

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	961
Land:	Irak
Kilde:	Human Rights Watch
Titel:	KRG: Kurdish Forces Ejecting Arabs In Kirkuk
Udgivet:	3. november 2016
Optaget på baggrundsmaterialet:	9. december 2016



KRG: Kurdish Forces Ejecting Arabs In Kirkuk

Publisher [Human Rights Watch](#)

Publication Date 3 November 2016

Cite as Human Rights Watch, *KRG: Kurdish Forces Ejecting Arabs In Kirkuk*, 3 November 2016, available at: <http://www.refworld.org/docid/581c95834.html> [accessed 8 December 2016]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Kurdish authorities in Kirkuk, in their most recent round of displacements, have been ejecting Arab residents and Arab internally displaced people there since the Islamic State, also known as ISIS, attacked the city on October 21, 2016.

Human Rights Watch is not aware of any similar displacements affecting Kurdish residents of the city. Given that Arabs seem to be the sole victims of these demolitions and evictions, and no explanation has been given by the authorities as to why they are being so targeted, the KRG actions appear to be discriminatory.

"While KRG security forces are working to protect civilians from ISIS, they should ensure that their security measures don't endanger civilians or undermine their rights," said Lama Fakih, deputy Middle East director. "Forcing families out of their homes and into the streets or to unsafe parts of the country is a serious violation of their rights and does nothing to strengthen Iraq's political cohesion."

On October 17, the Iraqi central government and KRG authorities, with the support of an international coalition, started military operations to retake Mosul, Iraq's second largest city, which ISIS captured in June 2014. Anti-ISIS forces have also encircled the city of Hawija, 120 kilometers southeast of Mosul, which ISIS also captured in June 2014, and begun operations to retake the city. In response, ISIS fighters stormed police stations and buildings in Kirkuk, 150 kilometers southeast of Mosul, on October 21, killing about 100 security force members and civilians. It took roughly 24 hours for the Kurdish armed forces to subdue the ISIS attack.

On the morning of October 23, the Security Committee of Kirkuk Governorate issued an order to all internally displaced people living in Kirkuk who were not in camps to vacate their residences by 8 a.m. the following day. The order, which was posted online, specified that displaced people who wanted to remain in Kirkuk had to move into one of the camps for displaced people. It said that anyone who did not comply would be forced out, and their homes - mostly self-built brick structures - would be demolished. The statement was taken down within hours but the authorities seem to have carried out the order.

Human rights workers in Kirkuk told Human Rights Watch that on October 23, authorities forcibly displaced at least 250 families, and at least 75 on October 24, most from the June First neighborhood of southern Kirkuk. They destroyed at least 100 homes within the same period, the activists said. Two local people who witnessed the demolitions gave Human Rights Watch similar estimates.

On October 25, four Arab June First residents told Human Rights Watch by telephone that Kurdish Asayish and Peshmerga forces arrived in the neighborhood at 9 a.m. that morning with at least one bulldozer and three excavators and demolished their homes. One, aged 56, said he was born in Baghdad and has lived in Kirkuk for more than 40 years. Another, aged 53, is from Qarah Tappah, 14 kilometers west of Kirkuk, and has lived in Kirkuk for more than 20 years. Both said they had been expecting it after witnessing the demolitions of the previous two days, but had no official notification that they would have to leave.

Another longtime Arab resident of Kirkuk said that he heard security forces order displaced families from Hawija living in five homes to leave Kirkuk, but he did not know where they had gone once their houses were destroyed.

Human Rights Watch reviewed three videos that a neighborhood resident whose house was not destroyed filmed on October 25, showing what appeared to be dozens of houses reduced to rubble. Human Rights Watch is not aware of any injuries or deaths resulting from these demolitions. The neighborhood is more than 25 kilometers from the front line in the current operation to retake Mosul and Hawija. It was not affected by the ISIS attack in Kirkuk on October 21. There are no military structures in the area, which is mostly residential, said Kirkuk residents and Human Rights Watch researchers who visited the neighborhood earlier in 2016.

No KRG official has publicly claimed imperative military reasons as justification for displacing the June First residents or for demolishing homes there. While KRG officials have claimed that demolitions have been done to remove illegally constructed buildings, as far as Human Rights Watch has been able to determine, all those affected have been Arabs and there have been no similar demolitions in areas of Kirkuk where Kurds live, although many houses in those areas were also allegedly illegally built. A local sheikh in the neighborhood said that about a third of the homes in June First are illegally built.

The United Nations Office of the High Commissioner for Human Rights said on October 25 that it was "concerned by the severe measures the authorities in Kirkuk have been taking against internally displaced people living in the city."

Brigadier Sherzad Maraf, a member of the Security Committee of Kirkuk Governorate, denied that the forcible displacements are taking place, as did the governor of Kirkuk. However, Rakan Said al-Jubouri, the deputy governor, told Human Rights Watch that he visited the neighborhood and saw hundreds of homes destroyed by Peshmerga and Asayish forces.

KRG authorities should make a commitment to immediately end unlawful forced displacements and demolitions that violate international law, and to allow families to return where feasible and compensate and provide alternative housing to victims of unlawful forced evictions who cannot return home. This should include setting out a clear legal basis for destruction of homes, ensuring that such destruction only occurs for a legitimate reason, as a last resort when all other options are exhausted, does not negatively affect vulnerable people living in the homes, is not discriminatory in law or in practice, and gives those affected meaningful opportunity to challenge the decision before the evictions and demolitions are carried out.

"Evicting Arab families from their homes with only one day's notice and razing them to the ground is absolutely the wrong way to combat the security risk posed by ISIS," Fakih said.

The New Ejections in Kirkuk

The hundreds of families who lost their homes include Arabs displaced from other parts of Iraq by fighting against ISIS who had moved to Kirkuk, as well as longtime Arab residents of Kirkuk. The neighborhood has no Kurdish residents according to the residents from there who spoke to Human Rights Watch. Human Rights Watch is not aware of any similar demolition of homes of Kurds in Kirkuk following the ISIS attack.

Three Arab residents of Kirkuk told Human Rights Watch that on October 24, they heard at least one Asayish Toyota vehicle with speakers announcing that demolitions would be taking place the next day. "Samir" said that he had seen demolitions the day before:

I knew it would soon be my turn so we packed our things and put them outside our home. The next day they came to my house at 10 a.m., we were waiting outside as they came. Those who came had the KRG flag on each of their cars and on the bulldozer and excavators.

He said the security forces did not confiscate his identity card when they saw it read Kirkuk as his place of origin, but still told him he needed to leave, without giving a reason or telling him where to go. He is currently in Kirkuk, looking for a home in another neighborhood to rent.

Samir said that he spoke to members of 10 families who had been his neighbors after fleeing from Hawija when ISIS took control in 2014. Armed forces also demolished their new, self-built homes, and told them to go to a newly opened camp for internally displaced people in Daquq, 30 kilometers south of Kirkuk. The families told Samir by phone that they went to the camp and have stayed there.

Another longtime Arab resident of Kirkuk said that he heard security forces order families from Hawija living in five homes to leave Kirkuk, but he did not know where they had gone once their houses were destroyed. The security forces also ordered him and his family to leave and demolished his home.

The four men interviewed said that they received no alternative form of housing and no compensation. Three said they were looking for places to stay in Kirkuk. The fourth, who was sitting on the street when he spoke to Human Rights Watch, said he did not know where he would go.

Longterm Displacement of Arabs in Kirkuk

The pattern of forcible displacement in areas around Kirkuk controlled by KRG forces is not new, Human Rights Watch said. It has not documented any similar forcible displacement of the Kurdish population in the area.

Since 2015, Human Rights Watch has documented KRG forces' home demolitions and forcible displacement of local and displaced Arabs, including residents from villages neighboring Kirkuk, residents of Kirkuk, and displaced families living in Laylan camp, 25 kilometers southeast of Kirkuk. KRG authorities provided various reasons for the demolitions and displacements, including that the homes belonged to ISIS fighters, that the homes had bombs in them or were constructed without permits. In the case of the Laylan camp, the authorities said that displaced residents had to leave to make room for displaced people from other parts of the country.

However, the manner and circumstance of the displacements and demolitions indicate that they were not undertaken for the stated purposes but rather to unlawfully remove Arabs from disputed territory and, in some cases, to punish residents for actual or suspected ties to ISIS.

In most cases, residents told Human Rights Watch they did not receive advance warning and none received compensation. In many cases, residents were not offered alternative housing and some said they were forced to live in unsafe conditions.

According to aid workers, security forces expelled more than 12,000 internally displaced people from Kirkuk governorate in September 2016 alone.

According to an aid worker in Kirkuk, in 2005 the Kirkuk governor made an announcement stating that only residents of Kirkuk could own and build property and defined residents of Kirkuk as families registered during the 1957 census. The aid worker told Human Rights Watch that after this, he used it to justify demolition of Arab homes, saying these homes were unlawfully constructed by nonresidents.

International law on forcible displacement and demolition of homes

The laws of war prohibit the forcible displacement of civilians except for their own security or for imperative military reasons. A party to the conflict may order civilians to leave an area where civilians are in immediate danger or for imperative military reasons. As long as the immediate danger or imperative military reasons continue, a party to the conflict may prevent civilians from returning to their homes.

Human Rights Watch did not find imperative military reasons for displacing the population in the June First neighborhood. The authorities did not attempt to justify destruction of homes and displacement for reasons related to the conflict but only on the grounds of "illegal" construction in Kirkuk.

Further, while KRG officials have claimed that houses have been demolished to remove illegally constructed buildings, these demolitions have been announced and supervised by security forces. As far as Human Rights Watch has been able to determine, there have been no similar demolitions in areas where Kurdish Kirkuk residents live. Many houses in those areas were also allegedly illegally built, a Kirkuk resident who knows Kurdish residents who built their own homes illegally told Human Rights Watch.

Under the laws of war, the intentional or wanton destruction of civilian property is unlawful unless the property is being used for a military purpose, such as for the deployment of opposing forces. However, civilian property may be destroyed if future use by opposing forces, for example to stage an attack, is expected and imminent and only so long as the expected harm caused to civilians and civilian property is proportionate to the anticipated military advantage. Destroying property merely to punish the population is always prohibited.

In accordance with international human rights law, such demolitions would need to be carried out with adequate notice, consultation, and compensation to those affected.

Evictions must be justified in law, only be carried out for a legitimate reason, and be proportionate and non-discriminatory. Evictions should not adversely affect vulnerable people and avoid leading to a violation of other rights, including the right to shelter.

Authorities should provide individuals with the possibility to challenge evictions before they take place, and ensure compensation to those affected if the evictions are wrongfully carried out, and for any property lost or damaged. Forced evictions and house demolitions as punitive measures are strictly prohibited under international law.

Prior Forced Ejections

June First Neighborhood, Kirkuk, September 22, 2016

On September 22, aid workers reported that Kirkuk authorities forcibly displaced 64 Arab families from the June First neighborhood, forcing them to return to their village, al-Bohanehen, in Diyala. Security forces told families the evictions and subsequent house demolitions were because the homes were built without permits. But three of the people expelled told Human Rights Watch they believed they were being deported as part of a campaign to remove Arabs from the area. They said these demolitions only affected Arabs and that they heard armed forces making derogatory comments as they carried out the demolitions.

They said that that they and the other families had moved to the June First neighborhood after fleeing ISIS in Diyala.

"Karim" said that when ISIS came to al-Bohanehen, his family headed to Kirkuk. They settled in the June First neighborhood and built a makeshift home on public land along with other displaced families from Diyala and Tikrit. Karim says that since they arrived and erected homes in the neighborhood, Asayish and Kirkuk police would regularly come to the area and demolish some houses with excavators. When he asked why the homes were being demolished, a police officer told him it was because the homes were built without permits. On September 22, at about 4 p.m., a larger number of Asayish forces arrived without warning and demanded that the residents hand over their identity cards and threatened to demolish the homes with them inside if they did not leave. They did not tell families where to go, only that they had to leave Kirkuk.

"Ahmed," also from the village of al-Bohanehen in Diyala, said that his family begged the Asayish for a few days to pack their belongings, but the Asayish refused. Ahmed said that as they left he saw security forces demolish at least 30 homes of families from al-Bohanehen. None of the families received compensation or alternative accommodations.

The three men from al-Bohanehen said they returned to their village because they had nowhere else to go, and because ISIS had been pushed out in November 2014. The three men said the families who returned to al-Bohanehen have no access to basic services including food, water, adequate shelter, medical care, and hygiene facilities. Aid workers who visited the village confirmed the conditions. Most of the families have settled in abandoned buildings and destroyed houses, as the majority of the village infrastructure and homes were damaged in fighting and their homes are not habitable, the aid workers said. Some families told the aid workers that they felt unsafe due to lack of adequate shelter and risks to their physical safety.

Laylan Camp, Kirkuk city, September 22, 2016

Aid workers said that on September 22, Asayish forces forcibly displaced 115 Arab families from the Laylan camp in Kirkuk without prior notification and without offering them safe alternative housing. The families came there between 2014 and 2016, after fleeing their homes in Baiji in Salah al-Din governorate when ISIS came to the area.

A local Arab sheikh said: "This decision came from Iraqi central government because their cities are liberated, and the government doesn't have adequate capacity to keep all these families, when many IDPs [internally displaced persons] will start coming soon from Hawija. The government is preparing these camps for IDPs from Hawija and Mosul."

"Muhammad" fled Baiji with his family in early 2015 because of heavy airstrikes on the area targeting ISIS. The family stayed with friends about 140 kilometers west of Kirkuk in al-Shirqat, which was also under ISIS control at the time. In June, he decided to escape with his 2-year-old daughter, 10-year-old son, and wife. All three of them died on the journey out but Muhammad made it to Laylan camp. On September 22 at 9:30 a.m., Asayish forces from the camp came to the

tent he was sharing with his brother and told them to grab their possessions and leave. They did as they were told:

They kicked out many other families that day, I am not sure how many, but they loaded us into 10 buses. They didn't let three female neighbors of mine take time to wash their faces and pack. They brought us to Daquq checkpoint, and from there we needed to get our own taxis home.

Muhammed and his brother and brother's family went to Tikrit, the closest urban center to Baiji, most of which was destroyed in fighting against ISIS. Aid workers present during the forced displacement said that security forces had used physical violence against women, children, and men as they bused them out of Kirkuk Governorate. The families have settled in unfinished buildings and shops in the Qadisiyah neighbourhood of Tikrit and lack basic services, and some are still missing their identity cards, aid workers who have since visited the community said. Muhammad said:

At the camp we had help from different organizations. Now I am living in a half-built house with no windows or doors. I am not scared at the moment, but wherever you go in this country you don't really feel safe. How can I feel safe when I sleep in a house that does not have any doors or windows. Every night I expect something will happen to me.

Under the UN Guiding Principles on Internal Displacement, the Iraqi authorities, including the KRG, have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons. They should make special efforts to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Copyright notice: © Copyright, Human Rights Watch

Search Refworld

by keyword

and / or country

[Advanced Search](#) | [Search Tips](#)

Countries

- [Iraq](#)