face discrimination<sup>761</sup> and stigma<sup>762</sup> whereby a 'divorced woman who lives outside the cities will not be able to live on her own', while this is more accepted for widows.<sup>763</sup>

According to human rights organisations interviewed by the Danish Immigration Service (DIS) during their fact-finding mission in 2018, the situation for single women may vary depending on their level of education, on whether they live in cities or not, and on their financial independence. Although it is possible for an educated woman with an income to live in a city on her own, 'as long as she does not have an honour conflict with her family', in practice the possibility for single women to live on their own has been reduced due to deteriorating societal restrictions and financial situation in the country.<sup>764</sup> A study conducted by Oxfam in the governorates of Kirkuk and Diyala between November 2020 and January 2021 found that widows and divorced women face particular challenges, and that women who ask for divorce are particularly stigmatised for stepping outside of their traditional roles as wives and mothers.<sup>765</sup>

In various IDP camps, women heads of household had issues obtaining permission to move and were subject to various forms of abuse, including rape, sexual assault, and exploitation by government forces and camp residents. There were reports of several cases of women who became widows after being forced to marry ISIS fighters. These widows did not have marriage certificates or birth certificates of their children and were therefore unable to obtain legal documentation for their children. In addition, these women were particularly stigmatised due to their association with ISIS and were subject to higher risk of sexual exploitation, retaliation, and suicide.<sup>766</sup> For more information on women with perceived affiliation to ISIL, see [section 1.3.2](#) of this report.

## 7.4 Treatment of women perceived to transgress moral codes in Iraq and the KRI

Article 409 of the Iraqi Penal Code permits 'honour' as mitigation for crimes of violence against family members.<sup>767</sup> According to Iraqi law, a sentence for murder is limited to a maximum of three years in prison for men accused of killing their wives or a female dependent if the victim had committed adultery or engaged in sex outside of marriage.<sup>768</sup>

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<sup>759</sup> Asharq Al-Awsat, Official Data: Divorce Rates Soar in Kurdistan, 1 March 2019, [url](#)

<sup>760</sup> Basnews, One Divorce Every Four Minutes in Iraq, 5 September 2021, [url](#)

<sup>761</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>762</sup> OECD/SIGI Iraq, 2019, [url](#), p. 3

<sup>763</sup> Denmark: DIS, Kurdistan Region of Iraq (KRI): Women and men in honour-related conflicts, 9 November 2018 available at: [url](#), p. 13

<sup>764</sup> Denmark: DIS, Kurdistan Region of Iraq (KRI): Women and men in honour-related conflicts, 9 November 2018 available at: [url](#), p. 13

<sup>765</sup> Oxfam, Social Norms Structuring Masculinities, Gender Roles, and Stereotypes: Iraqi men and boys' common misconceptions about women and girls' participation and empowerment, 31 August 2021, [url](#), pp. 19-20

<sup>766</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>767</sup> UNSC, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her mission to Iraq, 5 June 2018, A/HRC/38/44/Add.1, [url](#), p. 10

<sup>768</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)



Traditionally, the so-called honour killing refers to the murder of a woman by a male member of her family in order to clean the family's or tribe's honour from the 'shameful' act the woman committed by losing her virginity, having an extramarital relationship, but also refusing an arranged marriage, seeking divorce, expressing her sexual orientation or gender identity, and for being a victim of rape.<sup>769</sup>

Since there are not accurate statistics on the prevalence of so-called honour killings in Iraq,<sup>770</sup> and since the phenomenon is severely underreported, its scale is unknown.<sup>771</sup> USDOS stated that honour killings against women continue to represent 'a serious problem throughout the country', and citing UNAMI, added that several hundred women in Iraq are killed for 'honour' each year. In some cases, families reportedly arrange honour killings to appear as suicides.<sup>772</sup> Generally, the practice is prevalent throughout the country, though its frequency has reportedly decreased in some geographical areas such as cities, while it is more widespread in more conservative areas,<sup>773</sup> such as the southern part of the country.<sup>774</sup>

In the KRI, there were reports of a rise in number of women being killed for 'honour'.<sup>775</sup> In several cemeteries in the Kurdish region of northern Iraq, women victims of honour killings are buried with no names on their graves to signal the shame they were perceived to have brought to their families.<sup>776</sup> Similarly, there are reports of women victims of honour killings secretly buried in some archaeological sites, in southern Iraq.<sup>777</sup>

In September 2020, two young sisters were killed by their father for 'honour' in the town of Chamchamal, west of Sulaimaniyah.<sup>778</sup> In November 2020, a woman was killed by her three brothers for allegedly attempting to divorce her husband in the district of Kalar, in Garbiyan administration.<sup>779</sup>

The KRG Ministry of Interior's Directorate General of Combating Violence against Women confirmed that, as of September 2020, three women were victims of honour crimes out of the 26 female homicide victims in the KRI. However, a UN source noted that the actual number was likely much higher.<sup>780</sup>

Quoting Iraqi journalist Diyar Raad, a 2021 article by Deutsche Welle (DW) noted that while the concept of breaching honour code has traditionally been related to losing virginity or having a relation outside marriage, today it has widened to include posting pictures or 'bold things' on social media platforms such as Facebook, Instagram, Twitter, and even opening an account using their real names. Journalist Diyar Raad further mentioned two cases of women from Nasiriyah, in southern Iraq, who were allegedly killed by their respective families for posting pictures on Instagram, an act they considered immoral. Raad added that there are

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<sup>769</sup> KCCRC, Honor killing in Iraq, 14 August 2021, [url](#)

<sup>770</sup> KCCRC, Honor killing in Iraq, 14 August 2021, [url](#)

<sup>771</sup> Rudaw, To kill your daughter in the name of honour, 11 December 2020, [url](#)

<sup>772</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)

<sup>773</sup> KCCRC, Honor killing in Iraq, 14 August 2021, [url](#)

<sup>774</sup> Washington Post (The), Furtive love, forbidden grief, 28 February 2020, [url](#)

<sup>775</sup> Inside Arabia, 'Alarming Increase in "Honor Killing" of Kurdish and Iraqi Women', 1 January 2021, [url](#)

<sup>776</sup> Al Jazeera, 'As if she had never existed': The graveyards for murdered women, 8 March 2021, [url](#); Rudaw, Kurdistan's forgotten victims: the women killed for 'honour', 25 April 2019, [url](#)

<sup>777</sup> Al Jazeera, The hills of sinners. The story of the secret burials of women in southern Iraq, 26 June 2020, [url](#)

<sup>778</sup> Kirkuknow, Two sisters found dead in Chamchamal: father wanted by police, 10 September 2020, [url](#)

<sup>779</sup> Rudaw, Three men in Kalar arrested for hanging their sister to death: police, 23 November 2020, [url](#)

<sup>780</sup> USDOS, 2020 Country Reports on Human Rights Practices: Iraq, 30 March 2021, [url](#)



many cases like these in Iraq, however it is difficult to prove them.<sup>781</sup> Similarly, according to Aisha K. Gill,<sup>782</sup> a professor of criminology at the University of Roehampton in the UK, and cited in the same DW article, her research has found that the concept of honour code is being used to control women's online activities.<sup>783</sup>

Women involved in feminist groups, such as the Sofia Society, a women's rights group present in some cities across the Kurdish region, reported fear of repercussions for their activities.<sup>784</sup>

Hundreds of women participated in the anti-government demonstrations that erupted in Iraq during 2019<sup>785</sup> and 2020.<sup>786</sup> Some analysts noted that women's participation in the protests has been perceived by Iraqi society as a subversion of their gender roles,<sup>787</sup> which are deeply rooted in traditional and religious norms. Being perceived as having broken taboos, these women were reportedly accused of infidelity, of 'dishonouring' their family names, and they were referred to as prostitutes or 'whores of the nation'.<sup>788</sup> As many as 600 protestors were killed by Iraqi security forces in Baghdad and cities in Southern Iraq during the demonstrations,<sup>789</sup> including women protestors.<sup>790</sup> In August 2020, activist and doctor Reham Yacoub was killed by unidentified gunmen in Basrah. She was the leader of several women's marches in local protest movement since 2018.<sup>791</sup> Some women protestors were abducted, threatened,<sup>792</sup> and in some cases allegedly forced into exile, although these cases were underreported.<sup>793</sup>

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<sup>781</sup> DW, Middle East: Murdered because of Snapchat?, 29 January 2021, [url](#)

<sup>782</sup> Aisha K. Gill, Personal Profile, University of Roehampton, UK, n.d., [url](#)

<sup>783</sup> DW, Middle East: Murdered because of Snapchat? 29 January 2021, [url](#)

<sup>784</sup> Al Jazeera, 'As if she had never existed': The graveyards for murdered women, 8 March 2021, [url](#)

<sup>785</sup> Independent, Women in Iraq defiantly take to the streets despite fears they 'could die at any moment', 23 November 2019, [url](#)

<sup>786</sup> France 24, Hundreds of Iraqi women defy cleric to protest authorities, 13 February 2020, [url](#)

<sup>787</sup> Alkhudary T., Iraqi Women are Engaged in a Struggle for their Rights, LSE's Middle East Centre Blog, 15 June 2020, [url](#)

<sup>788</sup> Abdelhameed H., The Pink and Purple Protest: Iraqi Women Invert the Gender Game, Australian Institute of International Affairs, 1 April 2020, [url](#)

<sup>789</sup> Al, Iraq: Protest death toll surges as security forces resume brutal repression, 23 January 2020, [url](#)

<sup>790</sup> Washington Post (The), Furtive love, forbidden grief, 28 February 2020, [url](#)

<sup>791</sup> BBC, Female Iraqi activist killed in Basra as gunmen target protesters, 20 August 2020, [url](#)

<sup>792</sup> HRW, Iraq: Abductions Linked to Baghdad Protests, 2 December 2019, [url](#); Rudaw, Iraqi women continue protests despite fear of abduction, assassination, 22 December 2019, [url](#)

<sup>793</sup> Al-Mayali I., Iraqi Women Will Not Be Silenced, 9 February 2021, in IWPR, available at: [url](#)





## 8. Persons involved in and affected by blood/land feuds in the context of tribal conflict

### 8.1 Context of tribalism in Iraq

According to Hussein D. Hassan, an information research specialist writing for the Congressional Research Service (CRS) in 2008, 75% of the total Iraqi population belong to a tribe or ‘have kinship to one’.<sup>794</sup> The same source stated that there are around 150 tribes in Iraq composed of thousands of smaller clans of varying size and influence. These tribal groups range from ‘extended family clans that may number just several hundred people to broad confederations of clans that claim the loyalty of a million or more’.<sup>795</sup> Tribes and tribalism are reported to be ‘ubiquitous throughout Iraq’, but prominent in Sunni areas of Anbar, Salah Al-Din, Kirkuk, Ninewa; and in the southern, mainly Shia, province of Basrah,<sup>796</sup> as well as in the KRI.<sup>797</sup>

Haley Bobseine, in research published by the Century Foundation, described tribalism as ‘a defining characteristic of modern Iraqi society, but one that is constantly adapting to changing times’.<sup>798</sup> An article published by The Project on Middle East Political Science (POMEPS) notes that tribes are ‘so flexible in form and function that they defy any meaningful attempt at definition’.<sup>799</sup> Bobseine observed that, although the Iraqi state holds jurisdiction over tribal lands, the tribe survives ‘as a cultural and social reality’ and traditional tribal customs continue to influence day-to-day life.<sup>800</sup> She noted that many Iraqis may turn to their tribe for their physical or economic security or for dispute mediation.<sup>801</sup>

According to analysis from the Center for Security Studies (CSS), the tribal system in Iraq represents a ‘crucial social system’, and ‘previous attempts at dismantling the tribal networks gravely destabilized the country and increased chances of armed conflict’.<sup>802</sup> This source reported that the Iraqi government has ‘continuously’ attempted to ‘ensure that tribal loyalties, allegiances, and their affairs are taken into consideration to maintain social stability’.<sup>803</sup> According to Article 45 of the 2005 Iraqi Constitution, the State is required to ‘seek the advancement of the Iraqi clans and tribes’, and should ‘attend to their affairs in a manner that is consistent with religion and the law’.<sup>804</sup> The State is also required to uphold the

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<sup>794</sup> Hassan, H.D., Iraq: Tribal Structure, Social, and Political Activities, CRS, 7 April 2008, [url](#), p.1

<sup>795</sup> Hassan, H.D., Iraq: Tribal Structure, Social, and Political Activities, CRS, 7 April 2008, [url](#), p. 1

<sup>796</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#)

<sup>797</sup> DIS, Honour Crimes against Men in Kurdistan Region of Iraq (KRI) and the Availability of Protection, 6 to 20 January 2010, [url](#); Denmark, DIS, Kurdistan Region of Iraq (KRI), Women and men in honour-related conflicts, Report based on interviews in Erbil and Sulaimania, KRI, November 2018, [url](#)

<sup>798</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 1

<sup>799</sup> Parry, J., Legal Pluralism and Justice in Iraq after ISIL, POMEPS, September 2018, [url](#), p. 24

<sup>800</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 2

<sup>801</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 2

<sup>802</sup> CSS, The Persisting Past of Iraq, September 2021, [url](#), p. 3

<sup>803</sup> CSS, The Persisting Past of Iraq, September 2021, [url](#), p. 3

<sup>804</sup> Anonymous, Iraq’s Constitution of 2005, Constitute project, PDF generated: 26 Aug 2021, [url](#), p. 16



‘noble human values’ of tribes in a way that ‘contributes to the development of society’, but to ‘prohibit tribal traditions that are in contradiction with human rights’.<sup>805</sup>

## 8.2 Interaction between the formal and tribal legal systems

Experts Gharizi and Al-Ibrahimi<sup>806</sup> wrote that, since the founding of Iraq, when the state is weak the power of sheikhs and tribal practices around issues of justice, security, identity, and ‘mobilisation of armed men’ is strengthened.<sup>807</sup> Similarly, according to an analyst from POMEPS, tribal law exists alongside state law, though its influence depends on the social and cultural character of a particular area, and on the relative strength of the state over time. The same source explained that when the state has been weak in terms of administering security and justice, tribal leaders and processes ‘have stepped in to fill the gap’.<sup>808</sup> According to a tribal leader from Tikrit cited by Gharizi and Al-Ibrahimi, ‘Tribal law is not meant to compete with the state’s laws. Rather it is meant to fill gaps not addressed by the state’.<sup>809</sup> Bobseine gave the opinion that Iraqis use, and abuse, both formal and informal justice systems to ‘seek justice, revenge or absolution from guilt’.<sup>810</sup> A decision to turn to one system or the other may rest on factors such as ‘the relevance of the tribal system in a particular area, the strength of one’s tribe or sheikhs as opposed to the opposing party’s tribal affiliations, or whether there is access to the formal legal system’.<sup>811</sup>

According to Bobseine ‘The informal tribal justice and formal justice systems frequently overlap and even coordinate with each other, and at other times challenge each other’.<sup>812</sup> Sheikhs may communicate with judges regarding private disputes resolved by tribal mechanisms, which may lead the judge to consider closing the case or adjusting the sentence considering informal agreements reached. Tribal leaders may also coordinate with security forces deployed in their area over criminal cases, and refer cases directly to the state, particularly in terrorism cases involving Islamic State suspects or sensitive security cases.<sup>813</sup> UNHCR reported that prosecution of an offender in the formal judicial system might not end or avoid tribal conflict and, in some cases, law enforcement officials and courts refer cases to the tribal system for settlement.<sup>814</sup> In a paper for the LSE Middle East Centre, Al-Jaffal and Khalaf reported that in Basrah Governorate, the executive and legislative institutions ‘usually resort to the authority of their tribes to resolve their issues, obtain protection, and pressure higher powers’, due to disagreements that prevail between them.<sup>815</sup> According to officials interviewed by these authors, ‘resorting to the authority of tribes, although it weakens the law, is actually a way to enforce the law’, although the authors noted that this gives power to the tribes ‘to impose their rules on the city’. They further observed that this power is mostly

<sup>805</sup> Anonymous, Iraq’s Constitution of 2005, Constitute project, PDF generated: 26 Aug 2021, [url](#), p. 16

<sup>806</sup> Osama Gharizi is regional program manager for the Middle East at USIP, and based in Iraq. Haider Al-Ibrahimi is executive director of Sanad for Peacebuilding Organization, a leading Iraqi non-governmental organization, [url](#)

<sup>807</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#). See also Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 3

<sup>808</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>809</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#)

<sup>810</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 7

<sup>811</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 5

<sup>812</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 5

<sup>813</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 8

<sup>814</sup> UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#)

<sup>815</sup> Al-Jaffal, O., and Khalaf, S., Basra Governorate, A locality in Crisis, Local Government Crisis and Conflict with Federal Government, LSE Middle East Centre Paper Series 49, May 2021, [url](#), p. 18



exemplified through use of ‘light to medium weapons, but sometimes heavy weaponry and drones’.<sup>816</sup>

Bobseine observed that ‘Sometimes the line between the state and tribe is blurred’ given that ‘Tribal sheikhs, their relatives, and other tribesmen may staff security, judicial, police, and other Iraqi government bodies’.<sup>817</sup> Reportedly, they may feel pressure to use their official position to take sides in tribal disputes according to their tribal affiliation. Alternatively, law enforcement personnel may be reluctant to get involved in tribal conflict, for fear of escalating the dispute.<sup>818</sup>

Tribal sheikhs interviewed by Bobseine argued that they do more than fill the ‘justice gap’ where the state is absent, but also offer a superior form of justice in some respects, providing quick decisions, without the endemic corruption of state justice systems.<sup>819</sup> Some state officials in turn criticised the tribal justice system as ‘backward’ and ‘encouraging revenge’, and also ‘plagued’ with corruption.<sup>820</sup> Despite the importance of tribal justice in Iraq, sources interviewed by Bobseine warned of the risk of empowering tribes to take the place of the state and undercutting state judicial authority, and of the absence of formal safeguards in tribal decision making to protect weaker parties and ensure impartial justice.<sup>821</sup> When the Ministry of Justice established a ‘tribal arbitration committee’ in 2018 to resolve tribal conflicts, Al-Monitor reported fears that this would ‘further undermine the formal justice system’.<sup>822</sup> As further reported by Al-Monitor, the Ministry of Justice said the team of 47 tribal leaders would be a ‘safety valve’ for the community and would strengthen security and establish peace across the country. The initiative reportedly came at a time when there had been a ‘dramatic escalation of conflict between tribes’, especially in southern provinces.<sup>823</sup> Al-Monitor noted the concerns of civil society actors that the tribal arbitration committee would ‘abolish the rule of law little by little’ and potentially violate human rights principles embodied in the Constitution, which prohibits tribal traditions that contravene human rights.<sup>824</sup>

In October 2021 Sanad for Peacebuilding (Sanad), an Iraqi non-government organisation established with support from USIP, reported that a covenant had been signed by ‘more than 40 confederate tribal leaders and 40 tribal leaders from all over Iraq’.<sup>825</sup> This followed a joint initiative between the USIP and Sanad to ‘promote peace and non-violence in Iraq’.<sup>826</sup> The covenant ‘aims to confirm support for the state of law and stability in Iraq and to harmonize tribal customs and practices with Iraqi law and human rights’ and highlights the role of Iraqi tribal leaders in ‘enhancing stability and the rule of law and maintaining human rights in Iraq’.<sup>827</sup> The covenant is reported to include ‘important amendments to tribal customary law,

<sup>816</sup> Al-Jaffal, O., and Khalaf, S., Basra Governorate, A locality in Crisis, Local Government Crisis and Conflict with Federal Government, LSE Middle East Centre Paper Series 49, May 2021, [url](#), p. 19

<sup>817</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 8

<sup>818</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), pp. 7, 8, 10, 14

<sup>819</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 9

<sup>820</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 9

<sup>821</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 9

<sup>822</sup> Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018, [url](#)

<sup>823</sup> Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018, [url](#)

<sup>824</sup> Al Monitor, Will Iraq’s new ‘tribal court’ undermine the rule of law? 12 April 2018, [url](#)

<sup>825</sup> Sanad for Peacebuilding, Announcing the Tribal covenant to support the rule of law and the preservation of human rights for Iraq’s confederate tribal leaders, 5 October 2021, [url](#)

<sup>826</sup> Sanad for Peacebuilding, Announcing the Tribal covenant to support the rule of law and the preservation of human rights for Iraq’s confederate tribal leaders, 5 October 2021, [url](#)

<sup>827</sup> Sanad for Peacebuilding, Announcing the Tribal covenant to support the rule of law and the preservation of human rights for Iraq’s confederate tribal leaders, 5 October 2021, [url](#)



such as ending revenge killings and retaliations and enhancing women's protection and rights in tribal practices'.<sup>828</sup>

## 8.3 Conflict resolution practices in customary law

Administering justice is a key role for tribes and tribal law 'provides remedies for all types of disputes involving harm to person, property or reputation, whether intentional or accidental' through a system of reciprocity and compensation.<sup>829</sup> The goal of the tribal justice system, in which the individual is subordinate to the group, is to provide stability and maintain collective honour, while preventing revenge killings and the escalation of conflict.<sup>830</sup> The underlying principle of tribal legal processes is that if one member of the group (*khamsa*, meaning 'five' in Arabic), which includes as a core unit all males descended from a common ancestor for five generations, is the victim of a crime, serious insult or honour related issue, the honour of the entire group is violated. This group is entitled to respond 'with equal violence' to restore the honour of the group.<sup>831</sup> To prevent the incidence of violence, tribal law offers the opportunity to the *khamsa* to restore honour through negotiated settlement and payment of compensation.<sup>832</sup> Tribal sheikhs mediate disputes over 'civil' and 'criminal' matters within or between tribes, ranging from land and property, water rights and commercial matters, to inheritance, 'honor crimes', car accidents, drug offenses, theft, fraud, and murder.<sup>833</sup>

Disputes are generally mediated where the issue occurred, at the 'house' or 'clan' level where possible, though complex cases may be referred for adjudication by 'high-ranking sheikhs at the level of the tribe'. The tribal negotiation process (*sulha*) involves a series of sessions during which the parties to the dispute, their respective sheikhs, and other mediators, as well as experts and, potentially, a tribal jurist, discuss the matter. Once a solution is reached (*fas'l*), both parties sign an agreement, and the dispute is ended, with most agreements reportedly upheld.<sup>834</sup> A range of solutions may be involved, but in the case of death, destruction of property or accidents, *diya* (known as 'blood money') is the financial payment made to the extended family of the injured party, who then forfeit the right to revenge or retribution.<sup>835</sup> Other solutions reportedly include the dishonouring of a perpetrator and their family by the perpetrator's tribe, as well as temporary or permanent expulsion from their tribe (*jalwa*).<sup>836</sup> Those found to have committed an 'honor crime' may be subject to capital punishment.<sup>837</sup>

Tribal conflicts may also be resolved by 'forcing women to marry members of another tribe' (*fasliyah*), although this practice contravenes state law.<sup>838</sup> According to multiple sources cited by UNHCR, the use of women and girls as compensation for injury or death (*fasliyah*) has seen a resurgence since 2014, particularly in southern Iraq and among poorer families unable

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<sup>828</sup> Sanad for Peacebuilding, Announcing the Tribal covenant to support the rule of law and the preservation of human rights for Iraq's confederate tribal leaders, 5 October 2021, [url](#)

<sup>829</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), p. 24

<sup>830</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 5

<sup>831</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>832</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>833</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), pp. 5

<sup>834</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), pp. 5, 6

<sup>835</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 6

<sup>836</sup> UNU-CPR, The Limits of Punishment, Transitional Justice and Violent Extremism, Iraq Case Study, May 2018, [url](#), p. 25;

Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 7

<sup>837</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 6

<sup>838</sup> UNU-CPR, The Limits of Punishment, Transitional Justice and Violent Extremism, Iraq Case Study, May 2018, [url](#), p. 24,



to raise ‘blood money’.<sup>839</sup> Similarly, according to human rights observers cited by Australia’s DFAT, ‘the traditional practice of *fasliya*, whereby family members (including women and children) are traded to settle tribal disputes, remains a problem, particularly in southern governorates’.<sup>840</sup> In this type of marriage, the woman has no right to divorce, is required to cut off relations with her birth family, and ‘may be mistreated by the family in reprisal for the initial crime against their kinsman, and live as a virtual slave with none of the status or recourses of an official wife’.<sup>841</sup>

Although tribal customs vary, there is reportedly ‘significant overlap and little variation among Sunni and Shia Arab tribal customs and “urf” (tribal law)’.<sup>842</sup> According to Arab tribal jurists interviewed by Bobseine, ‘more than 80% of tribal structures, customs and processes between Arab tribes are the same, facilitating the resolution of intertribal disputes’; the main variations concern the prices set for compensation payments.<sup>843</sup> Differences in custom and law between tribes are reported to be greater among other ethnic and religious groups.<sup>844</sup> Tribal law or *urf* is described by Bobseine as ‘a dynamic amalgamation of tribal customs, precedents from prior tribal resolutions, and, to a certain extent, interpretations of sharia law’, although she notes that not all tribal rulings are strictly in line with Islamic law.<sup>845</sup> She further notes that *urf* ‘shapes the entire tribal justice process’ and ‘may evolve through iteration and according to prevailing circumstances’.<sup>846</sup>

Tribal conflict resolution ‘does not happen in a vacuum’ and negotiations are reportedly influenced by many factors, including ‘the social status and political connections of the tribes involved, the sheikhs’ level of influence and connections, the gender and social status of the perpetrator and the victim, and any history of feuding’. Since there is no standardisation of ruling, the system is reportedly open to manipulation. Bobseine states: ‘Tribal laws and customs are sometimes used as a tool merely to extract resources and revenge. Some tribal negotiation processes are not intended to equitably resolve disputes to begin with. Extortionary demands are sometimes presented in the guise of *fasl*, which weaker parties may simply decide to pay in order to avoid further disputes’.<sup>847</sup>

## 8.4 Blood and land feuds

Blood feuds arise when tribes fail to resolve disputes by peaceful means and may result in armed confrontations and cycles of retaliatory violence and revenge.<sup>848</sup> Reportedly, *diya* is sometimes paid to end blood feuds within or between tribes.<sup>849</sup> According to a PhD researcher based in the region and interviewed for this report<sup>850</sup>, land feuds may escalate to blood feuds either when things can’t be resolved using tribal reconciliation mechanisms, Iraqi state law, or when there is a lack of accountability and redress, people may attempt to take

<sup>839</sup> UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#), p. 4

<sup>840</sup> Australia, DFAT, DFAT Country Information Report: Iraq, 17 August 2020, [url](#), 3.131, pp. 45-46

<sup>841</sup> UNHCR, Tribal Conflict Resolution in Iraq, 15 January 2018, [url](#); Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 12

<sup>842</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 3

<sup>843</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), pp. 5, 6

<sup>844</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 3

<sup>845</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 5

<sup>846</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 5

<sup>847</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 7

<sup>848</sup> Foreign Policy, Northern Iraq May Be Free, but the South Is Seething, 9 November 2018, [url](#)

<sup>849</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 6

<sup>850</sup> PhD Researcher, telephone interview with EUAA, 24 November 2021



land (or take back land) by force. In this situation individuals who own the land or are currently in possession of the land could be targeted, but also those living and working on the land who are not involved in the dispute might be threatened or caught up in the violence and forced to migrate to another area to seek safety. The same source stated that when blood feuds occur those involved might request mediation from their tribe, which may result in payment of compensation to end the blood feud, paid either on their own or with financial support from their tribe. On the other hand, the tribe may refuse to get involved if powerful actors in the area are involved as they may fear a confrontation with powerful actors if they are involved in the case. Depending on the nature of the dispute and the area, the blood feud may involve the individual and their immediate family members only (*Khamsa*<sup>851</sup>), or may more broadly affect members of the tribe.<sup>852</sup>

Shafaq News reported in March 2021 that a tribal dispute in the area around Basrah escalated to an armed clash lasting several days, resulting in civilian casualties. The cause of the dispute was not reported.<sup>853</sup> According to the head of the Clan Dispute Resolution Committee in Basrah, as reported by The New Arab in September 2021, 280 armed disputes took place in Basrah in the previous two years, with 35 killed and 74 injured. The same source reported that 15 armed disputes occurred in the first three months of 2021, killing 11 people. Around 85% of clan conflicts reportedly occurred in the Basrah districts of Al Hartha, Al-Qurna and Al-Midaina, close to the oil fields.<sup>854</sup> An Iraqi media source reported in September 2021 that tribal conflicts break out on a weekly basis in the southern province of Thi-Qar. According to local sources ‘there are between five and ten armed fights between members of different tribes each month’ which are often deadly and have resulted in women and children being killed.<sup>855</sup> The same source described a fight between three tribes in the Ur District of Thi-Qar, based on an earlier dispute, that involved heavy weapons and rocket launchers, and lasted for several days. Similar conflicts also reportedly took place in Nasiriyah. Sources in the security forces reported to Al-Menasa that tribal conflicts in the region are increasing and are more deadly, due to the quantity of heavy weapons that have been smuggled into the region after the fighting with ISIL, and the weakness of the state in resolving conflicts.<sup>856</sup> Meanwhile, according to BasNews, armed confrontation between two major tribes took place in Baghdad in September 2021, killing or wounding at least three people. The source reported that this incident came ‘as Iraq has so far failed to disarm the tribes and other militia groups, particularly in areas of central and south of the country where such confrontations are often reported’.<sup>857</sup>

France 24 reported in June 2021 that in Missan governorate in the south of Iraq a child was killed, and four adults wounded in gun fighting between two tribes over a disputed loan of 1 000 dinar (less than a dollar) between two children. In the same location three were killed and two seriously wounded in a sword fight that arose over an alleged insult to a religious figure. In the city of Kut, in Wasit province, a dispute between two women over a duck escalated to a tribal dispute and fighting that involved guns and grenades, during which a young man was killed. The same source reported that in the village of Bani Hashem in eastern Iraq, a football

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<sup>851</sup> According to the PhD researcher interviewed for this report: ‘Under tribal custom, male members of an extended family unit, or “khamsa,” are obligated to avenge the injury or death of another family member, whether through tit-for-tat killing (“dam butlob dam”), or through a negotiated solution’

<sup>852</sup> PhD Researcher, telephone interview with EUAA, 24 November 2021

<sup>853</sup> Shafaq News, Tribal Conflict kills a man and wounded four others in Basra, 23 March 2021, [url](#)

<sup>854</sup> The New Arab, Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>855</sup> Al-Menasa, Arms Race: Iraqi tribes using heavy weapons in local conflicts, 7 September 2021, [url](#); BasNews, Dhi Qar: One Killed, Three Wounded in Tribal Fight, 21 April 2021, [url](#)

<sup>856</sup> Al-Menasa, Arms Race: Iraqi tribes using heavy weapons in local conflicts, 7 September 2021, [url](#)

<sup>857</sup> BasNews, Three People Killed, Injured in Tribal Fight in Iraq, 19 September 2021, [url](#)





match between two tribes ended with one person killed and five wounded after two players quarrelled. According to a police source, a tribal council met and ordered USD 13 000 (11 528 EUR)<sup>858</sup> in ‘blood money’ be paid to the family of the dead man.<sup>859</sup>

## 8.5 The role of tribes in areas formerly captured by ISIL

In many areas of Iraq, the actions of individual members of a tribe or their families during the period of ISIL control and the subsequent fight to expel them, led to the whole tribe being accused of complicity with ISIL’s crimes.<sup>860</sup> Sources reported that local tribal agreements in Anbar, Salah Al-Din, Kirkuk, and Ninewa - the result of extended dialogue and negotiation between some tribal leaders - addressed the issue of perceived collective punishment of Sunni communities, as well as the demand from compensation from victims of ISIL’s crimes.<sup>861</sup> Sources stated that these agreements were an attempt to resist the customary practice of payment of ‘blood money’ to the family of victims of ISIL’s crimes, prevent violent retribution permitted under tribal law, and to provide guidance on which IDPs should be allowed to return.<sup>862</sup> The tribal leaders negotiated for payments to be made from a formal government compensation fund<sup>863</sup> and agreed to a national vetting system to identify those linked with ISIL.<sup>864</sup> These tribal leaders reportedly entered into local negotiated agreements ‘in hope of restoring tribal cohesion and repairing their relationship with the state’<sup>865</sup> and to preserve their roles as ‘agents of reconciliation’.<sup>866</sup> According to an analyst with the research network POMEPS, they were willing to recognise ISIL crimes as a matter for the state and not tribal law due to the scale and severity of atrocities that went beyond the scope of traditional mechanisms.<sup>867</sup>

Despite these negotiated agreements in some areas, Bobseine reported that confiscation of property and land from those perceived to be affiliated with ISIL and redistribution to others had been used as a mechanism for settling tribal disputes, and in some instances ‘merely to extract resources and revenge’.<sup>868</sup> The number of cases in need of tribal resolution reportedly spiked following the end of ‘major fighting’ with ISIL and ‘Sheikhs’ resources were reportedly overwhelmed as they attempted to mediate disputes among survivors’.<sup>869</sup> Some feared repercussions from ‘powerful actors’ in areas liberated from ISIL if they were perceived to be too lenient on those accused of affiliation with ISIL and, in areas with limited state security, Sheikhs have been targeted for their role in mediating disputes involving family members of ISIL fighters or those accused of supporting ISIL.<sup>870</sup>

<sup>858</sup> European Commission, Exchange rate (InforEuro), n. d., [url](#)

<sup>859</sup> France 24, Tribal Iraq: where petty squabbles turn lethal, 27 June, 2021, [url](#)

<sup>860</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#)

<sup>861</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#); POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25; Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 17

<sup>862</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#); POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25; Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 17

<sup>863</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#)

<sup>864</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>865</sup> Gharizi, O. and Al-Ibrahimi, H., Baghdad Must Seize the Change to Work with Iraq’s Tribes, 17 January 2018, [url](#)

<sup>866</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>867</sup> POMEPS, Legal Pluralism and Justice in Iraq after ISIL, September 2018, [url](#), pp. 24-25

<sup>868</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), pp. 6, 7, 16, 18

<sup>869</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 8

<sup>870</sup> Bobseine, H., Tribal Justice in a Fragile Iraq, 7 November 2019, [url](#), p. 8



Civilians in Conflict reported that in Salah al-Din province, even where negotiation and reconciliation processes have led to victims of ISIL accepting government compensation instead of ‘blood money’, displaced families who have no criminal charges or judicial decisions against them, have still been obliged to make payments of 500 000 Iraqi dinars (equivalent to 295 EUR<sup>871</sup>), ‘which is an economic burden to most’.<sup>872</sup> IOM found that in rural communities in Anbar province, displaced people seeking to return faced difficulties with tribal mediation if they were accused of committing acts against members of their own clan. In this situation they lost the protection of their clan against retaliatory attacks and had to raise the full price of compensation (‘blood money’), which in other circumstances would be shared with the tribe.<sup>873</sup>

## 8.6 The role of tribes in southern Iraq

In the context of mass demonstrations that erupted in October 2019 in Baghdad and southern Iraq as ‘citizens protested widespread corruption, unemployment and poor public services’, confrontations between protesters and security forces in the south drew in the involvement of tribes.<sup>874</sup> According to the International Crisis Group, activists in southern provinces targeted local officials, parliamentarians, and armed groups, and in response they were both individually targeted for intimidation and subject to mass arrests. The International Crisis Group reported that the ‘extraction of blood money pursuant to unwritten tribal codes held the authorities back from using lethal violence’ in some cases.<sup>875</sup> In particularly violent clashes in Nasiriyah, when ‘dozens of protesters were killed in clashes with the army’ and ‘over 100 were wounded, including members of the security forces’, tribesmen reportedly blocked the arrival of military reinforcements’.<sup>876</sup> Tribal leaders spoke out demanding justice for the death of their ‘slain sons’, while activists and observers expressed concern that tribes would pursue vengeance rather than wait for anyone to be held accountable through legal processes.<sup>877</sup>

According to The Guardian ‘What has been unleashed in the south in particular is a blood feud’ against militias backed by Iran.<sup>878</sup> UNAMI received reports from judicial sources, lawyers and victims, that at least three families of those killed had been pressured to ‘waive cases’ in return for ‘blood money’ or were threatened to withdraw cases against ‘certain armed actors’.<sup>879</sup> Victims interviewed by UNAMI ‘frequently expressed a lack of trust in the formal justice system’ and those who attempted to obtain criminal accountability reported threats and intimidation and so resorted to the use of ‘informal tribal customary mechanisms’. Activists from ‘prominent families or tribes’ reportedly received more protection than those

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<sup>871</sup> European Commission, Exchange rate (InforEuro), accessed 24 November 2021, [url](#)

<sup>872</sup> Centre for Civilians in Conflict, Ignoring Iraq’s Most Vulnerable: The Plight of the Displaced, 1 April 2021, [url](#), p. 19

<sup>873</sup> IOM, Al-Anbar Province: Report on the return of IDPs with perceived affiliation with IS, 26 March 2020, [url](#), p. 9

<sup>874</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, Middle East Report N°223, 26 July 2021, [url](#), pp. 16-17

<sup>875</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, Middle East Report N°223, 26 July 2021, [url](#), pp. 16-17

<sup>876</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, Middle East Report N°223, 26 July 2021, [url](#), pp. 16-17

<sup>877</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, Middle East Report N°223, 26 July 2021, [url](#), pp. 16-17

<sup>878</sup> Guardian (The), Iraq risks breakup as tribes take on Iran’s militias in ‘blood feud’, 30 November 2019, [url](#)

<sup>879</sup> UNAMI, Update on Demonstrations in Iraq: Accountability for Human Rights Violations and Abuses by Unidentified Armed Elements, 30 May 2021, [url](#), pp. 14-15



from poorer families, or from ethno-religious minorities ‘without ties to parties or tribes’, or with weak tribal networks.<sup>880</sup>

France 24 reported that tribes are ‘powerful actors in Iraq’, especially in the south, ‘where they have their own moral and judicial codes, as well as huge caches of arms’.<sup>881</sup> According to this source, tribal elders meet to settle disputes when fights break out and their verdicts reportedly override state law.<sup>882</sup> France 24 reported that tribal clashes regularly involve the use of rockets, heavy machine guns and armoured vehicles,<sup>883</sup> although since a judicial ruling in 2018 such armed confrontations or ‘tribal warnings’ have been designated acts of terrorism that carry the death penalty’ under article (2) of the Anti-Terrorism Act No. (13) of 2005.<sup>884</sup>

Media sources also reported in 2020 and 2021 that tribes and armed militias in Iraq are making demands for compensation payments related to alleged loss of tribal lands and for employment opportunities from foreign companies and investors, leading many to withdraw from projects due to fear of violent reprisals if they don’t comply.<sup>885</sup> In October 2020 the Malaysian Petronas company threatened to leave the Garraf oil field in Thi-Qar province because of ‘tensions stemming from the behaviour of tribal members living near the field’.<sup>886</sup> In the same month unknown forces reportedly raided a residential investment complex in Salah Al-Din province and ‘detained workers for more than three hours and threatened to kill them if they resumed work’.<sup>887</sup> According to sources cited by Al-Monitor, extortion attempts by both militias and tribes are increasing, with some tribes claiming compensation payments from oil or investment companies for land they allege belonged to their parents or ancestors. Although the state had reportedly already paid financial compensation, it was not reported whether this was considered to be fair compensation or had reached those affected.<sup>888</sup>

The New Arab, in an analysis piece focused on clan violence in Iraq, stated that ‘Heavily armed Iraqi tribes are blackmailing oil companies who make lucrative profits from investments on seized land, as the Iraqi state stands by powerless to intervene’.<sup>889</sup> The same source reported that local people in the oil rich Basrah governorate suffer high levels of poverty and unemployment and are vulnerable to violent disputes between armed tribes in a context where ‘state and security forces are almost absent’.<sup>890</sup> The main driver of clan conflict is reported to be access to employment in oil companies or compensation when oil is discovered on tribal lands, as well as the general deterioration in living conditions in the governorate. According to UNOHCHR, cited by The New Arab, ‘poor economic conditions have exacerbated the poverty rate in the governorate and the area’s natural resources are bringing

<sup>880</sup> International Crisis Group, Iraq’s Tishreen Uprising: From Barricades to Ballot Box, Middle East Report N°223, 26 July 2021, [url](#), pp. 16-17

<sup>881</sup> France 24, Tribal Iraq: where petty squabbles turn lethal, 27 June, 2021, [url](#)

<sup>882</sup> France 24, Tribal Iraq: where petty squabbles turn lethal, 27 June, 2021, [url](#)

<sup>883</sup> France 24, Tribal Iraq: where petty squabbles turn lethal, 27 June, 2021, [url](#)

<sup>884</sup> France 24, Tribal Iraq: where petty squabbles turn lethal, 27 June, 2021, [url](#); Republic of Iraq Supreme Judicial Council, The judiciary writes the end chapter (Tribal attack) as a terrorist, 23 December 2018, [url](#); AFP, In Iraq, bloody tribal custom now classed as ‘terrorism’, 15 November 2018, [url](#)

<sup>885</sup> Al-Monitor, Demands for payment from tribes, militias stalling investment in Iraq, 28 October 2020, [url](#); New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>886</sup> Al-Monitor, Demands for payment from tribes, militias stalling investment in Iraq, 28 October 2020, [url](#); New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>887</sup> Al-Monitor, Demands for payment from tribes, militias stalling investment in Iraq, 28 October 2020, [url](#)

<sup>888</sup> Al-Monitor, Demands for payment from tribes, militias stalling investment in Iraq, 28 October 2020, [url](#); New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>889</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>890</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)



nothing to the residents except disease, unemployment and the seizure of their farmland'.<sup>891</sup> A source in the Iraqi High Commission for Human Rights said to The New Arab that 'many fall victim to clashes they have no connection to' and gave an example of a family forced to leave their home in northern Basrah due to 'ongoing clan disputes'.<sup>892</sup> The head of the Basrah police force confirmed that 13 families had left their homes in Basrah for the same reason, while the Chair of the Reconciliation and Clans Committee in the Iraqi Parliament, said 'that this type of displacement is spiralling out of control due to the proliferation of weapons within the tribes and the weakness of the security apparatus'.<sup>893</sup> According to local sources 'some of the clans own a much more formidable arsenal than that of the security forces'.<sup>894</sup>

In the same New Arab analysis piece, the Interior Ministry is reported to have made some efforts through its Tribal Affairs Directorate to de-escalate clan conflict in the south, by establishing committees who intervene as arbitrators to resolve disputes between tribes. According to a government spokesperson cited by The New Arab, '50 people accused of starting clan conflicts were arrested in the first quarter of 2021 and 5,000 firearms in Basra and Nasiriyah were confiscated during search operations in 2019 and 2020'.<sup>895</sup> However, one source was reportedly sceptical about whether these measures will be effective: 'The situation is out of control. We would not have reached this stage if it had not been for the state's weakness and inability to apply the law'.<sup>896</sup> Political actors reportedly 'exploit the tribal element in regional disputes to mobilise support and win clan loyalty' or back local sheikhs in return for their allegiance.<sup>897</sup>

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<sup>891</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>892</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>893</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>894</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>895</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>896</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)

<sup>897</sup> New Arab (The), Clan violence in Iraq: Oil companies targeted as poverty reigns, 13 September 2021, [url](#)



## 9. (Perceived) collaborators with western forces

### 9.1 General situation of persons collaborating (or perceived to be collaborating) with western forces

Following the assassination of Iranian's Islamic Revolutionary Guard Corps (IRGC) Quds Force commander, Qasem Soleimani, and his ally, Abu Mahdi al-Muhandis, Deputy Chief of the PMF<sup>898</sup>, in January 2020, multiple attacks by militias using hand-thrown grenades, missiles, gunfire or IEDs against Iraqi-operated logistics convoys contracted by the US-led Coalition began and have continued up until the end of October 2021; the reporting period for this report.<sup>899</sup> According to the ISW, these attacks have 'escalated' in late 2020 and into 2021.<sup>900</sup> In the first half of 2020, 51 such attacks were counted<sup>901</sup>, whilst 'at least 30' rocket or IED attacks were reported between summer and November 2020<sup>902</sup>. The UN Security Council counted 18 attacks between early December 2020 and early February 2021<sup>903</sup>, 'more than' 30 attacks between 17 February and 21 March 2021<sup>904</sup>, and 'more than' 29 attacks between 11 May and 30 June 2021<sup>905</sup>. Figures drawn from the Washington Institute for Near East Policy counted 5 attacks between 11 July and 31 July 2020, 12 attacks in August 2020, 33 in September 2020, and by the end of September 2021, 317 'reported convoy attacks in Iraq'.<sup>906</sup> According to The Washington Institute for Near East Policy 'In the first quarter of 2021, there was a weekly average of seven reported convoy attacks and in the second quarter [of 2021] a monthly average of six. Multiple interviewees suggested that the number of actual proven anti-coalition convoy attacks each week was two or fewer'.<sup>907</sup>

Southern and central Iraq, particularly Anbar, Babil, Baghdad, Basrah, Thi-Qar, Muthanna, Qadisiyah and Salah ad-Din Governorates, were specifically mentioned as places were

<sup>898</sup> BBC News, Qasem Soleimani: US kills top Iranian general in Baghdad air strike, 3 January 2020, [url](#)

<sup>899</sup> Knights, M., Reacting Smartly to Harassing tactics by Iraqi Militias, The Washington Institute for Near East Policy, 29 July 2020, [url](#); Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#); BBC News, Iraqi interpreters 'stalked by death squads' for helping the British, 30 December 2020, [url](#); UNOCHA, Humanitarian Needs Overview Iraq, February 2021, [url](#), p. 17; Smith, C. et al., Team of Legal Gladiators? Iraqi Militias' Tortured Relationship with Law, 12 April 2021, The Washington Institute for Near East Policy, [url](#); Kahan E. and Lawlor, K., ISIS and Iranian-backed Militias Compete to Control Baghdad Region, ISW, 19 May 2021, [url](#); Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), p. 1

<sup>900</sup> Kahan E. and Lawlor, K., ISIS and Iranian-backed Militias Compete to Control Baghdad Region, ISW, 19 May 2021, [url](#). See also Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran's allies in Iraq will strike back, 12 November 2020, The Washington Post,

[url](#); Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), p. 3

<sup>901</sup> Knights, M., Reacting Smartly to Harassing tactics by Iraqi Militias, The Washington Institute for Near East Policy, 29 July 2020, [url](#)

<sup>902</sup> Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran's allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#)

<sup>903</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 8 February 2021, [url](#), p. 5

<sup>904</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 4 May 2021, [url](#), pp. 4, 5

<sup>905</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 3 August 2021, [url](#), p. 4

<sup>906</sup> Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), footnote a, p. 1

<sup>907</sup> Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), p. 7



attacks occurred.<sup>908</sup> These attacks have mainly damaged the trucks and transported materiel and supplies, but in some instances have also wounded or killed the Iraqi contractors (see [section 9.2](#)) who are primarily responsible for driving these trucks or escorting the convoys.<sup>909</sup>

Explanations put forward for these attacks were to weaken or end the coalition's presence in Iraq<sup>910</sup> and intimidate Iraqi businesses cooperating with the United States<sup>911</sup>, with a US official reportedly stating that these attacks 'now focused on Iraqi who work for the coalition, rather than the coalition forces itself'.<sup>912</sup>

Convoy attacks have been attributed to *Kataib Hezbollah (KH)*<sup>913</sup>, members from PMF units<sup>914</sup>, and other Iranian-backed militias, 'self-styled as *al-Muqawama al-Islamiyya* ("the Islamic Resistance")'<sup>915</sup>, including the 'façade groups' *Qasem al-Jabbarin*<sup>916</sup>, *Ashab al-Kahf*<sup>917</sup>, *Saraya Awliya al-Dam*<sup>918</sup>, *Saraya Tawrat al-Ashreen Al-Thaniya* (STAT), and *Usbat al-Thairen* (UaT).<sup>919</sup>

According to interviews conducted by The Washington Institute for Near East Policy 'façade group brands' are used to 'threaten and coerce contract workers on military bases and embassies'<sup>920</sup>, have posted warnings 'advising drivers and other civilians to steer clear of U.S. military supply convoys [...] has even named the companies behind contractor convoys it is eyeing'<sup>921</sup>, and have stated that these Iraqis working for the Coalition forces have become

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<sup>908</sup> Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#); UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 10 November 2020, [url](#) p. 5; UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 8 February 2021, [url](#), p. 5; UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 4 May 2021, [url](#), pp. 4, 5; Kahan E. and Lawlor, K., ISIS and Iranian-backed Militias Compete to Control Baghdad Region, ISW, 19 May 2021, [url](#); UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 3 August 2021, [url](#), p. 4

<sup>909</sup> Knights, M., Reacting Smartly to Harassing tactics by Iraqi Militias, The Washington Institute for Near East Policy, 29 July 2020, [url](#); Institute for the Study of War, Iraq Situation Report: August 19 – 25, 2020, 28 August 2020, [url](#); UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 10 November 2020, [url](#) p. 5; Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran's allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#); Smith, C. et al., Team of Legal Gladiators? Iraqi Militias' Tortured Relationship with Law, 12 April 2021, The Washington Institute for Near East Policy, [url](#)

<sup>910</sup> Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#); Institute for the Study of War, Iraq Situation Report: August 12 – 18, 2020, 21 August 2020, [url](#); UNOCHA, Humanitarian Needs Overview Iraq, February 2021, [url](#), p. 17

<sup>911</sup> Institute for the Study of War, Iraq Situation Report: August 12 – 18, 2020, 21 August 2020, [url](#); Kahan E. and Lawlor, K., ISIS and Iranian-backed Militias Compete to Control Baghdad Region, ISW, 19 May 2021, [url](#)

<sup>912</sup> BBC News, Iraqi interpreters 'stalked by death squads' for helping the British, 30 December 2020, [url](#)

<sup>913</sup> For more information on this non-state armed group see Knights M. et al., Profile: Kataib Hezbollah, The Washington Institute for Near East Policy, 1 April 2021, [url](#)

<sup>914</sup> Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), p. 7

<sup>915</sup> For more information on this terminology see Smith, C. et al., Team of Legal Gladiators? Iraqi Militias' Tortured Relationship with Law, 12 April 2021, The Washington Institute for Near East Policy, [url](#)

<sup>916</sup> For more information on this non-state armed group see Smith, C. et al., Profile: Qasem al-Jabbarin, 1 April 2021, The Washington Institute for Near East Policy, [url](#)

<sup>917</sup> For more information on this non-state armed group see Kohlmann, E. (Flashpoint), Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, 20 August 2020, [url](#)

<sup>918</sup> For more information on this non-state armed group see Smith, C. et al., Profile: Saraya Awliya al-Dam, 29 March 2021, The Washington Institute for Near East Policy, [url](#)

<sup>919</sup> Institute for the Study of War, Iraq Situation Report: July 8-14, 2020, 17 July 2020, [url](#); Institute for the Study of War, Iraq Situation Report: July 29 – August 05, 2020, 7 August 2020, [url](#); Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#); Smith, C. et al., Team of Legal Gladiators? Iraqi Militias' Tortured Relationship with Law, 12 April 2021, The Washington Institute for Near East Policy, [url](#); Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, The Washington Institute for Near East Policy, October 2021, [url](#), pp. 3, 7

<sup>920</sup> Knights, M. et al., Discordance in the Iran Threat Network in Iraq: Militia Competition and Rivalry, October 2021, The Washington Institute for Near East Policy, [url](#), p. 11. See also Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#)

<sup>921</sup> Kohlmann, E., Profile and Exclusive Interview with Iraqi Shiite Insurgents Ashab al-Kahf, Flashpoint, 20 August 2020, [url](#). See also NPR, Laid Off By U.S. Contractor, Iraqi Interpreters Fear ISIS Retaliation, 12 June 2020, [url](#)





*kafirs* (“Unbelievers”)<sup>922</sup>. In early 2020 Shia militia leaders threatened to target and kill those who continued to work with western forces, specifying that they included those working for the ‘Iraqi transportation and security companies, the Ministry of Interior, the Ministry of Defense, and the Iraqi Counterterrorism Service’,<sup>923</sup> ‘describing them as enemies who will be “eliminated”’<sup>924</sup>. In October 2020, the militia *Ashab al-Kahf* published a statement ‘suggesting that the group would be willing to “forgive” and even provide a salary to those who identified themselves as working on a U.S. military installation’<sup>925</sup> and also raised a ‘veiled threat against interpreters working with British forces specifically’.<sup>926</sup> In June 2020 a list containing personal identifying information about Iraqis working for western forces had been obtained by Iranian-backed militias<sup>927</sup> and reportedly Sabereen/Sabreen News (the media network used by ‘all resistance factions in Iraq’<sup>928</sup>), has ‘leaked documents purporting to show government databases containing details of Iraqi citizens’ since October 2020.<sup>929</sup>

Between June 2020 and May 2021 a number of news articles were published which included interviews with Iraqis who had worked for the British or U.S. military or the U.S-led Coalition as interpreters or contractors and who feared being targeted by non-government armed groups, some of whom received threatening messages or felt observed.<sup>930</sup> It was specifically reported that Iraqi interpreters working for the U.S. military or the U.S.-led Coalition, amongst others at training centres for Iraqi Kurdish and Arab forces, feared targeted attacks from ISIL and Iran-backed militias who view them as *kafir* [unbeliever].<sup>931</sup> An Iraqi interpreter working for the British Army told the BBC News that ever since the killing in January 2020 of the Iranian military commander, Qasem Soleimani, and his Iraqi counter-part, Abu Mahdi al-Muhandis, deputy chief of the PMF, he felt that ‘some of the Iraqi forces that were being trained by the coalition started to treat us like an enemy’.<sup>932</sup> According to one source two Iraqi translators saw militiamen stationed near an Iraqi military checkpoint ‘check a list containing personal information that had been acquired from a military coordination center run by the Iraqi security forces’.<sup>933</sup> Other Iraqi interpreters told NPR that they are ‘easily’ identifiable and ‘hunted down’, posing a threat to themselves and their families.<sup>934</sup> According to eight translators who worked for the British military and are now in hiding, one of them received ‘three AK-47 bullets, representing each member of his family’ with a message ‘threatening

<sup>922</sup> NPR, Laid Off By U.S. Contractor, Iraqi Interpreters Fear ISIS Retaliation, 12 June 2020, [url](#); BBC News, Iraqi interpreters ‘stalked by death squads’ for helping the British, 30 December 2020, [url](#)

<sup>923</sup> ISW, Iraq Situation Report: February 26 – March 3, 2020, 6 March 2020, [url](#)

<sup>924</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 34

<sup>925</sup> Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#). See also BBC News, Iraqi interpreters ‘stalked by death squads’ for helping the British, 30 December 2020, [url](#)

<sup>926</sup> The Independent, They helped British soldiers in Iraq. Now they’ve been left behind to die, 11 May 2021, [url](#)

<sup>927</sup> Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#); BBC News, Iraqi interpreters ‘stalked by death squads’ for helping the British, 30 December 2020, [url](#)

<sup>928</sup> Malik, H. et al, Profile: Sabereen News, The Washington Institute for Near East Policy, 9 April 2021, [url](#)

<sup>929</sup> The Independent, They helped British soldiers in Iraq. Now they’ve been left behind to die, 11 May 2021, [url](#)

<sup>930</sup> NPR, Laid Off By U.S. Contractor, Iraqi Interpreters Fear ISIS Retaliation, 12 June 2020, [url](#); Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#); BBC News, Iraqi interpreters ‘stalked by death squads’ for helping the British, 30 December 2020, [url](#); Chloe Cornish, Iraqi translators live in terror as the west withdraws, Financial Times, 1 December 2020, [url](#); The Times, Iraqi interpreters ask Britain for sanctuary after death threats, 26 February 2021, [url](#); The Independent, They helped British soldiers in Iraq. Now they’ve been left behind to die, 11 May 2021, [url](#)

<sup>931</sup> NPR, Laid Off By U.S. Contractor, Iraqi Interpreters Fear ISIS Retaliation, 12 June 2020, [url](#). See also Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#)

<sup>932</sup> BBC News, Iraqi interpreters ‘stalked by death squads’ for helping the British, 30 December 2020, [url](#)

<sup>933</sup> Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#)

<sup>934</sup> NPR, Laid Off By U.S. Contractor, Iraqi Interpreters Fear ISIS Retaliation, 12 June 2020, [url](#)



punishment’, whilst another felt watched by a group of ‘strange men’ in a ‘white SUV, interrogating his neighbours about his work’.<sup>935</sup>

According to reporting by the Australian DFAT, Iraqi translators and ‘others working with the international community’ continued to experience ‘strong societal hostility, particularly in Shi’a areas’.<sup>936</sup> The same source further noted that ‘in-country sources’ had reported that Iraqis working for the international communities, in particular western militaries and embassies ‘take substantial measures to mitigate the risks they face’ including hiding their employer from families and communities, avoiding speaking foreign languages in particular English, ‘changing clothing at work, avoiding appearing in work-related photographs, not travelling with documentation that would identify their international connections, and deleting contact information from phones’.<sup>937</sup> The UN Security Council noted that between January and June 2020 ISIL targeted ‘members of its own community who are deemed to be collaborators’.<sup>938</sup>

## 9.2 Instances of targeting of persons belonging to this profile

Reporting on specific instances focused primarily on the targeting of logistics convoys contracted by the US-led Coalition, but where Iraqi contractors are mainly employed. A number of these sources have documented the wounding and killing of individual Iraqis in 2020 due to these attacks.<sup>939</sup> The following are illustrative, but not exhaustive, incidents of attacks on convoys that resulted in injuries or killings of Iraqi contractors:

- Between 11 August and 2 October 2020: 17 IED-led convey attacks in Babil, Baghdad, Thi-Qar, Qadisiyah and Salah al-Din governorates were reported resulting in the death of two Iraqis and seven wounded.<sup>940</sup>
- 21 January 2021: an IED detonated near a convoy on the highway near Abu Ghraib, injuring one security guard.<sup>941</sup>
- 5 February 2021: ‘An Iran aligned militia targeted Coalition forces in Erbil, killing one civilian contractor [a Filipino national] and wounding nine other people’.<sup>942</sup>
- 15 February 2021: an IED targeted a contractor convoy for the International Coalition in the Rashid district of Yusufiya, south of Baghdad, injuring an Iraqi lieutenant ‘providing security for the convoy’.<sup>943</sup>

<sup>935</sup> The Independent, They helped British soldiers in Iraq. Now they’ve been left behind to die, 11 May 2021, [url](#)

<sup>936</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 34

<sup>937</sup> Australia, DFAT, DFAT Country Information Report Iraq, 17 August 2020, [url](#), p. 34

<sup>938</sup> UN Security Council, Letter dated 16 July 2020 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council, 23 July 2020, [url](#), p. 6

<sup>939</sup> Knights, M., Reacting Smartly to Harassing tactics by Iraqi Militias, The Washington Institute for Near East Policy, 29 July 2020, [url](#); Institute for the Study of War, Iraq Situation Report: August 19 – 25, 2020, 28 August 2020, [url](#); UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 10 November 2020, [url](#) p. 5; Loveluck, L. et al, They served alongside U.S. soldiers. Now they fear that Iran’s allies in Iraq will strike back, 12 November 2020, The Washington Post, [url](#)

<sup>940</sup> UN Security Council, Implementation of resolution 2522 (2020), Report of the Secretary-General, 10 November 2020, [url](#), p. 5. See also ISW, Iraq Situation Report: August 19-25, 2020, [url](#)

<sup>941</sup> Epic, ISHM: January 14 – January 21, 2021, 21 January 2021, [url](#)

<sup>942</sup> U.S. Lead Inspector General, Operation Inherent Resolve, Lead Inspector General Report to the United States Congress, January 1, 2021-March 31, 2021, 14 May 2021, [url](#), p. 2 and 15

<sup>943</sup> Epic, ISHM: February 11 – February 25, 2021, 25 February 2021, [url](#)



- 18 February 2021: an IED targeted a contractor convoy working for the International Coalition on the main highway in Diwaniyah province, injuring one contractor.<sup>944</sup>
- 29 March 2021: an IED targeted a contractor convoy for the International Coalition on the highway outside Hilla in Babylon province, injuring an Iraqi driver'.<sup>945</sup>
- 7 April 2021: an IED exploded on a contractor convoy in Balad district, causing casualties without providing further details.<sup>946</sup>
- 22 April 2021: an IED exploded near an International Coalition contractor convoy travelling on the international highway in Babylon province, injuring an Iraqi contractor. Spokesman for the U.S. Joint Task Force was reported as stating that the attacks are not targeting American forces, but rather, innocent 'Iraqi civilians who are trying to make a living and support their families'.<sup>947</sup>
- 23 May 2021: an IED attack on a supply convoy in Anbar province injured an Iraqi contractor.<sup>948</sup>
- 13 June 2021: a roadside IED targeting a logistical supply convoy on the Nassriya highway in Thi-Qar Governorate injured 'three members of the team in charge of protecting the convoy, two Iraqis and a foreign man'.<sup>949</sup>

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<sup>944</sup> Epic, ISHM: February 11 – February 25, 2021, 25 February 2021, [url](#)

<sup>945</sup> Epic, ISHM: March 25 – April 1, 2021, 1 April 2021, [url](#)

<sup>946</sup> Epic, ISHM: April 1 – April 8, 2021, 8 April 2021, [url](#)

<sup>947</sup> Epic, ISHM: April 15 – April 22, 2021, 22 April 2021, [url](#)

<sup>948</sup> Epic, ISHM: May 20 – May 27, 2021, 27 May 2021, [url](#)

<sup>949</sup> Shafaq, Six injured in an explosion that targeted a Logistics Convoy of the Global Coalition south Iraq, 13 June 2021, [url](#). See also ACLED, Regional Overview: Middle East 12-18 June 2021, 23 June 2021, [url](#); Epic, ISHM: June 10 – June 17, 2021, 17 June 2021, [url](#)



## 10. Atheists, converts and individuals considered to have committed apostasy

### 10.1 Prevalence in KRI / Iraq

According to the CIA World Factbook, as of 20 October 2021, between 95 and 98 % of the population of Iraq were Muslim.<sup>950</sup> It has been noted that it is impossible to identify the size of the non-religious population in Iraq<sup>951</sup> nor the number of Christian converts in the KRI.<sup>952</sup> An August 2020 DFAT report estimated that there are around 1 000 Baha'is living in Iraq and some Muslim leaders consider Baha'is to be apostates from Islam.<sup>953</sup> A Reuters article noted in September 2020 that the Zoroastrianism Yasna association in Kurdistan has around 15 000 people registered with the organisation, most of whom were Kurds converting from Islam.<sup>954</sup>

Sources pointed to a rise in recent years of secularism<sup>955</sup> and atheism<sup>956</sup> in Iraq and the numbers of Muslims converting to Zoroastrianism in the KRI<sup>957</sup>. A September 2020 article by Al Monitor noted that this rising trend is supported by increased activism amongst young secularists as well as decreased mosque attendance, with the number of Iraqis who say they attend Friday prayers falling from 60 % to 33 % over a five year period.<sup>958</sup> According to a poll conducted by Arab Barometer in Iraq, Jordan, Tunisia, Algeria, Egypt and Libya, the percentage of Arabs who describe themselves as 'not religious' in 2018 was 13 %, a rise from 8 % in 2013.<sup>959</sup> An article published in the Review of Nationalities in May 2021 noted that the KRI had the largest number of atheism supporters in Iraq, based on interviews and reports.<sup>960</sup> In considering the development and causes of atheism in Iraq, the same article argued that the historical brutality of ISIL, Al-Qaeda and Ansar al Islam, and the advent of Islamic radicals created increasing rebellion against the presence of religion in social and political life in Iraq.<sup>961</sup>

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<sup>950</sup> CIA World Factbook, Iraq, 20 October 2021, [url](#)

<sup>951</sup> UK All-Party Parliamentary Group for International Freedom of Religion or Belief, Commentary on the Current State of International Freedom of Religion or Belief (2020), February 2021, [url](#), p. 32

<sup>952</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section I. Religious Demography; Canada, Immigration and Refugee Board of Canada, Iraq: Situation and treatment of Christians, particularly in the north, the Kurdistan region, and Baghdad; government protection and support programs (2017–September 2020) [IRQ200350.E], 9 October 2020, [url](#); Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.46

<sup>953</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.67

<sup>954</sup> Reuters, Zoroastrians make a comeback in northern Iraq, but still face stigma, 30 September 2020, [url](#); Ekurd Daily, Zoroastrians make a comeback in Iraqi Kurdistan, but still face stigma, 2 October 2020, [url](#)

<sup>955</sup> Deutsche Welle, Middle East: Are people losing their religion?, 4 February 2021, [url](#); Al Monitor, Are Iraqi youths losing their religion?, 11 September 2020, [url](#); Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 5-6

<sup>956</sup> Humanists International, Iraq, 28 October; 2020, [url](#); Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 5-6; Germany, FFO and BMZ, The Federal Government's Second Report on the Global Status of Freedom of Religion: Reporting period 2018 – 2019, 28 October 2020 [url](#), p. 191; CIRSD, Battle for the Soul of Islam, Winter 2021, [url](#)

<sup>957</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.43

<sup>958</sup> Al Monitor, Are Iraqi youths losing their religion?, 11 September 2020, [url](#)

<sup>959</sup> Al Monitor, Are Iraqi youths losing their religion?, 11 September 2020, [url](#)

<sup>960</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p. 8

<sup>961</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 4-5



An August 2020 DFAT report noted that it is reportedly easier to convert from Islam in the KRI. At a national level, those disillusioned with their faith more commonly become nonreligious rather than undergo conversion.<sup>962</sup>

## 10.2 Treatment of atheists, converts and perceived apostates

There is low social tolerance of atheism in Iraq<sup>963</sup> and non-religious people reportedly face significant social marginalisation and stigma, while open conversions are reportedly rare because of ostracism.<sup>964</sup> In the first half of 2020, Humanists International<sup>965</sup> received over 45 requests for assistance internationally, 7 % of which came from Iraq, reporting abuse, ostracism or difficulty finding employment.<sup>966</sup>

In May 2020, the Wilson Center reported that conservative Sunni clerics cited conspiracy theories that blamed atheists for triggering the Covid-19 pandemic with some clerics stating that the pandemic was divine punishment against non-believers.<sup>967</sup> According to a May 2021 report published in the Review of Nationalities, politicians and the clergy publicly labelled atheists as enemies of the state and traitors to God who threaten to destroy tradition and destabilise society, calling for their punishment.<sup>968</sup> There are many websites and online forums catering to atheists in Iraq<sup>969</sup> but membership lists are hidden. Groups that meet virtually or in person do so in secret for fear of surveillance.<sup>970</sup>

International Christian Concern noted in March 2020 that the risk of being targeted by their families left many converts homeless, jobless, and with nowhere to go.<sup>971</sup> Owing to the societal pressure and threats facing them from extended family members, clan leaders or wider society, Christian converts often keep their faith a secret.<sup>972</sup> The Voice of the Martyrs<sup>973</sup> noted on its website that those who convert from Islam to Christianity can be rejected and abused by their families and may be killed or persecuted by clan or tribe members, state authorities or extremist groups.<sup>974</sup>

<sup>962</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.43

<sup>963</sup> Humanists International, Iraq, 28 October 2020, [url](#)

<sup>964</sup> Humanists International, Iraq, 28 October 2020, [url](#)

<sup>965</sup> Humanists International are an international NGO that seeks to represent the global humanist movement. The organisation supports humanists who are at direct threat for and/or unable to live in accordance with their humanist values. See [url](#)

<sup>966</sup> Humanists International, Humanists at Risk: Action Report 2020, 25 June 2020, [url](#), p. 10

<sup>967</sup> Wilson Centre, What Islamists Are Doing and Saying on COVID-19 Crisis, 14 May 2020, [url](#)

<sup>968</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p. 7

<sup>969</sup> Examples of social media groups include: Iraqi Atheists; Irreligious Society; Iraqi Atheist Youth; and Atheists are unique. Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 5-6

<sup>970</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 5-6.

Examples of social media groups include: Iraqi Atheists; Irreligious Society; Iraqi Atheist Youth; and Atheists are unique. Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 5-6

<sup>971</sup> International Christian Concern, Iraqis' Faith Grows as Churches Close, 30 March 2020, [url](#)

<sup>972</sup> Open Doors, World Watch List 2021: Iraq, January 2021, [url](#)

<sup>973</sup> The Voice of the Martyrs is a non-profit, interdenominational missions organisation that aims to 'serve persecuted Christians around the world'. See [url](#)

<sup>974</sup> The Voice of the Martyrs, Global Prayer Guide: Iraq, n.d., [url](#)



## 10.3 Treatment of atheists, converts and perceived apostates by state authorities

The Iraqi Constitution of 2005 established Islam as the official religion and no law may be enacted that contradicts the ‘established provisions of Islam’. While the Constitution provides for freedom of religious belief, it does not explicitly mention followers of other religions and atheists.<sup>975</sup> Article 2 of the Constitution states that:

‘First: Islam is the official religion of the State and is a foundation source of legislation:  
A. No law may be enacted that contradicts the established provisions of Islam.  
B. No law may be enacted that contradicts the principles of democracy.  
C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.  
Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandeian Sabaeans.’<sup>976</sup>

Section Two of the Iraqi Penal Code of 1969 contains provisions relating to ‘Offences that violate religious sensibilities’. Article 372 of the Code states that:

‘The following persons are punishable by a period of detention not exceeding 3 years or by a fine not exceeding 300 dinars:  
(1) Any person who attacks the creed of a religious minority or pours scorn on its religious practices.  
(2) Any person who wilfully disrupts a religious ceremony, festival or meeting of a religious minority or who wilfully prevents or obstructs the performance of such ritual.  
(3) Any person who wrecks, destroys, defaces or desecrates a building set aside for the ceremonies of a religious minority or symbol or anything that is sacred to it.  
(4) Any person who prints or publishes a book sacred to a religious minority and deliberately misspells the texts so that the meaning of the text is altered or who makes light of its tenets or teachings.  
(5) Any person who publicly insults a symbol or a person who constitutes an object of sanctification, worship or reverence to a religious minority.  
(6) Any person who publicly imitates a religious ceremony or celebration with intent to deceive’.<sup>977</sup>

Whilst atheism is not prohibited by law, Humanists International noted that atheists have been prosecuted for blasphemy and other related charges.<sup>978</sup> An article published in the Review of Nationalities stated that non-believers can fall into the category of Article 372 because of the lack of precise legal provisions and the freedom of interpretation amongst the judiciary.<sup>979</sup> Freedom House noted in their annual report for 2020 that although blasphemy laws are rarely enforced, the judiciary is influenced by corruption, political pressure, tribal forces, and religious interests.<sup>980</sup>

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<sup>975</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Executive Summary

<sup>976</sup> Iraq, Iraqi Constitution, 2005, available [url](#)

<sup>977</sup> Government of Iraq, Iraq Penal Code, July 1969, [url](#)

<sup>978</sup> Humanists International, Iraq, 28 October 2020, [url](#)

<sup>979</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p. 6-7

<sup>980</sup> Freedom House, Annual report on political rights and civil liberties in 2020, 3 March 2021, [url](#)





According to a February 2021 report by the UK All-Party Parliamentary Group for International Freedom of Religion or Belief, humanists, atheists and secularists are considered apostasiers and blasphemers and, as a result, face repression across Iraq, in a climate of impunity or collusion in violence by state actors.<sup>981</sup>

According to Humanists International, a fifteen year old boy from Erbil was imprisoned and tortured in 2014 after his father reported him to the police following a disclosure of non-belief.<sup>982</sup> No recent examples of prosecution of atheists in the KRI have been found. In March 2018, four men received arrest warrants in Thi-Qar in Iraq on charges of atheism.<sup>983</sup> In May 2020, a doctor was sentenced to two years imprisonment for promoting atheism and insulting the prophet of Islam in Al-Qadissiyah province.<sup>984</sup> The court found that his actions online offended the position of the Prophet and the religious feelings of Muslims around the world, thereon sentencing him according to provisions Articles 372/1 and 5 of the Penal Code.<sup>985</sup>

In October 2021, the Supreme Judicial Council issued a statement noting that a judicial order had been issued in order to enable the monitoring of social media sites so as to ensure adherence to the Penal Code and the Iraqi Constitution. This included monitoring social media sites promoting atheism, deemed to threaten national values and contradict the principles of Islam (notably preserving Islamic identity), as stipulated in the Constitution of the Republic of Iraq of 2005.<sup>986</sup>

An article published in the Review of Nationalities in May 2021 noted that there are ‘special institutions looking for and arresting people who do not agree with the line of the state’. The article further noted that whilst civil law does not impose penalties on atheists, Islamic law states that apostasy is punishable by death, and ‘in the public awareness, denial of God should be punished, and therefore, lynch law often applies’. Owing to this fear atheists keep their view secret and can fast alongside believers during fasting, while women may wear a hijab in public places against their will.<sup>987</sup>

The Personal Status Law recognises the following religious groups: Muslims, Chaldeans, Assyrians, Assyrian Catholics, Syriac Orthodox, Syriac Catholics, Armenian Apostolic, Armenian Catholics, Roman Catholics, National Protestants, Anglicans, Evangelical Protestant Assyrians, Seventh-day Adventists, Coptic Orthodox, Yazidis, Sabean-Mandeans, and Jews.<sup>988</sup> The formal recognition of nontheist groups and other religious minority groups, such as humanists, Kaka’is, Baha’is and Jehovah witnesses is denied.<sup>989</sup> The US Department of State noted in May 2021 that recognised religious groups are able to appoint legal practitioners and perform legal transactions. These groups, with the exception of the Yazidis, have their own personal status courts, which handle marriage, divorce, and inheritance issues.<sup>990</sup> The law

<sup>981</sup> UK All-Party Parliamentary Group for International Freedom of Religion or Belief, Commentary on the Current State of International Freedom of Religion or Belief (2020), February 2021, [url](#), p.33

<sup>982</sup> Humanists International, Iraq, 28 October 2020, [url](#)

<sup>983</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p.8

<sup>984</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p.8

<sup>985</sup> Republic of Iraq Supreme Judicial Council/ High Judicial Court, Imprisonment for two years for a convict insulting the position of the Prophet Muhammad (PBUH) through social media pages, 13 May 2020, [url](#)

<sup>986</sup> Republic of Iraq Supreme Judicial Council/ High Judicial Court, Clarification, 4 October 2021, [url](#)

<sup>987</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), pp. 6-7

<sup>988</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom

<sup>989</sup> United States Commission on International Religious Freedom 2021 Annual Report; USCIRF – Recommended for Special Watchlist: Iraq, April 2021, [url](#), p. 75

<sup>990</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom



does not contain provisions for penalties for the practice of unrecognised religious groups, except for the Baha'is. However, legal contracts signed by 'institutions of unrecognised religious groups are not legal or permissible as evidence in court'.<sup>991</sup>

According to the US Department of State's annual report covering 2020, in the KRI the personal status laws forbidding Muslims to convert to another religion was rarely enforced.<sup>992</sup> Outside the KRI, the law does not provide a mechanism for a new religious group to obtain legal recognition. In the KRI, religious groups are able to obtain official recognition by registering with the KRG's Ministry of Endowment and Religious Affairs.<sup>993</sup> DFAT's August 2020 report noted that it is reportedly easier to convert from Islam in the KRI with a growing trend of Muslim Kurds converting to Zoroastrianism.<sup>994</sup> The KRG officially recognised Zoroastrianism in 2015 but the federal Iraqi government still registers converts from Islam as Muslims.<sup>995</sup>

Whilst civil laws provide a simple process for non-Muslims to convert to Islam, the personal status laws prohibit the conversion of Muslims to other religions. If a child has one Muslim parent or if one parent has converted to Islam, the child is designated Muslim, even if the child is a product of rape.<sup>996</sup>

Article 26 of the Nationality Identity Card Law sets the religious affiliation of minor children on ID cards as Muslim if one parent is Muslim or has converted to Islam. Law No. 3 of 2016 concerning the National Identity Card does not contain provisions for Muslims to convert but Article 26 notes that the children of converts to Islam become Muslim automatically.<sup>997</sup> The UK All-Party Parliamentary Group for International Freedom of Religion or Belief noted in February 2021 that atheists, agnostics and humanists are unable to record their faith identity on national ID cards.<sup>998</sup>

According to Christian leaders, Christian families who are registered as Muslim but practice Christianity or another faith in private are forced to either register their children as Muslims or have their children undocumented by federal authorities. If undocumented without a national identity card, families are ineligible for government benefits and children cannot enrol in school enrolment.<sup>999</sup> Undocumented people without national identity cards are unable to access other rights and services, including healthcare and the property ownership.<sup>1000</sup> For more information about Christian converts, see [4.1.3 Situation of Christian converts in Iraq and the KRI](#).

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<sup>991</sup> US Department of State, Iraq 2019 International Religious Freedom Report: Iraq, 11 June 2020, [url](#), Section II. Status of Government Respect for Religious Freedom

<sup>992</sup> US Department of State, Annual report on human rights in 2020, 30 March 2021, [url](#), Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

<sup>993</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom

<sup>994</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.43

<sup>995</sup> Reuters, Zoroastrians make a comeback in northern Iraq, but still face stigma, 30 September 2020, [url](#); Ekurd Daily, Zoroastrians make a comeback in Iraqi Kurdistan, but still face stigma, 2 October 2020, [url](#)

<sup>996</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom; Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), para. 3.43

<sup>997</sup> Graczyk, A., Atheism and the changing image of Islam in Iraq, Review of Nationalities No.10 (2020), 18 May 2021, [url](#), p. 4

<sup>998</sup> UK All-Party Parliamentary Group for International Freedom of Religion or Belief, Commentary on the Current State of International Freedom of Religion or Belief (2020), February 2021, [url](#), p. 33

<sup>999</sup> US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom

<sup>1000</sup> Minority Rights Group, Iraq: Bahá'í, n.d., [url](#)



## 10.4 Treatment of atheists, converts and apostates by non-state actors

During the rise of ISIL, Christians were forcibly converted to Islam, abducted, raped and/or killed,<sup>1001</sup> with some 140 000 Christians fleeing their homes in mid-2014;<sup>1002</sup> Kaka'is were threatened with death if they did not convert to Islam;<sup>1003</sup> Sabean-Mandaeans fled ISIL controlled areas to avoid forced conversions or death;<sup>1004</sup> and Yazidis suffered a range of atrocities, including forced conversions.<sup>1005</sup> In August 2014, thousands of Yazidi women and girls were captured by ISIS militants who imposed conversion to Islam. If women refused, they were killed.<sup>1006</sup> Further information about religious and ethnic minorities is provided in [Chapter 4](#). Freedom House noted in a March 2021 open letter that the risk of ISIL remains as extremist clerics across Iraq continue to promulgate hate speech against religious minorities.<sup>1007</sup> Within the research timeframe for this report no additional information was located amongst the sources consulted on the treatment of atheists, converts and apostates by non-state actors.

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<sup>1001</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), paras. 3.50 and 3.64; Minority Rights Group, Iraq: Assyrians, n.d., [url](#)

<sup>1002</sup> Los Angeles Times, Pope Francis arrives in Iraq, where beleaguered Christians are struggling to hold on, 5 March 2021, [url](#)

<sup>1003</sup> Australia, DFAT, DFAT Country Information Report on Iraq, 17 August 2020, [url](#), paras. 3.50 and 3.64;

Minority Rights Group, Iraq: Kaka'i', n.d., [url](#)

<sup>1004</sup> Minority Rights Group, Iraq: Sabean-Mandaeans, n.d., [url](#)

<sup>1005</sup> Minority Rights Group, Iraq: Current Issues, n.d., [url](#); US Department of State, 2020 Report on International Religious Freedom: Iraq, 12 May 2021, [url](#), Section II. Status of Government Respect for Religious Freedom

<sup>1006</sup> Global Network of Peacebuilders, Seeking Accountability and Preventing Reoccurrence: Addressing Conflict-Related Sexual Slavery through them Women, Peace and Security Agenda, Case Study: Conflict-Related Sexual Slavery and the Yazidi Genocide, Iraq, December 2020, [url](#), p. 4

<sup>1007</sup> Freedom House, Open Letter to the Holy See on Pope Francis' Visit to Iraq, 4 March 2021, [url](#)



# Annex 1: Bibliography

## Oral sources, including anonymous sources

The following source wished to remain anonymous and be quoted only by their profession or by the area of expertise and work experience due to security reasons.

Middle East Researcher, video-chat Interview with EUAA, 3 November 2021. The researcher has worked in the field for several years and has extensive knowledge on several Middle Eastern countries including Iraq. The researcher has insight to the situation and treatment of persons (perceived to be) ISIL affiliates and issues of westernization.

PhD Researcher, telephone interview with EUAA, 24 November 2021. The researcher is based in the Middle East and has significant experience researching Iraqi tribal dynamics.

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## Annex 2: Terms of Reference

This report should aim to provide the necessary COI to respond to questions relevant for the development of country guidance on actors of persecution or serious harm, refugee status, as well as subsidiary protection under Article 15(a) and (b) QD: “a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin”. The reference period is generally **1 January 2020 – 31 October 2021**, while for some profiles focus is on more recent information, in particular since August 2020.

Research should cover the following profiles:

- 1. (Perceived) ISIL affiliates [focus on new developments since August 2020]**
  - Persons perceived to be associated with ISIL
    - Factors which make it likely for a person to be suspected of ISIL affiliation
    - Treatment of Iraqis with perceived ISIL affiliation during the period (examples)
  - Treatment of family members
    - Women with family links to suspected ISIL members
    - Children of suspected ISIL members
  - Situation in ISIL camps
  - Situation of children born in territories under ISIL control and who lack civil documentation
- 2. Sunni Arabs**
  - General situation of Sunni Arabs in Iraq
  - Instances of targeting Sunni Arabs during the period (with a focus on Baghdad and Mosul)
- 3. Political opposition activists and protesters [focus on new developments since August 2020]**
  - Iraq:
    - Recent developments in protests (including the elections issues developing)
    - Government response during protests, arrests and treatment in detention
    - Examples of targeting of protesters/activists (here the drafter should elaborate on general treatment versus particular targeting of certain people, for example, organisers, vocal critics, etc., and by whom – e.g., PMUs, unknown perpetrators, etc.)
    - Ability of the authorities to monitor online activism and targeting of individuals for such online activism
  - KRI:
    - Recent developments in protests
    - KRG response during protests, arrests and treatment in detention
    - Examples of targeting of protesters/activists (here the drafter should elaborate on general treatment versus particular targeting of certain people, for example, organisers, vocal critics, etc., and by whom)
    - Ability of the authorities to monitor online activism and targeting of individuals for such online activism





**4. Religious and ethnic minorities, and stateless persons [focus on developments since August 2020 – for all profiles: difference of treatment between Iraq and the KRI should be highlighted]**

- **Christians**
  - General situation of Christians in Iraq and the KRI
  - Instances of targeting of Christians during the period
  - The situation of Christian converts (with reference to the chapter on atheists, converts, and apostates)
- **Turkmen**
  - General situation of Turkmen
  - Differences in treatment between Sunni and Shia Turkmen (regions of presence, affiliation, etc.)
  - Instances of targeting of Turkmen during the period (specify for different relevant actors: Iraqi Federal Government, PMUs, KRG, PKK, ISIL, etc.)
- **Yazidis**
  - General situation of Yazidis in Iraq
  - Treatment of Yazidis
  - Instances of targeting of Yazidis during the period
  - Situation of Yazidi women victims of gender-based violence and their children
- **Palestinians**
  - Background information including population figures/locations
  - Legal position and rights
  - Treatment of Palestinians and instances of targeting during the period

**5. Journalists, media workers and human rights activists [reference period January 2020 – October 2021]**

- General situation of journalists and other media workers
- Incidents targeting journalists
  - Iraq
  - KRI
- General situation of human rights activists
- Incidents targeting human rights activists
  - Iraq
  - KRI

**6. Individuals perceived to transgress moral codes [reference period January 2020 – October 2021]**

- Perception of Westernisation in Iraqi society
- treatment of individuals who display such behaviours/appearances in Iraq and KRI (e.g., tattoos, women clothing, striking men's hairstyles, alcohol consumption)
- Instances of targeting of individuals perceived as westernised (by armed groups, by tribes, by family members)

**7. Women [reference period January 2020 – October 2021]**

- General situation of women in both Iraq and the KRI
- The situation as regards gender based violence in Iraq and the KRI
- Treatment of single/divorced/widowed women (including single women head of households) in both Iraq and the KRI
- Treatment of women perceived to transgress moral codes in Iraq and the KRI

**8. Persons involved in and affected by blood/land feuds in the context of tribal conflict [reference period January 2020 – October 2021]**





- Background of tribal feuds
  - Land feuds resolution and escalation to blood feuds
  - Targeting of individuals in the context of blood feuds
- 9. (Perceived) collaborators with western forces [reference period January 2020 – October 2021]**
- General situation of persons collaborating (or perceived to be collaborating) with western forces
  - Instances of targeting of persons belonging to this profile (by armed actors or by society)
- 10. Atheists, converts and individuals considered to have committed apostasy [reference period January 2020 – October 2021]**
- Prevalence in KRI / Iraq (and who are we talking about)
  - Treatment of atheists, converts and perceived apostates by society/family/community
  - Treatment of atheists, converts and perceived apostates by state authorities (laws/arrests/prosecution/punishments/implementation)
  - Treatment of atheists, converts and apostates by ISIL (or other non-state entities)





doi: 10.2847/40146



Publications Office  
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