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Country Policy and Information Note

Iraq: Sunni (Arab) Muslims

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

Updated: 28 June 2017

1. Introduction

1.1 Basis of claim

- 1.1.1 That an Arab is at risk of persecution or serious harm from state and/or non-state actors because he or she is a Sunni Muslim.

1.2 Points to note

- 1.2.1 Although (most) Kurds in Iraq are also Sunni Muslims, this note applies to Arab Sunni Muslims only (hereafter referred to as 'Sunnis').

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

- 2.2.1 Daesh (Islamic State of Iraq and Syria/the Levant) have been responsible for serious human rights abuses.
- 2.2.2 If there are serious reasons for considering that the person has been involved with or supports Daesh, then decision makers must consider whether one of the exclusion clauses is applicable.
- 2.2.3 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.4 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.2 Assessment of risk

a. Sunni identity

- 2.2.1 The Upper Tribunal, in the Country Guidance case of [BA \(Returns to Baghdad\) Iraq CG \[2017\] UKUT 18 \(IAC\)](#), heard on 24-25 August 2016 and promulgated on 23 January 2017, found:

‘Sectarian violence has increased since the withdrawal of US-led coalition forces in 2012, but is not at the levels seen in 2006-2007. A Shia dominated government is supported by Shia militias in Baghdad. The evidence indicates that Sunni men are more likely to be targeted as suspected supporters of Sunni extremist groups such as ISIL [Daesh]. However, Sunni identity alone is not sufficient to give rise to a real risk of serious harm’ (paragraph 107, (v)).

‘Individual characteristics, which do not in themselves create a real risk of serious harm on return to Baghdad might amount to a real risk for the purpose of the Refugee Convention, Article 15(c) of the Qualification Directive or Article 3 of the ECHR [European Convention on Human Rights] if assessed on a cumulative basis. The assessment will depend on the facts of each case’ (paragraph 107 (vi)).

b. State treatment

- 2.2.2 Sunnis, though marginalised by the Shia majority in Baghdad, are still represented in society and government. There are sectarian tensions, but Haider al-Abadi’s government has attempted reconciliation with the Sunni population (see [Sunnis in Baghdad](#) and [Political and sectarian context](#)).
- 2.2.3 There are reports that Government forces have abused Sunnis, mainly in areas of current or recent Daesh control (see [State treatment](#)).
- 2.2.4 In general the treatment of Sunnis by the state is not sufficiently serious by its nature and repetition that it will reach the high threshold of being persecutory or otherwise inhuman or degrading treatment.
- 2.2.5 However, decision makers must consider whether there are particular factors relevant to the specific person which might make the treatment serious by its nature and repetition.

c. Non-state treatment

- 2.2.6 Various non-state actors, primarily the powerful Shia militia (who number, in some estimates, in the tens of thousands), have violated the human rights of Sunnis in a number of governorates including Baghdad, Diyala, Kirkuk and Salah al-Din. These abuses increased following the remobilisation of the Shia militia in response to the Daesh insurgency in 2014 (see [Shia militia](#) and [Shia militia abuses](#)).
- 2.2.7 A Sunni may be able to demonstrate a real risk of persecution or serious harm from a Shia militia, but this will depend on their personal profile, including their family connections, profession and origin.
- 2.2.8 Sunni Internally Displaced Persons (IDPs), who generally lack support networks and economic means, are more vulnerable to suspicion and abuse. Decision makers need to consider each case on its merits.

- 2.2.9 There are a few reports that Sunnis experienced human rights abuses at the hands of Shia militia or unknown perpetrators in the southern governorates (Babil, Basra, Kerbala, Najaf, Missan, Muthanna, Qaddisiya, Thi-Qar and Wassit) (see [Shia militia abuses](#) and [Abuses by other non-state actors](#)). However, it does not appear to form part of a consistent or systematic risk to Sunnis.
- 2.2.10 In general Sunnis in the southern governorates are not subject to treatment which would be persecutory or cause serious harm. However, decision makers must consider whether there are particular factors specific to the person which would place them at real risk. The onus is on the person to demonstrate this.
- 2.2.11 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

- 2.3.1 Where the person's fear is of persecution and/or serious harm from non-state actors, decision makers must assess whether the state can provide effective protection.
- 2.3.2 The Upper Tribunal, in [BA \(Returns to Baghdad\)](#), found: 'In general, the authorities in Baghdad are unable, and in the case of Sunni complainants, are likely to be unwilling to provide sufficient protection' (paragraph 107 (vii)).
- 2.3.3 However, decision makers must explore whether there are circumstances – such as family, tribal or political links – in which a person can obtain protection. Each case must be assessed on its merits.
- 2.3.4 For further guidance on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 There are areas of Iraq to which, as a general matter, a person cannot relocate because of the security situation. For further information and guidance about internal relocation within Iraq generally, see the [Country Policy and Information Note on Iraq: Return/internal relocation](#)
- 2.4.2 Since 2003, Baghdad has become more segregated between Sunni and Shia. Reliable data is lacking, but sources indicate that there are still Sunni-dominated districts in Baghdad City – notably in Adhamiya, Dora and Mansour. Sunnis are the minority, but in a city of over 7 million people it is reasonable to judge that Sunnis number at least in the hundreds of thousands there. Baghdad hosts over half a million IDPs, who have been displaced from Sunni-majority governorates (see [Sunnis in Baghdad](#)).
- 2.4.3 On the numbers of Sunnis (including IDPs) in Baghdad, the Upper Tribunal in [BA \(Returns to Baghdad\)](#) found: 'We find that a detailed analysis of that evidence is unlikely to be helpful save to note that if a purely statistical assessment of the numbers of Sunnis and reported killings is conducted, the

number of killings only form a small percentage of the overall population of Sunnis in Baghdad' (paragraph 96).

2.4.4 The Upper Tribunal in [BA \(Returns to Baghdad\)](#) also found:

'It is unhelpful to enter into a detailed analysis of the ethnic and religious make-up of specific neighbourhoods in Baghdad. It would be inconsistent with the purpose of international protection mechanisms to expect a person to be confined to a small enclave as a long term solution to protection issues unless they could lead a relatively normal life without it being unduly harsh. This is not to say that, if a person has particular links with a specific neighbourhood, it will not be relevant to an overall assessment of risk on return' (paragraph 97).

2.4.5 Freedom of movement may be limited in areas under the control of Government forces and/or Shia militia, including in Baghdad. A Sunni may be required to find a sponsor to enter the city, although this requirement is subject to change based on the changing security situation (see [Freedom of movement](#)).

2.4.6 A Sunni will generally be able to relocate to Baghdad, as long as it is not unreasonable based on their specific circumstances.

2.4.7 There may be small Sunni communities in the southern governorates. There is evidence, for example, that Sunnis live in Hilla in Babil, and in parts of Basra (see [Sunnis in Iraq](#)).

2.4.8 A Sunni may be able relocate to one of the southern governorates, particularly the areas with a Sunni presence, if not unreasonable or unduly harsh based on the person's circumstances, including entry requirements. The onus will be on the person to demonstrate why they cannot relocate to one of these areas.

2.4.9 Shia militia are not present in the Kurdistan Region of Iraq (KRI). However, the Upper Tribunal in [AA \(Article 15\(c\)\) Iraq CG \[2015\] UKUT 544 \(IAC\)](#), heard on 18-19 May 2015 and promulgated on 30 October 2015, found that, in general, an Arab is unlikely to be able to relocate to the KRI (paragraph 204 (21)). However, each case must be assessed on its merits and decision makers should explore whether there are any circumstances, including family, tribal or political links, in which may an Arab to relocate to the KRI.

2.4.10 For further guidance on internal relocation, see the [Country Policy and Information Note on Iraq: Security and humanitarian situation](#) and the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Certification

2.5.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

3. Policy summary

- 3.1.1 While Sunnis are more likely than others to be targeted as actual or perceived Daesh sympathisers than other Iraqis, Sunni identity alone is not sufficient to give rise to a real risk of serious harm.
- 3.1.2 In general, a Sunni will not face a real risk of serious harm or persecution from the state.
- 3.1.3 Sunni Internally Displaced Persons (IDPs) are, in general, more vulnerable to suspicion and abuse than Sunnis resident in particular area.
- 3.1.4 Sunnis may face a real risk of persecution or serious harm from Shia militia in areas where there is a militia presence, namely in Baghdad and the central governorates. However, a person's circumstances, including their tribal, family or political links, may mean that they are not at such risk. Decision makers must assess each case on its merits.
- 3.1.5 In general, Sunnis will not face a real risk of persecution or serious harm in the southern governorates.
- 3.1.6 In general, Sunnis are unable to avail themselves of the protection of the authorities. Decision makers must assess each case on its merits.
- 3.1.7 A Sunni may be able to relocate to Baghdad if they do not face a real risk of serious harm or persecution there and where it will not be unduly harsh based on their circumstances, including sponsorship requirements. It is unreasonable to expect a person to be confined to a small enclave if they cannot otherwise lead a relatively normal life, although a person's link with a specific neighbourhood will be relevant in an assessment of whether relocation to Baghdad is reasonable.
- 3.1.8 A Sunni can, in general, relocate to the southern governorates, if not unduly harsh based on their circumstances. The onus will be on the person to demonstrate why they cannot relocate to the south.
- 3.1.9 An Arab is unlikely to be able to relocate to the Kurdistan Region of Iraq, although decision makers should explore all a person's circumstances, including tribal, family or political links, which may enable them to do so.
- 3.1.10 If refused, a claim is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Country information

Updated: 26 July 2016

4. Sunni Arabs

4.1 Sunnis in Iraq

- 4.1.1 Sunni Arabs in Iraq originate from the central governorates, predominantly Anbar, Ninewa and Salah al-Din, and parts of Kirkuk and Diyala¹.
- 4.1.2 Some sources indicate that there are Sunni communities in southern Iraq, for example in Basra and in Hilla (Babil governorate)². However, there is a lack of reliable information about the size of these communities.
- 4.1.3 There is limited accurate data on the number of Sunni Arabs currently living in Iraq.³ The most recent full Iraqi census was in 1987⁴, and planned censuses have been postponed a number of times⁵. The Landinfo report, 'Iraq: Baghdad – the security situation as of February 2015', commented: '[i]t is not known what proportion of the population are respectively Sunni and Shiite [Shia]. This is a sensitive political topic and a reason why the long-planned census was postponed.'⁶
- 4.1.4 The CIA World Factbook (WFB), regularly updated, estimated in 2010 that Iraq's population was 99 per cent Muslim, with 60-65 % Shia and 32-37 % Sunni⁷. However, the source categorised the accuracy of this data as 'medium to low'⁸. WFB data does not distinguish Arabs, Kurds and other

¹ For example, see CIA, 'Distribution of Ethno-religious Groups and Major Tribes', January 2003, http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethno_2003.jpg; and CIA, 'Ethno-religious groups', 1992, http://www.lib.utexas.edu/maps/middle_east_and_asia/iraq_ethnoreligious_1992.jpg, accessed 26 July 2016

² For example, see Asharq Al Awsat, 'Iraq: Sunnis come under fire in Basra', 19 September 2013, <http://english.aawsat.com/2013/09/article55317301/iraq-sunnis-come-under-fire-in-basra>, accessed 18 January 2016; Reuters Baghdad, 'Iraqi Sunni mosques attacked in apparent retaliation for Saudi execution', 5 January 2016, <http://www.reuters.com/article/mideast-crisis-iraq-violence-idUSKBN0UI0U320160105>, accessed 18 January 2016; and <http://www.islamopediaonline.org/country-profile/iraq/major-religious-communities/sunnis-iraq>, accessed 19 July 2016

³ Pew Research Center, 'The Sunni-Shia Divide: Where they live, what they believe and how they view each other', 18 June 2014, <http://www.pewresearch.org/fact-tank/2014/06/18/the-sunni-shia-divide-where-they-live-what-they-believe-and-how-they-view-each-other/>, accessed 26 July 2016

⁴ US Census Bureau, 'International Data Base: Iraq', updated July 2015, <https://www.census.gov/population/international/data/idb/metadata.php?R=Custom Region&C=Iraq>, accessed 5 January 2016

⁵ Niqash, 'Why there may never be a census again', 20 June 2013, <http://www.niqash.org/en/articles/politics/3238/>, accessed 5 January 2016

⁶ Landinfo, 'Iraq: Baghdad – the security situation as of February 2015', p.18, translated by the Belgium Office of the Commissioner General for Refugees and Stateless Persons, http://www.cgra.be/sites/default/files/rapporten/topical_note_baghdad_-_the_security_situation_as_of_february_2015_1.pdf, accessed 18 January 2016

⁷ CIA World Factbook, Iraq, regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>, accessed 26 July 2016

⁸ CIA World Factbook, Iraq, regularly updated, <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>, accessed 26 July 2016

ethnic groups who may belong to the Sunni sect. Other sources, for example the Forum for Cities in Transition project, cited similar figures⁹.

- 4.1.5 Surveys conducted by ABC News and the Pew Research Center between 2007 and 2011 estimated that Shia Muslims in Iraq made up between 45 and 55 per cent of the population, but the source did not distinguish ethnic groups¹⁰.
- 4.1.6 The 2014 US State Department's International Religious Freedom Report ('USSD religious report'), published in October 2015, cited 2010 Iraqi government statistics of the ethno-religious populations in Iraq which noted:
'... 97 percent of the population is Muslim. Shia Muslims, predominantly Arabs but including Turkmen, Shabak, Faili (Shia) Kurds, and others, constitute 60 to 65 percent of the population. Arab and Kurdish Sunni Muslims make up 31 to 37 percent of the population, with 18 to 20 percent representing Sunni Kurds, 12 to 16 percent Sunni Arabs, and the remaining 1 to 2 percent Sunni Turkmen. Approximately 3 percent of the population is composed of Christians, Yezidis, Sabeen-Mandaeans, Bahais, Kakais (sometimes referred to as Ahl-e Haqq), and a very small number of Jews.'¹¹
- 4.1.7 Jane's Sentinel Security Assessment, in a May 2016 update, estimated that Arabs formed 77% of the population (with Kurds 19%). Shias about 62.5% of and Sunnis about 34.5%. Jane's puts the population of Iraq at 30,196,388¹². Other sources give different estimates. For example, the BBC gives the population of Iraq as 33.7 million¹³. The Congressional Research Service estimated that the population comprised 60% Shia, 20% Sunni and 18% Kurdish (distinguishing between Sunnis and Kurds)¹⁴.

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4.2 Sunnis in Baghdad

- 4.2.1 The UN Joint Analysis and Policy Unit, in a paper dated December 2015, cited 2007 data from the UN World Food Programme which gave Baghdad's population as 7,145,470¹⁵. The CIA World Factbook, regularly updated, estimated Baghdad's population as 6,643,000¹⁶. The sources did not break the population down on sectarian lines.

⁹ Forum for Cities in Transition, Baghdad, <http://citiesintransition.net/fct-cities/baghdad/>, accessed 26 July 2016

¹⁰ Pew Research Center, 'The Sunni-Shia Divide: Where they live, what they believe and how they view each other', Michael Lipka, 18 June 2014, <http://www.pewresearch.org/fact-tank/2014/06/18/the-sunni-shia-divide-where-they-live-what-they-believe-and-how-they-view-each-other/>, accessed 26 July 2016

¹¹ US State Department, International Religious Freedom Report for 2014, Iraq, <http://www.state.gov/j/drl/rls/irf/2014/nea/238456.htm>, accessed 26 June 2016

¹² Jane's Sentinel Security Assessment, Iraq – Demography, 26 January 2015, subscription required, accessed 18 July 2016

¹³ BBC News, 'Iraq country profile', 4 May 2016, <http://www.bbc.co.uk/news/world-middle-east-14542954>, accessed 19 July 2016

¹⁴ Congressional Research Service, 'Iraq: Politics and Governance', 9 March 2016, p.1, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 19 July 2016

¹⁵ IAU, 'Baghdad Governorate Profile', December 2015, <http://www.iau-iraq.org/gp/print/GP-Baghdad.asp>, accessed 26 July 2016

¹⁶ CIA Worldfact book, Iraq, Major urban areas – population, regularly updated,

- 4.2.2 The latest UN Assistance Mission in Iraq (UNAMI) and the Office for the High Commissioner of Human Rights (OHCHR) joint-report, covering May to October 2015, recorded that Baghdad had 577,584 Internally Displaced Person's (IDPs) the second-highest number of in Iraq¹⁷.

For more information on the Internally Displaced People (IDPs) in Baghdad (who have come from the Sunni-majority areas in Iraq), see the country policy and information note on [Iraq: Security and humanitarian situation](#).

- 4.2.3 Several sources indicated that, since 2003, Baghdad has become more segregated and Shia-dominated. The Finnish Immigration Service's report, 'Security situation in Baghdad – the Shia militias' ('the FIS report'), dated 29 April 2015, which cited various sources, summarised the situation:

'Following the Iraqi civil war (2006–2007), the previously peaceful coexistence of Sunni and Shia communities came to an end, and Baghdad was gradually split into more clearly defined Sunni or Shia districts. Thousands of people died during the civil war, with Shia and Sunni militias killing each other. Shiites took over several parts of the city that had been occupied by Sunnis and other minorities, turning Baghdad into a predominantly Shia city.'¹⁸

- 4.2.4 The Gulf 2000 Project's maps on Baghdad showed neighbourhoods and changing populations. The maps show a reduction in the number of mixed areas and an increased number of Shia-dominated areas. The latest map shows mixed areas in Rusafa and Sunni areas concentrated in Mansour and Abu Ghraib¹⁹.
- 4.2.5 The Forum for Cities in Transition [includes maps and compares the demographic composition in Baghdad between 2006 and 2014](#)²⁰.
- 4.2.6 The following information is about the main areas in and around Baghdad where Sunnis live. It should not be taken to be exhaustive.

Adhamiya

- 4.2.7 Sources differ about the sectarian composition of Adhamiya. The FIS report referred to the district (in north Baghdad) as a Sunni majority area, where the army built a wall to protect Sunnis from Shia attack²¹. A map from Colombia

<https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>, accessed 26 July 2016

¹⁷ United Nations Assistance Mission in Iraq (UNAMI) and Office of the High Commissioner for Human Rights (OHCHR), 'Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015', January 2016, p.6,

<http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport1May31October2015.pdf>, accessed 28 July 2016

¹⁸ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, p. 2, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

¹⁹ The Gulf 2000 Project, Dr Michael Izady, Baghdad: Ethnic Composition in 2015: The metropolitan area and the province, 2015,

http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lg.png, accessed 26 July 2016.

See also: BBC, 'Iraq four years on', undated (circa 2007),

http://news.bbc.co.uk/1/shared/spl/hi/in_depth/baghdad_navigator/, accessed 26 July 2016

²⁰ The Forum for Cities in Transition, Baghdad, <https://citiesintransition.net/fct-cities/baghdad/>, accessed 21 July 2016

²¹ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp.

University showed within the district of Adhamiya the Sunni areas of A'dhamia and, in the north, Sulaikh neighbourhood²². Other sources referred to Sulaikh as a Sunni neighbourhood²³. Other sources also view Adhamiya as a Sunni majority area²⁴. However, an FCO letter dated 31 August 2013 described Adhamiya area as: '[a] largely Shia area with small Sunni enclaves.'²⁵ The Institute of the Study for War (ISW) corroborated the FCO's description²⁶.

Dora

- 4.2.8 Sources differ about the sectarian composition of Dora, in south Baghdad. The FIS report explained that Dora was previously mixed but had gradually become a predominantly Sunni district by 2006-2007²⁷. However, an FCO letter dated 31 August 2013 referred to the area as: 'Previously a Sunni area, though now mixed.'²⁸ A map from Colombia University dated 2015 showed the district of Dowra as mixed, with some Sunni neighbourhoods which included Shorta 2nd, Rajab, Dowra and Karrara²⁹.

Mansour

- 4.2.9 The FIS report explained that Mansour was a predominantly Sunni area and the headquarters of the Ba'ath Party under Saddam Hussein, and listed Yarmouk, Ameriya and southern Ghaziliya as Sunni areas³⁰. An FCO letter dated 31 August 2013 referred to the area as: 'A predominantly Sunni area, and as a result the area of strongest Sunni extremist influence.'³¹ A 2015

23-30, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

²² The Gulf 2000 Project, Dr Michael Izady, Baghdad: Ethnic Composition in 2015: The metropolitan area and the province, 2015, http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lq.png, accessed 26 July 2016

²³ For example see, Middle East Monitor, 'Adhamiya burns brightly, but no one sees', 14 May 2015, <https://www.middleeastmonitor.com/articles/middle-east/18626-adhamiya-burns-brightly-but-no-one-sees>, accessed 17 February 2016; and Al Monitor, 'Iraqis demand better security for religious pilgrimages', 15 May 2015, <http://www.al-monitor.com/pulse/originals/2015/06/iraq-religious-pilgrimage-sectarian-violence.html#>, accessed 17 February 2016

²⁴ For example, see <https://www.middleeastmonitor.com/articles/middle-east/18626-adhamiya-burns-brightly-but-no-one-sees>; <http://www.thedailybeast.com/articles/2015/05/15/torched-baghdad-neighbourhood-could-be-just-the-beginning.html>; and <http://www.al-monitor.com/pulse/originals/2015/06/iraq-religious-pilgrimage-sectarian-violence.html#>

²⁵ Letter from the British Embassy Baghdad, 'Violence in Baghdad by area', 29 March 2016. Available on request.

²⁶ Institute for the Study of War, Adhamiya, <http://www.understandingwar.org/region/adhamiyah-%D8%A7%D9%84%D8%A7%D8%B9%D8%B8%D9%85%D9%8A%D8%A9>, accessed 19 June 2016

²⁷ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 23-30, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

²⁸ Letter from the British Embassy Baghdad, 'Violence in Baghdad by area', 29 March 2016. Available on request.

²⁹ The Gulf 2000 Project, Dr Michael Izady, Baghdad: Ethnic Composition in 2015: The metropolitan area and the province, 2015, http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lq.png, accessed 26 July 2016

³⁰ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 23-30, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

³¹ Letter from the British Embassy Baghdad, 'Violence in Baghdad by area', 29 March 2016. Available

map from Colombia University showed Mansour as predominantly Sunni. Sunni neighbourhoods included Ameria, Yarmuk, Dawudi and South Ghazalia³².

Abu Ghraib

- 4.2.10 The town of Abu Ghraib is in Baghdad governorate and about 30 km west of Baghdad City. Nir Rosen in his book 'The Eclipse of the Mahdi Army', dated 2010, remarked that Abu Ghraib was '... a Sunni area.'³³ He also remarked that, following the siege of Fallujah in late 2004, civilians were displaced to areas, including Abu Ghraib, just west of Baghdad City. He described these areas as 'majority-Sunni strongholds where both insurgents and Salafis had a formidable presence.'³⁴ An NPR report, dated October 2014, indicated that the area was predominantly Sunni. The report contained an interview record with an ISF soldier: '... there aren't really Islamic State fighters here in Abu Ghraib. It's local tribal rebels, who are supported by the Islamic State and may be sympathetic to them, he says. ... But he reckons they're really fighting because the mostly Sunni people in western Iraq have been marginalized for years by Shiite-led governments.'³⁵ A map from Colombia University, dated 2015, showed the district of Abu Ghraib as predominantly Sunni³⁶.

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5. Political and sectarian context

- 5.1.1 For background on the Sunni-Shia divide within Islam, see the [BBC's article](#) about the 'ancient schism' between these sects.
- 5.1.2 A Pew Research paper, which cited data from 2011/12, observed that the strength of sectarian identity could vary depending on the country; sectarian identity was especially important for Iraqis³⁷.

on request.

³² The Gulf 2000 Project, Dr Michael Izady, Baghdad: Ethnic Composition in 2015: The metropolitan area and the province, 2015,

http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lq.png, accessed 26 July 2016

³³ Nir Rosen, The Eclipse of the Mahdi Army, 2010, p.340 accessed via Google books,

https://books.google.co.uk/books?id=KzT9AgAAQBAJ&pg=PA340&lpg=PA340&dq=abu+ghraib+sunni+AREA+or+neighbourhood&source=bl&ots=lqmLOIZa4E&sig=ZFcPLSirUVHjZsUTb_5BhHv_gZQ&hl=en&sa=X&ved=0ahUKEwi9ncqXoOXJAhVFfRoKHvqDdAQ6AEIMzAG#v=onepage&q=Abu%20Ghraib&f=false, accessed 26 July 2016

³⁴ Nir Rosen, The Eclipse of the Mahdi Army, 2010, p.340 accessed via Google books,

https://books.google.co.uk/books?id=KzT9AgAAQBAJ&pg=PA340&lpg=PA340&dq=abu+ghraib+sunni+AREA+or+neighbourhood&source=bl&ots=lqmLOIZa4E&sig=ZFcPLSirUVHjZsUTb_5BhHv_gZQ&hl=en&sa=X&ved=0ahUKEwi9ncqXoOXJAhVFfRoKHvqDdAQ6AEIMzAG#v=onepage&q=Abu%20Ghraib&f=false, accessed 26 July 2016

³⁵ NPR, 'Iraq's Abu Ghraib is back in the news, now as a front line town', 24 October 2014,

<http://www.npr.org/sections/parallels/2014/10/24/358315058/iraqs-abu-ghraib-is-back-in-the-news-now-as-a-front-line-town>, accessed 17 December 2015

³⁶ The Gulf 2000 Project, Dr Michael Izady, Baghdad: Ethnic Composition in 2015: The metropolitan area and the province, 2015,

http://gulf2000.columbia.edu/images/maps/Baghdad_Ethnic_2015_lq.png, accessed 16 December 2015

³⁷ Pew Research Center, 'The Sunni-Shia Divide: Where they live, what they believe and how they view each other, Michael Lipka, 18 June 2014, <http://www.pewresearch.org/fact-tank/2014/06/18/the->

5.1.3 Jane's noted:

'As prime minister, [Haider al-] Abadi has made determined efforts to combat rampant corruption and to increase Sunni participation in Baghdad's political processes, an example for which is the appointment of Khaled al-Obaidi, a prominent Sunni politician from Mosul, as defence minister...

'One of the key drivers of hostility between Iraq's Sunni and the state is former prime minister Nouri al-Maliki's failure to honour promises of employment made to tribal factions within the Awakening Council (Sahwa) militias who in 2005-07 were turned against the jihadist insurgency through the US Army's "Reconciliation" programme. Maliki's resistance to arming Sunni local forces and integrating tribal fighters into the local security apparatus has limited those tribes and dependent clans' ability to sustain patronage, given employment in security forces is their traditional job function. This gradually eroded tribes' ability to exert control on individual clan leaders and their followers, and has presented jihadists and Ba'athists with the opportunity to build alliances with small tribes and politically marginalised clan leaders. By attempting to form a National Guard, Prime Minister Abadi, with US backing, is probably trying to reverse his predecessor's policy of relying on predominantly Shia units in the Iraqi army, and particularly Special Forces, to take on enforcement duties in Sunni provinces, which increased the appeal of armed resistance against the state. The Iraqi government confirmed on 21 November [2015] that the formation of units has already started, even though the draft National Guard law has not yet been passed...'³⁸

5.1.4 A Congressional Research Service report, dated March 2016, noted:

'Prospects for greater inter-communal unity appeared to increase in 2014 with the replacement of former Prime Minister Nuri al-Maliki with the current Prime Minister, Haydar al-Abbadi. Although both men are from the Shiite Islamist Da'wa Party, Abbadi has taken some steps to try to compromise with Sunnis and with the KRG...

'Within the majority Shiite community, Abbadi continues to struggle politically against the growing influence of Shiite militia commanders who operate independently of the official military chain of command, have close ties to Iranian leaders, and question the Abbadi government's alliance with the United States. The government has needed to rely on the militias in some battles against the Islamic State. Some of the Shiite militia leaders seek to combat the Islamic State without the participation of Sunni fighters, who many experts assert are key to completely defeating Islamic State forces.'³⁹

5.1.5 The source continued:

'In February 2015, the Cabinet approved an amendment to the "de-Baathification" laws to further re-integrate former members of Saddam's

[sunni-shia-divide-where-they-live-what-they-believe-and-how-they-view-each-other/](#), accessed 26 July 2016

³⁸ Jane's Sentinel Security Assessment, Iraq – Internal Affairs, 11 May 2016, subscription required, accessed 18 July 2016

³⁹ Congressional Research Service, 'Iraq: Politics and Governance', 9 March 2016, Summary, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 19 July 2016

Baath Party into the political process and presumably reduce Sunni resentment of the government...

'Yet, many Sunnis continue to mistrust the Abbadi government. His visits to Iran (October 2014 and June 2015) continue to fuel Sunni suspicions that Abbadi is susceptible to arguments from some Iranian leaders not to compromise with Sunni factions. Many experts assess that Abbadi remains dependent politically and militarily on the Shiite militias, and the commanders of the Iran-backed Shiite militias have become politically influential and assertive to the point where some experts assess them as able and willing to undermine Abbadi's authority. Former Prime Minister Maliki continues to seek to exert his influence by holding meetings of the State of Law parliamentary bloc and by cultivating an image of personal affinity for and control over the PMF. The militia commanders express suspicions of the United States and want Abbadi to ally more closely with Iran as well as with Russia, which has intervened in Syria in part to help keep President Bashar Al Assad in power. However, Abbadi's standing improved with the ISF [Iraqi Security Forces] recapture of Ramadi in early 2016, which was accomplished without involvement of Shiite militias and with the assistance of U.S. airstrikes and other support.'⁴⁰

5.1.6 Freedom House, in their 2016 World Report (which covered events in 2015) ('FH 2016'), noted:

'The election of Haidar al-Abadi as prime minister in 2014 seemed to offer Iraq an opportunity to heal sectarian divisions that were exacerbated by his predecessor, Nouri al-Maliki. Yet in 2015, Iraq appeared to inch closer to dissolution along ethno-sectarian lines...The Shiite majority in the south openly discussed secession, a previously taboo topic. And while Sunni leaders pressed for fair inclusion or Sunni regional autonomy within a united Iraq, the pattern of IS occupation raised the possibility of an independent Sunni Arab state in parts of Iraq and Syria. These pressures increased the urgency of restoring government control over Iraqi territory without further alienating the Sunni population.'

5.1.7 The source also detailed the composition of the Iraqi parliament:

'In the 2014 parliamentary elections, al-Maliki's Shiite-led State of Law coalition won 95 seats, making it the largest grouping. A Shiite bloc associated with populist cleric Moqtada al-Sadr placed second with 34 seats, followed by a third Shiite coalition, Al-Muwatin, with 31 seats. A Sunni-led bloc, Muttahidoon, took 28 seats; a secular nationalist coalition led by Ayad Allawi, Al-Wataniya, received 21; and the two leading Kurdish parties, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), took 25 and 21 seats, respectively. The remainder was divided among several smaller parties...

'As Iraq's largest minority, many Sunni Arabs feel that Shiite dominance of the political system since 2003 has kept them out of positions of influence in government. Moreover, power-sharing arrangements among Kurds, Shiites, and Sunnis serve to reinforce the political salience of ethnic identities and

⁴⁰ Congressional Research Service, 'Iraq: Politics and Governance', 16 September 2015, pp. 28-29, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 19 July 2016

inhibit the formation of political movements based on other issues or priorities.’⁴¹

5.1.8 Bertelsmann Stiftung’s Transformation Index (BTI) 2016, Iraq Country Report, observed:

‘There is a widespread perception of unachieved citizenship among members of the Sunni community. Sunnis felt marginalized under the Maliki premiership and targeted by Article 4 of the Anti-Terrorism Law, which the former government used to legally pursue them. Protests against the perceived discrimination toward Sunnis were triggered in 2012. The protests have only taken place in Sunni areas and have been portrayed by the authorities as “Sunni protests,” despite the fact that some of their demands reflected common grievances among Iraqis (such as security and services). IS militants took advantage of Sunni frustration to take control of parts of northern and western Iraq. At the beginning of their insurgency, IS were backed by other local Sunni armed groups seeking to topple al-Maliki...

‘Prime Minister al-Abadi initiated a national reconciliation project aimed at reconciling Iraq’s Sunnis with the federal government accused, under former Prime Minister al-Maliki, of pursuing sectarian agendas and marginalizing many. While Shi’ite politicians expressed concern about the National Guard project, Sunnis were enthusiastic about it as they normally distrust state institutions such as the army and national police, which had previously carried out indiscriminate arrests against Sunnis. However, they seem largely disappointed by the de-Ba’thification measures, which are considered insufficient.’⁴²

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6. Shia militia

6.1 Overview

6.1.1 A Congressional Research Service paper, dated 16 September 2015, noted:

‘All the established Shiite militias began to reactivate as unrest in the Sunni areas escalated during 2012-2014, and particularly following the 2014 Islamic State offensive. After the Islamic State capture of Mosul, additional Shiite militiamen joined the anti-Islamic State effort as “Popular Mobilization Forces” (PMF). The new recruits answered Ayatollah Ali al-Sistani’s call for Shiites to rally to fight the Islamic State. Former Mahdi Army militiamen reorganized as the “Salaam (Peace) Brigade.” Some Shiite militia forces returned from Syria, where they were protecting Shiite shrines and conducting other combat in support of the government of Bashar Al Assad.

‘The Popular Mobilization Forces are generally commanded by ISF forces, although some might also supply manpower to the more established militias. Some Sunni fighters are included in the PMF, for the primary purpose of

⁴¹ Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

⁴² Bertelsmann Stiftung’s Transformation Index (BTI) 2016, Iraq Country Report, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Iraq.pdf, pp. 3, 32-33, accessed 19 July 2016

freeing Sunni inhabited areas from Islamic State rule.⁴³ The United States has said as of May 2015 that it would provide to Shiite militias that are under ISF command. Exact numbers of PMF fighters are not known, but are widely estimated to be in the tens of thousands.⁴⁴

6.1.2 The FIS report noted:

‘The general security situation in Iraq changed again as the civil war in Syria escalated and ISIS began to take control of areas in western Iraq. When ISIS invaded Mosul in June 2014 and the Iraqi army fled, Shia militias began to organise themselves in order to defend Iraq and Baghdad, in particular, against the ISIS Sunni fighters. Even before this, the Shia militias had behaved violently towards the Sunni population in response to the ISIS troops gaining ground in Iraq. Sunnis were considered ISIS supporters and were feared to be members of ISIS...

‘Iraq is reported to have dozens of Shia military groups that call themselves al-Muqawama al-Islamiya (“the Islamic resistance”). They see themselves as defenders of Iraq and its sacred sites against ISIS, and as a force filling the void left by the Iraqi army. All of these groups have connections with Iran. They are armed by Iran and share their (religious) ideology with the country. They are loyal to the Iranian religious leader, Ayatollah Khamenei, and follow the doctrine of wilayat-e faqih, according to which learned religious men should be actively involved in all sectors of government and society.’⁴⁵

6.1.3 An article in Al Monitor, ‘Why Iraq needs to depoliticize their Popular Mobilization Units’, dated July 2015, explained:

‘Despite the misunderstanding and conflicting information on the units’ nature and activities, its legitimacy derives from “the righteous jihad” fatwa that was issued June 2014 by the highest Shiite authority in Iraq, Grand Ayatollah Ali al-Sistani... The fatwa states that Iraqi citizens who are able to take up arms should volunteer in the ranks of the security forces to defend the country. However, there are some who considered the fatwa a call for Shiites to take up arms against the Sunnis, despite the fact that the fatwa identified thwarting the terrorist threat as a collective responsibility and not the responsibility of a specific sect or party.’⁴⁶

6.1.4 A Jamestown Foundation article, dated May 2016, and which cited several sources, explained:

‘The al-Hashd al-Shaabi, or Popular Mobilization Forces (PMF), an umbrella group for majority Iraqi Shia militias, was established in June 2014 in response to the IS seizure of nearly one-third of Iraq. PMF forces

⁴³ An updated version of the source puts the number of Sunni fighters in the PMUs at 17,000. See Congressional Research Service, ‘Iraq: Politics and Governance’, 16 September 2015, p.17, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 19 July 2016

⁴⁴ Congressional Research Service, ‘Iraq: Politics and Governance’, 16 September 2015, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 26 July 2016

⁴⁵ Finnish Immigration Service, ‘Security Situation in Baghdad – the Shia militias’, 29 April 2015, p.3, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁴⁶ Al-monitor, ‘Why Iraq needs to depoliticize their Popular Mobilization Units’, 10 July 2015, <http://www.al-monitor.com/pulse/originals/2015/07/iraq-popular-mobilization-forces-politics-isis.html#>, accessed 26 July 2016

successfully defended the Karbala and Najaf governorates in southern Iraq from the advance of IS forces

‘The PMF was created on the order of Nouri al-Maliki, Iraq’s then-Prime Minister, in 2014 with the unanimous backing of the Council of Ministers. Recruitment was aided substantially by a historic fatwa from Grand Ayatollah Ali al-Sistani, the highest *marja* (“Source of Emulation”) of the Shias, which called on “all able-bodied Iraqis” to defend their country. The number of active PMF members is unclear, but unofficial estimates range from 80,000 to 120,000.

‘The group falls under the authority of the prime minister, as commander-in-chief of the armed forces and the defense ministry. Its supporters have been lobbying for the group to gain full legal status as part of the Iraqi Security Forces (ISF). While the Iraqi Council of Representatives (ICR) has approved and allocated hundreds of millions of dollars to the PMF from the 2015 and 2016 budgets, however, debate continues among Iraqi officials over what its exact legal framework should be...

‘The Shia militias are disorganized and undisciplined, however, as well as prone to confrontation with each other and occasionally the Iraqi government. There were clashes between Saraya al-Salam and AAH in Baghdad in 2015 and in al-Muqdadia in 2016, while Saraya al-Khorasani has clashed with police in Balad in Diyala. AAH’s leader Qais Khazali denounced Iraq’s parliamentary political system, calling for a presidential system to be put in place instead. Khazali’s demands should be interpreted in light of his support of al-Maliki...

‘The first and most influential bloc is the pro-Iranian militias, established by the Iranian regime. Of these, the Badr Organization, headed by Hadi al-Amiri, is the largest and best equipped, manned by approximately 20,000 fighters. Others include Asaib Ahl al-Haq (AAH), Kataib Hezbollah (KH), Saraya al-Khorasani, and Harakat al-Nujaba, that follow the Iranian supreme leader’s doctrine, *wilayat al-faqih*, and have political aspirations.

‘They have also been the most effective against IS, with the Badr Organization dominating Diyala governorate. They have access to rockets, heavy weaponry, and intelligence both from the Iranian Revolutionary Guards Corps and the Iraqi government, as well as benefitting from the expertise of Iranian military advisors.

‘The second bloc are the pro-Sistani militias, the *Hashd al-Sistani*, made up of the Liwa Ali al-Akbar, Furqat Imam Ali al-Qitaliyah, and Furqat al-Abbas al-Qitaliyah. They are close to Prime Minister Abadi and have gradually increased to approximately 20,000 fighters, though they have the potential to reach 50,000.

‘Their recruits are largely volunteers who signed up in response to Sistani’s fatwa and most have no political ambitions. They are backed by pro-Sistani institutions or Shrine Foundations such as Ataba Al-Abbasya, Ataba al-Alawyyia al-Muqadasa, and Ataba Al-Hussaniya al-Muqadasa. They are fewer in number than their pro-Iranian counterparts, but have the support of the Iraqi defense ministry and increasingly fall under the ISF’s command...

'Furqat al-Abbas al-Qitaliyah and Liwa Ali al-Akbar have a relatively high percentage of Sunni fighters among their number; in Liwa Ali al-Akbar's case, the number is as high as 16%.

'The third bloc is made up of loyalists of Shia cleric Muqtada al-Sadr and militias supporting the Islamic Supreme Council of Iraq (ISCI), led by Ammar al-Hakim. These are two powerful Shia political factions with complex links to Iran. Despite their rivalries, they are categorized together due to their loose adherence to the federal government in Baghdad. Such pro-Hakim militias include Saraya Ansar al-Aqeeda, Liwa al-Muntathar and Saraya Ashura, while the main pro-al-Sadr militia is Saraya al-Salam. The leaders of both factions have said their forces will follow the ISF's instructions in the battle against IS.'⁴⁷

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6.2 Asa'ib Ahl al-Haqq (AAH)

6.2.1 Jane's noted:

'Asa'ib Ahl al-Haqq is an Iraqi Shia militia group that split from Jaish al-Mahdi in 2006. It was involved in numerous attacks against US forces until their final withdrawal in 2011, when it announced its intention to join the political process. It operates various political offices across the country but also retains an armed capability and is suspected of involvement in various IED [Improvised Explosive Device] attacks and targeted killings against the Sunni community. It has received training from the Lebanese Hizbullah and from the Iran's Islamic Revolution Guards Corps' Quds Force (IRGC-QF), and effectively represents an Iranian militant proxy within Iraq. The Grand Ayatollah Kazem Hueein Haeri, the group's spiritual leader, is reported to be a Khomeinist scholar of Iraqi origin leaving in Iran. Members of Asa'ib Ahl al-Haqq are also engaged in fighting against Syrian Sunni insurgents in Syria, especially around Damascus and Aleppo where the group operates under the name of 'Liwa Kafeel Zainab'. On the domestic level, Asa'ib Ahl al-Haqq's members have supported Iraqi security forces in al-Anbar against Islamic State and Sunni militants. Indeed, in January 2014 the group announced the killing in al-Anbar of one of its senior commander, Anwar al-Bahadil, who had previously fought in Syria.'⁴⁸

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6.3 Badr Organisation

6.3.1 A Congressional Research Service report, dated September 2015, noted:

'The Badr Organization was the armed wing of the Islamic Supreme Council of Iraq, a mainstream Shiite party, headed now by Ammar al-Hakim. The Badr Organization largely disarmed after Saddam's fall and integrated immediately into the political process. Its leader is Hadi al-Amiri, an elected

⁴⁷ Jamestown Foundation, 'Iraq's Shia Militias: Helping or Hindering the Fight Against Islamic State?', Terrorism Monitor Volume 14, Issue 9, 29 April 2016, http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=45375&cHash=3ca9eccc d7f6af85f8c3ed6ac8c09d6b#.V43zm_n5zyM, accessed 19 July 2016

⁴⁸ Jane's Sentinel Security Assessment, Iraq – Non-state armed groups, 1 January 2015, subscription required, accessed 18 July 2016

member of the National Assembly who is viewed as a hardliner advocating extensive use of the Shiite militias to recapture Sunni-inhabited areas. It might have as many as 30,000 militia fighters.⁴⁹

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6.4 Kata'ib Hezbollah

6.4.1 Jane's noted:

'Kataib Hizbullah (KH) is an Iraqi Shia militant Islamist group that is alleged by the United States government to be closely linked to Iran's Islamic Revolution Guard Corps - Quds Force (IRGC-QF). Kataib Hizbullah emerged in 2007 with the merging of several Shia militias, which had themselves splintered from Muqtada al-Sadr's Jaish al-Mahdi (JAM) in 2004. The primary objective of the group was to force the withdrawal of all US forces from Iraq through military means, although a more long-term aim is the establishment of an Iranian-style Shia theocracy in Iraq. US officials have accused Iran on multiple occasions of supplying Kataib Hizbullah with sophisticated weaponry, such as explosively-formed projectiles (EFPs), which were frequently used in deadly attacks on US forces in both Baghdad and Shia-dominated southern Iraq during the US military presence in Iraq. After claiming responsibility for a reduced number of operations through 2009 and 2010, Kataib Hizbullah claimed responsibility for a substantial series of attacks on US forces through early-to-mid 2011, including an improvised rocket-assisted mortar (IRAM) attack in Baghdad in June in which six US soldiers were killed. Following the final withdrawal of US military forces from Iraq in December 2011, the group's primary objective was fulfilled. Nonetheless, Kataib Hizbullah has not since disarmed or demobilized, and it remained operative by gradually re-shaping its political aims in the midst of the Syrian conflict and following the Sunni-led protests that began in Iraq in December 2012. Indeed, the organization is currently operative both domestically and regionally. In Syria, members of Kataib Hizbullah play a relevant role within the Damascus-based Liwa Abu Fadl al-Abbas, a coalition of Iraqi Shia fighters backed by the Iranian Quds Forces and supporting the Syrian government. The group has publically claimed that at least 30 of its members have been killed in Syria through 2013. In Iraq, the group is currently active with at least two militant brigades, Jaysh al-Mukhtar and the Saraya al-Dafa' al-Sha'bi brigade (the Popular Defense Brigades). Jaysh al-Mukhtar was established by Kataib Hizbullah's leader Wathiq al-Battat in February 2013, with the declared goal of protecting Iraq's Shias and to prevent Sunni insurgents from attempting to overthrow the Shia-dominated government of former Prime Minister Nouri al-Maliki. In November 2013, Jaysh al-Mukhtar has also claimed credit for six mortar rockets that had landed near the Hafar al-Batin border post between Saudi Arabia and Iraq. Saraya al-Dafa' al-Sha'bi has been formed in April 2014 with the declared goal of 'defending Iraq and Shia areas'. In May 2014, Iraqi media have also claimed that Saraya al-Dafa' al-Sha'bi fighters have been

⁴⁹ Congressional Research Service, 'Iraq: Politics and Governance', 16 September 2015, p.16, <https://www.fas.org/sgp/crs/mideast/RS21968.pdf>, accessed 19 July 2016

fighting alongside the Iraqi Internal Security Forces in Fallujah against Islamic State militants.⁵⁰

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6.5 Peace Brigades (Mahdi Army)

6.5.1 The FIS report noted

‘An armed group led by imam Muqtada al-Sadr, which used to be called the Mahdi Army (MA), is currently known as the Peace Brigades (Saraya al-Salam). The group adopted its new name in 2014, which is why people still tend to refer to it as the Mahdi Army. Similarly, news reports still commonly refer to the group as the Mahdi Army.

‘The army has been active since 2003. During the civil war, the Sadrists had an office in each residential area of Sadr City, tasked with caring for the poor people in the area, among other things. In 2004, the MA comprised 500–1,000 trained combatants and 5,000–6,000 active soldiers. In 2006, the MA launched an ethnic cleansing in Baghdad's Sunni and mixed population areas. They set up checkpoints and harassed residents. The MA sent threatening letters to the Sunni population, asking for protection money. In an interview conducted in 2013, Muqtada al-Sadr said that the Mahdi Army was being infiltrated by people who were killing Sunnis and that he, personally, would not have accepted such people under his command. Al-Sadr also accused the troops led by Khazali (currently AAH) of sectarian killings during the civil war. It is very difficult to link these killings to al-Sadr, because he is said to have used middlemen for conveying his orders and has repeatedly condemned sectarian killings.

‘Muqtada al-Sadr had trouble directing MA operations against the movement's original enemy, US troops – his soldiers found it easier to terrorise the Sunni population. Towards the end of 2006, al-Sadr gradually lost control of his troops. In August 2007, he suspended MA operations for six months. By this time, at least 10 previously mixed population districts/neighbourhoods had been turned into Shia areas. Local and federal administration was in the hands of Shiites.

‘Muqtada al-Sadr disbanded the Mahdi Army in 2008. This happened at a time when the US was bringing more forces into Baghdad. Evidently, the Mahdi Army was afraid of getting caught in a crossfire between the US forces and the fighters of the rivalling Shia Badr organisation who had been recruited into the police force. At this point, the Mahdi Army was largely operating outside the administration.

‘According to the residents of Sadr City, the Mahdi Army began to reorganise in 2010. They no longer wore their distinctive black clothes, particularly when fighting against US troops, but the locals maintained that they were still able to recognise them. In 2014, the Peace Brigades (Saraya al-Salam) organised parades in the Shia district of Sadr City as a show of power. It is estimated that as many as 30,000–50,000 Mahdi Army members took part in these parades, most of them in uniform and bearing weapons. These troops

⁵⁰ Jane's Sentinel Security Assessment, Iraq – Non-state armed groups, 1 January 2015, subscription required, accessed 18 July 2016

are again active, but their official duty is to protect Shia mosques and residential areas from ISIS. According to troop leaders, they worked under government control and in line with Iraqi Army orders. When Sadr established the Peace Brigades, his intention was to engage in defence. However, the group has increasingly been involved in offensive battles. The Mahdi Army/Peace Brigades are powerful in the Sadr City region. The MA is setting up its own illegal checkpoints in Sadr City and can refuse entry even from governmental troops.

'Muqtada al-Sadr has recently begun to advocate the prevention of violence. He feels that the Shia militias are jeopardising the unity and authority of the Iraqi Army. In January 2015, Sadr held a press conference together with the Iraqi Minister of Defence Khaled Al-Obeidi, announcing that he was placing his own troops at the disposal of the Iraqi Army. However, like other Shia militias, the group is cooperating with Iran. The Mahdi Army has stronger and more nationalistic connections with Iraq than other religious militant groups. The Mahdi Army, or currently the Peace Brigades, consists of 60,000 combatants.

'In February 2015, Muqtada al-Sadr suspended the operations of his armed groups, Peace Brigades and Promised Day Brigades, when Qassim al-Janabi, a well-known Sunni tribal leader, was found dead. An unknown Shia militant group was accused of the killing, which caused a stir among Sunni politicians. According to al-Sadr, the resulting suspension of operations was a show of good will. Al-Sadr also said that violence against Shiites does not justify attacks on others, and that people should work together to prevent violence. In June 2014, Radio Free Europe/Radio Liberty reported that the Mahdi Army had 6,000–10,000 combatants.'⁵¹

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7. Shia militia abuses

7.1 Overview

- 7.1.1 Several sources reported that Shia militia committed abuses against Sunnis. Amnesty International noted that the PMUs (and Government forces) 'committed war crimes, other violations of international humanitarian law and human rights violations, mostly against Sunni communities in areas under IS control.'⁵² In June 2016, a joint written statement to the UN by the International Youth and Student Movement for the United Nations, and other organisations, noted that the militia 'are in the process of carrying out indiscriminate attacks on the population on sectarian and ethnic basis, while always hiding behind the pretext of fighting terrorism. Recent campaigns have seen "Sunni" Arabs as the major target of the militias' fury. The strategy, which is fervently supported by the government, aims at displacing

⁵¹ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 10-11, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁵² Amnesty International Report 2015/16 – The State of the World's Human Rights – Iraq, <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF>, accessed 18 July 2016

this component of society and “clean” certain areas from their presence.’⁵³
FH 2015 noted: ‘...Shiite militias allegedly attacked and displaced Sunni Arab civilians in some areas in retaliation for perceived support for IS.’⁵⁴

- 7.1.2 Minority Rights Group International, in a report dated March 2016, commented that the ‘situation in Diyala has come to resemble Baghdad, where ISIS claims responsibility for concentrated attacks against military personnel as well as civilian population. These kinds of attacks tend to spur retaliation by Shi’a militias targeting Sunnis, supposedly affiliated to ISIS. However, local residents claim that there is no consistency in who is targeted, or, as one IDP framed it: ‘Revenge is carried out on whoever crosses their [the militias’] path.’⁵⁵

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7.2 Forced displacement

7.2.1 USSD 2015 reported:

‘On January 23, after reclaiming Diyala from Da’esh control, Shia PMF allegedly looted and destroyed eight houses in Saadian and destroyed four mosques in Muqdadiya, Diyala Governorate. A February 15 HRW report, Iraq: Militias Escalate Abuses, Possibly War Crimes, claimed that since June 2014, at least 3,000 persons had fled their homes in Muqdadiya and that some were kidnapped and summarily executed. According to HRW the attacks appeared to be part of a campaign involving the Badr Brigade to displace residents from Sunni and mixed-sect areas and prevent them from returning...’⁵⁶

- 7.2.2 Minority Rights Group International, in a report on displacement dated March 2016, noted: ‘Several incidents have been recorded where Sunni Arab IDPs have been evicted from their shelters, be they leased premises or occupied informal settlements.’ The report also mentioned how Sunnis have been ‘rejected’ from returning to their areas of origin in Khanaqin (specifically Jalawla City) (in Diyala), and how nearby Shia areas are ‘reluctant’ to see Sunnis return to Yathrib (in Salah al-Din), adding: ‘The Shi’a tribes request blood money to be paid for their martyred sons. Although the government vowed to compensate these families, certain tribes will not accept compensation unless it is paid by the Sunni families themselves.’⁵⁷

⁵³ UN General Assembly, Human Rights Council, ‘Joint written statement submitted by the International Youth and Student Movement for the United Nations...’ et al, 7 June 2016, p. 4, http://www.ecoi.net/file_upload/1930_1467890015_g1611379.pdf, accessed 19 July 2016

⁵⁴ Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

⁵⁵ Minority Rights Group International, ‘Iraq’s Displacement Crisis: Security and protection’, March 2016, p. 13, <http://minorityrights.org/publications/iraqs-displacement-crisis-security-and-protection/>, accessed 18 July 2016

⁵⁶ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

⁵⁷ Minority Rights Group International, ‘Iraq’s Displacement Crisis: Security and protection’, March 2016, <http://minorityrights.org/publications/iraqs-displacement-crisis-security-and-protection/>, accessed 18 July 2016

- 7.2.3 In June 2016, a joint written statement to the UN by the International Youth and Student Movement for the United Nations, and other organisations commented:

‘The purpose of militias is to make sure that the families will not be able to go back to their homes, and hence they destroy until they become completely inhabitable. This, in turn, underlies that the crimes are being conducted with the purpose of creating displacement and demographical change, purely on sectarian basis and particularly against the “Sunni” component of the Iraqi society.

‘In this context, fighting ISIS has given the authorities the pretext to justify such attacks and has provided them with a cover in front of the international community.’⁵⁸

- 7.2.4 The source continued:

‘Particularly concerning is the situation in the Diyala province which is witnessing an unprecedented increase in the displacement and killings of “Sunni” Arabs since the beginning of 2016. In addition to mass killings, the evidence and testimonies derived from the facts on the ground confirm that widespread cases of house demolitions and looting are taking place, along with the burning and desecration of mosques and the humiliation and insulting of imams and preachers.

‘The authors of this crime are Badr militias, the Saraya Al Salam militias and Hezbollah militias. These organizations, which now control the province, have taken advantage of the tense situation to seize control of all its resources, and prevented a large number of citizens, who were forced to leave because they were targeted by ISIS or anti-ISIS forces, from returning to their homes.’⁵⁹

- 7.2.5 The UN Security Council, in a report dated April 2016, reported that UNAMI received reports alleging that ‘armed groups reportedly associated with the PMUs’ had prevented the return of IDPs to Balad district of Salah al-Din.⁶⁰

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7.3 Kidnappings

- 7.3.1 The FIS report noted:

‘Men identified as AAH members kidnapped Sunni men in the districts of Sha’ab, Baya’a, Za’franiyya and Ghazaliyya. The kidnappers were dressed in civilian clothing and drove an army vehicle with no number plates. In both cases, the kidnapped men were found a few days later, shot in the head. AAH is also claimed to be kidnapping Sunnis in the Sunni districts of Ma’alif,

⁵⁸ UN General Assembly, Human Rights Council, ‘Joint written statement submitted by the International Youth and Student Movement for the United Nations...’ et al, 7 June 2016, p. 3, http://www.ecoi.net/file_upload/1930_1467890015_g1611379.pdf, accessed 19 July 2016

⁵⁹ UN General Assembly, Human Rights Council, ‘Joint written statement submitted by the International Youth and Student Movement for the United Nations...’ et al, 7 June 2016, p. 4, http://www.ecoi.net/file_upload/1930_1467890015_g1611379.pdf, accessed 19 July 2016

⁶⁰ UN Security Council, ‘Third report of the Secretary-General pursuant to paragraph 7 of resolution 2233 (2015)’, para 48, 27 April 2016, <http://www.un.org/en/sc/documents/sgreports/2016.shtml>, accessed 18 July 2016

Ameriyya, Khadraa, Dora and Saidiyya. In July 2014, AAH kidnapped Sunni civilians on Palestine street in the al-Mohandeseen region. AAH is suspected of kidnapping local business men...

'Sometimes, the militias release the Sunnis they have taken if they manage to convince their kidnappers that they are Shiites. Similarly, Sunnis may pose as Shiites in Shia-dominated residential areas. Many Sunnis say that their Shia neighbours saved their lives by falsely identifying them as Shiites. Sunnis are forced to pose as Shiites in certain areas to avoid problems and being driven away from their homes. In conclusion, it seems that religious beliefs are not making ordinary Shiites violent towards their Sunni neighbours...' ⁶¹

- 7.3.2 FH 2015 reported that '...after IS was routed from Tikrit in March, PMF forces kidnapped at least 200 Sunnis, including children, from a village south of the city. Most remained missing late in the year.' ⁶²

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7.4 Abductions

- 7.4.1 The UNAMI/OHCHR report detailed several incidences of abductions of Sunnis by Shia militia in Salah al-Din and Diyala ⁶³.
- 7.4.2 The UN Security Council, in a report dated April 2016, reported that, on 1 March 2016 'armed groups reportedly associated with the PMUs' reportedly abducted seven civilians from the Sunni Arab community in Muqdadiya and Baquba, Diyala ⁶⁴.

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7.5 Abuses at checkpoints

- 7.5.1 The FIS report noted:

'People tend to make a connection between militias and the administration; in particular, Asa'ib Ahl al-Haqq and the government are said to be working together. People seem to make no difference between official and illegal checkpoints. There are approximately 200 checkpoints in the streets of Baghdad. These are used to check the identity of people and to check vehicles. Checkpoints often slow down traffic even if no checks are conducted. Sunnis are inspected more thoroughly than Shiites. Checkpoints

⁶¹ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 14-15, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁶² Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

⁶³ UNAMI/OHCHR, 'Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015', pp. 22-23, 28, 30, <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport1May31October2015.pdf>, accessed 19 July 2016

⁶⁴ UN Security Council, 'Third report of the Secretary-General pursuant to paragraph 7 of resolution 2233 (2015)', para 48, 5 July 2016, http://www.ecoi.net/file_upload/1226_1464858181_n1611153.pdf, accessed 18 July 2016

are often adorned with Shia religious iconography. Attempts will be made to reduce the number of checkpoints after the curfew, which has long been in place in Baghdad, has been lifted. AAH members have been seen at the checkpoints, helping the security forces to check identities and vehicles. It is very difficult to make a distinction between armed militias and the security forces.⁶⁵

7.5.2 The FIS report also commented that there were:

'[...] several illegal checkpoints in Baghdad, run by armed militias. People are stopped at these checkpoints, asked to show their identification documentation and asked questions about their sectarian orientation. Checkpoints seem to be located predominantly in the mixed Sunni-Shia population districts of western Baghdad. Illegal checkpoints have also been set up in Karrada, Hurriya and central Baghdad. In the same year, an AAH representative said they had searched for illegal checkpoints in Iskan and elsewhere in Baghdad together with the authorities, but found no traces of them.'⁶⁶

7.5.3 The same report further noted:

'Sunnis have experienced problems at checkpoints because of their names. Back in 2003–2005, during the sectarian conflict, many Iraqis acquired two identification documents, one with a Sunni name and another with a Shia name. This was particularly the case with people who had to travel between different parts of the town for work-related reasons. The same holds true to this day: Sunnis acquire identity documents indicating they are Shiites to avoid trouble. In a Shia-dominated district in western Baghdad with a 20% Sunni population, Sunnis have to pose as Shiites to avoid being killed by the militias or being driven away from that part of town.

'However, it is difficult to know whether a person is Sunni or Shiite simply on the basis of their name. In Iraq there are Sunnis called Ali and Hussein and Shia called Omar, even though some sources suggest that even secular Shia parents would not name their children Omar, Abu Bakri, Othman or Aisha. Traditionally names such as Omar, Abu Bakr and Yazid are Sunni names while Ali, Hassan and Hussein are Shia names. Mohammed and Fatima are popular with both Sunnis and Shiites. Omar appears to be one of the names that causes trouble for Sunnis.

'There were already problems with the name Omar during the civil war in 2006. In July 2006, the police found 14 young men dead in Baghdad. They were all Sunnis who had been shot in the head. All of them had the same first name, Omar. Meanwhile, Shiites have reportedly experienced problems at the hands of Sunni militant groups such as ISIS due to their names.

'These days it can be easier for parents to give their newborn child a neutral name that is not clearly Sunni or Shiite. In fear of conflicts, some Iraqi

⁶⁵ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, p 16, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁶⁶ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, p. 16, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

parents give their children names that do not reflect any particular religious orientation. Neutral names include Muhammed, Abdullah and Mariam. The names Ali and Hussein can be considered fairly neutral, as they are popular with both Sunnis and Shiites. The names Zina, Raneen, Atasi and Safad are highly secular and do not therefore directly indicate a person's religious orientation.⁶⁷

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7.6 Killings

7.6.1 The FIS report noted:

'Shia militias, including AAH, typically kill Sunnis by shooting them in the head using a silenced gun. In recent years, victims have been found in Baghdad who have been executed in typical Shia militia style: they have been shot in the head and their arms have been tied behind their backs.

'According to pathologists working in Baghdad, a growing number of Sunnis shot in the head are being brought to mortuaries, typically 8–10 bodies a day, and mainly from the districts of Saidiyya, Dora, Ghazaliyya, Shu'ala, Washashi and Mansour. These areas are under AAH control. Families are afraid to collect the bodies because of AAH surveillance...

'In 2015, it was reported that the government no longer allowed journalists to visit mortuaries. A doctor working at a mortuary said the director of the mortuary was fired because he was Sunni. He was replaced with a member of AAH.⁶⁸

7.6.2 On 13 June 2016, Radio Free Europe/Radio Liberty reported that Shia militia had tortured and killed Sunnis fleeing Fallujah. The Government detained a number of Shia fighters for these abuses.⁶⁹ Human Rights Watch reported that they had 'received credible allegations of summary executions, beatings of unarmed men, enforced disappearances, and mutilation of corpses by government forces over the two weeks of fighting, mostly on the outskirts of the city [Fallujah], since May 23. On June 4, 2016, in response to allegations of abuse, al-Abadi launched an investigation into abuses in Fallujah and issued orders to arrest those responsible for "transgressions" against civilians. On June 7, al-Abadi announced the "detention and transfer of those accused of committing violations to the judiciary to receive their punishment according to the law."⁷⁰ The BBC also reported the alleged torture and killing of Sunnis by Shia militiamen following the liberation of Fallujah.⁷¹

⁶⁷ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 16-17, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁶⁸ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 17-18, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁶⁹ Radio Free Europe/Radio Liberty, 'Iraq Makes Arrests over Rights Violations in Fallujah Operations', 13 June 2016, <http://www.rferl.org/content/iraq-fallujah-rights-violations/27795494.html>, accessed 20 June 2016

⁷⁰ Human Rights Watch, 'Fallujah Abuses Test Control of Militias', 9 June 2016, <https://www.hrw.org/news/2016/06/09/iraq-fallujah-abuses-test-control-militias>, accessed 20 June 2016

⁷¹ BBC News, 'Fallujah detainees 'tortured by Shia militias'', 6 June 2016,

7.6.3 A UNHCR report, dated May 2016, about relocation of Sunnis to Baghdad, quoted various sources. It summarised:

‘According to reports, there has been a renewed surge in targeted violence against Sunni Arabs in Baghdad since 2014...there has reportedly been a renewed increase in bodies discovered, mostly of Sunni Arab men, who are found blindfolded, handcuffed and apparently executed on a daily basis, mostly in Baghdad. According to reports, the mode of killing and the geographic location where the bodies are found often correspond with known patterns of Shi’ite militias killing for sectarian or political motivations. Families of those abducted or killed are reportedly often apprehensive about reporting the abduction or killing to the police, or checking the morgue, as they fear being subjected to reprisals.’⁷²

7.6.4 USSD 2015 stated:

‘In many cases Shia PMF operated independently and without oversight or direction from the government. According to AI [Amnesty International], on January 26 Shia PMF and government security forces singled out and killed at least 56 and possibly more than 70 Sunni men in Barwana, a village west of Muqdadiya in Diyala Governorate. Witnesses told AI that Badr Brigades members, wearing green and red bandanas and armbands, went house to house and asked the men to come outside with their identification documents. Witnesses also said that among the perpetrators were members of the Ministry of Interior’s Special Weapons and Tactics force, as well as the Muqdadiya police force. Witnesses heard gunfire and then found the bodies of the men shot and some of their fingers amputated. Witnesses said they found their family members shot and blindfolded with their hands tied behind their backs. On January 28, the prime minister ordered an investigation into these killings. On March 20, the Commission of Inquiry submitted its report to the parliament. AI reported that as of April, the authorities had not contacted any of the victims’ families or informed them of any steps investigators took....

‘AI reported that a prominent Sunni tribal leader who had called for sectarian reconciliation, Sheikh Qassem Sweidan al-Janabi, was kidnapped on February 13 in Dura in Baghdad. Authorities found the bodies of the sheikh, his son, and his bodyguards a few hours later in Baghdad. Janabi had pressed for the return of 70,000 displaced Sunni residents of Jurf as Sakhr in Babil Governorate.’⁷³

7.6.5 The same source reported:

‘Ethnic-based fighting escalated in ethnically mixed governorates in post-Da’esh clearing operations. Following an October 22 car bombing and an exchange of fire on November 12 in Tuz Khurmatu, in Salah ad Din Governorate, Peshmerga forces and Asayish (Kurdistan internal security)

<http://www.bbc.co.uk/news/world-middle-east-36458954>, accessed 20 June 2016

⁷² UNHCR, ‘Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas’, May 2016, pp. 9-10, <http://www.refworld.org/docid/575537dd4.html>, accessed 20 June 2016

⁷³ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

clashed with Popular Mobilization Forces reportedly composed of Shia Turkmen, Badr Brigades, the Asa'ib Ahl al-Haq, and Kita'ib Hizballah. The two sides supported by armed local residents from their respective communities reportedly committed punitive actions including razing homes, burning villages, looting, and engaging in mass arrests. Human Rights Watch (HRW) reported that Shia Turkmen fighters from the PMF detained and tortured between 150 and 175 Sunni Arabs from Tuz Khurmatu, killed between eight and 34 of those abducted, kept approximately 50 in captivity at year's end, and released the rest.⁷⁴

7.6.6 And:

'Human rights groups and the media reported high levels of sectarian violence. Much of the violence was due to Shia militias--some of which participated as part of the PMF, nominally under government control--killing and abusing Sunni civilians. Successful airstrikes and ISF ground operations to liberate Da'esh-controlled areas created civilian security vacuums into which these units moved. The situation worsened during the year, and Sunni civilians faced revenge attacks for Da'esh crimes as well as forced displacement from their homes...'⁷⁵

7.6.7 Human Rights Watch, in a report which covered events in 2015, noted:

'Members of Shia militias, who the Iraqi government has included among its state forces, abducted and killed scores of Sunni residents in a central Iraq town and demolished Sunni homes, stores, and mosques following January 11, 2016 bombings claimed by the extremist group Islamic State, also known as ISIS. None of those responsible have been brought to justice.

'Two consecutive bombings at a café in the town of Muqdadiya, in Diyala province, some 130 kilometers north of Baghdad, on January 11, killed at least 26 people, many of them Sunnis, according to a teacher who lives near the café. ISIS claimed the attacks, saying it had targeted local Shia militias, collectively known as Popular Mobilization Forces, which are formally under the command of the prime minister. Members of two of the dominant militias in Muqdadiya, the Badr Brigades and the League of Righteous forces, responded by attacking Sunnis as well as their homes and mosques, killing at least a dozen people and perhaps many more, according to local residents.'⁷⁶

7.6.8 The UN Security Council, in a report dated April 2016, reported on the 'reprisal attacks against the Sunni community [which] had taken place in Muqdadiya for the second time in a year' in March 2016. These attacks, which included the killing of a civilian, were 'perpetrated by armed groups reportedly associated with the popular mobilization forces'.⁷⁷

⁷⁴ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

⁷⁵ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

⁷⁶ Human Rights Watch (HRW), 'Iraq: Possible War Crimes by Shia Militia', 31 January 2016, <https://www.hrw.org/news/2016/01/31/iraq-possible-war-crimes-shia-militia>, accessed 18 July 2016

⁷⁷ UN Security Council, 'Third report of the Secretary-General pursuant to paragraph 7 of resolution 2233 (2015)', paras 20, 48, 5 July 2016,

- 7.6.9 Amnesty International 2015/16 reported that militias (and government forces) ‘carried out reprisal killings of local Sunnis suspected of supporting IS’ in the areas recaptured from IS. In one such case in January, security forces and allied Shia militias extrajudicially executed at least 56 Sunni Muslims in Barwana village, Diyala.⁷⁸
- 7.6.10 In June 2016, a joint written statement to the UN by the International Youth and Student Movement for the United Nations, and other organisations, noted: ‘Particularly concerning is the situation in the Diyala province which is witnessing an unprecedented increase in the displacement and killings of “Sunni” Arabs since the beginning of 2016...The authors of this crime are Badr militias, the Saraya Al Salam militias and Hezbollah militias.’⁷⁹
- 7.6.11 FH 2016 noted: ‘Shiite militias often took indiscriminate revenge for IS actions on Sunni civilians...even massacring them, as when progovernment militias recaptured Tikrit in early 2015.’ The source also reported that, in January 2015, PMUs massacred ‘at least’ 56 Sunnis in Diyala.⁸⁰

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7.7 Attacks on property

- 7.7.1 A UN source, dated 4 January 2016, described attacks on three Sunni mosques in Babil, ‘as well as other acts of violence’. The perpetrators of the attacks are not named, although the source described an ‘exacerbation of sectarian tensions’ following the execution of 47 Shias in Saudi Arabia.⁸¹
- 7.7.2 Human Rights Watch (HRW), in a report which covered events in 2015, noted that Shia militias ‘carried out widespread and systematic violations of human rights and international humanitarian law, in particular, demolishing homes and shops in recaptured Sunni areas.’⁸²

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8. Abuses by other non-state actors

- 8.1.1 USSD 2015 noted:
- ‘There were cases of killings of Sunni clerics in Basrah. On January 1, unknown assailants killed four Sunni clerics in a drive-by shooting in Basrah’s Zubayr District. Religious leaders on both sides called for restraint,

http://www.ecoi.net/file_upload/1226_1464858181_n1611153.pdf, accessed 18 July 2016

⁷⁸ Amnesty International, Annual Report 2015/16, <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF>, accessed 18 July 2016

⁷⁹ UN General Assembly, Human Rights Council, ‘Joint written statement submitted by the International Youth and Student Movement for the United Nations...’ et al, 7 June 2016, p. 4, http://www.ecoi.net/file_upload/1930_1467890015_g1611379.pdf, accessed 19 July 2016

⁸⁰ Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

⁸¹ United Nations Iraq, ‘UN Envoy condemns attacks on mosques in Babylon province’, 4 January 2016, http://www.uniraq.org/index.php?option=com_k2&view=item&id=5067:un-envoy-condemns-attacks-on-mosques-in-babylon-province&Itemid=605&lang=en, accessed 18 July 2016

⁸² Human Rights Watch (HRW), World Report 2016: Iraq: Events of 2015, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 17 July 2016

and the prime minister ordered an investigation that produced no results by year's end...⁸³

8.1.2 Amnesty International 2015/16 reported:

'...in January, members of a Yezidi militia attacked Jiri and Sibaya, two predominantly Sunni Arab villages in the northwestern Sinjar region. The militia carried out execution-style killings of 21 civilians, including children and elderly men and women, and abducted other civilians. Residents said that Kurdish Peshmerga and Asayish forces were present when the killings were perpetrated. The homes of Sunni Arabs were also looted and burned by Yezidi militias after Peshmerga forces recaptured Sinjar from IS in November.'⁸⁴ The massacre of 21 Sunnis by Yazidis was also mentioned by Freedom House.⁸⁵

8.1.3 UNAMI/OHCHR reported that Sunnis were targeted by 'unknown gunmen' in Kirkuk and Diyala.⁸⁶

8.1.4 In February 2015, the Australian Department of Foreign Affairs and Trade assessed that Sunnis living in Shia-dominated regions generally face moderate levels of societal discrimination. The report further stated that:

'Sunnis in the Shia-dominated southern governorates have complained of unfavourable treatment, usually linked to perceived difficulties accessing employment. DFAT assesses that discrimination faced by Sunnis in the south is primarily societal and due to nepotism. For example, Shia employers are more likely to hire Shias. DFAT considers that relocation to Sunni-dominant provinces would likely reduce discriminatory treatment, but notes that the levels of violence are generally higher in these provinces, and there are less economic opportunities and poorer services.'⁸⁷

8.1.5 The 2014 USSD's international religious freedom report, published in October 2015, noted:

'The Sunni Endowment confirmed UNAMI findings that the Sunni minority in the south had been subjected to assassinations, kidnappings, and threats. For example, four Sunnis, including a prominent tribal sheikh, were kidnapped during the first week of October in Basrah. Two were later released after interrogation and payment of a ransom, while the others remained in an unknown location. The assistant dean of Shatt al-Arab University and a Sunni physician were also kidnapped in southern Iraq in September; their whereabouts remained unknown.'⁸⁸

⁸³ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

⁸⁴ Amnesty International Report 2015/16 – The State of the World's Human Rights – Iraq, <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF>, accessed 18 July 2016

⁸⁵ Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

⁸⁶ UNAMI/OHCHR, 'Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015', <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport1May31October2015.pdf>, accessed 19 July 2016

⁸⁷ Available on request

⁸⁸ US State Department, International Religious Freedom Report for 2014 – Iraq, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, accessed 19 June 2016

9. State treatment

9.1 Overview

- 9.1.1 A UNHCR report, dated May 2016, about relocation of Sunnis to Baghdad, quoted various sources. It summarised:

‘According to reports, Iraqi Security Forces (ISF) and associated forces involved in fighting ISIS regularly target civilians on suspicion of their affiliation with or support for ISIS. While, as a general rule, criminal action against a person reasonably suspected of terrorism would be legitimate if in line with relevant legislation and the due process of law, in Iraq, observers note that civilians are frequently targeted on the basis of discriminatory and broad criteria, namely the person’s perceived political opinion, religious background and/or place of origin: most arrests under the Anti-Terrorism Law of 2005 reportedly concern Sunni Arabs, predominantly men, but also women and children, on mere suspicions of supporting or sympathizing with anti-government armed groups such as ISIS. Under the Anti-Terrorism Law, arrests can be conducted without a warrant. Reports find that terrorism suspects are often held in prolonged pre-trial detention, and without access to a lawyer or their families. Detention conditions are reported to be particularly harsh for detainees held under the Anti-Terrorism Law. The use of torture and ill-treatment is reported to be pervasive, particularly in facilities of the Ministry of Interior. Several detainees are said to have died as a result of torture. Detainees charged under the Anti-Terrorism Law are reported to be at risk of facing unfair trials, and, if convicted, may face the death penalty, including on the basis of confessions extracted under torture. The death penalty, carried out by hanging, continues to be extensively used, with many of death sentences reportedly imposed under the Anti-Terrorism Law...’⁸⁹

- 9.1.2 The UNAMI/OHCHR report detailed that, on 16 August 2015, Peshmerga had demolished ‘an unknown number’ of houses in the Sunni area of Jalawla, Diyala.⁹⁰
- 9.1.3 The 2014 USSD’s international religious freedom report, published in October 2015, noted: ‘Sunni Muslims also reported discrimination based on a public perception that the Sunni population sympathized with former regime and terrorist elements, including ISIL. For example, according to UNAMI, on February 25, Dhi Qar police arrested four individuals suspected of distributing sectarian flyers demanding that Sunnis leave the area within a month or be killed.’⁹¹

⁸⁹ UNHCR, ‘Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas’, May 2016, pp. 4-5, <http://www.refworld.org/docid/575537dd4.html>, accessed 20 June 2016

⁹⁰ UNAMI/OHCHR, ‘Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015’, p. 31, <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport1May31October2015.pdf>, accessed 19 July 2016

⁹¹ US State Department, International Religious Freedom Report for 2014 – Iraq, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, accessed 19 June 2016

9.2 Freedom of movement

9.2.1 USSD 2015 noted:

‘There were numerous reports that security forces, including the ISF and Peshmerga, as well as the PMF selectively enforced regulations requiring residency permits in order to limit entry of persons into liberated areas under their control. UNAMI and the UN’s Office of the High Commissioner for Human Rights (OHCHR) received multiple reports that authorities denied Sunni Arab IDPs from Salah ad Din and Ninewa governorates access to Kirkuk Governorate.

‘The Ministry of Migration and Displacement’s strategy recognized local integration as a legal option for IDPs; although in practice, IDPs (the large majority of whom were Sunni Arabs) faced difficulties being accepted in KRG-controlled areas or areas held by Shia PMF units. The government attempted to integrate IDPs into local populations but also encouraged families to return to their original homes, and in some cases before the families were willing to return. In December the OHCHR stated Iraqi security forces, KRG security forces, and affiliated militias were responsible for looting and destruction of property belonging to Sunni Arab communities, forced evictions, abductions, illegal detention and some cases of extrajudicial killings.

‘IDPs in Kirkuk, particularly members of the Sunni Arab community, faced pressure to return to their areas of origin. UNAMI received reports of evictions, confiscation of identity documents, or notifications to leave Kirkuk throughout the year. For example, on January 11, authorities evicted 24 IDP families from Diyala from their homes in east Kirkuk. According to UNAMI, the Asayish took their identification documents and marked them to prevent reentry. On August 23, the Kirkuk Provincial Council announced its decision that IDPs from Diyala Governorate, currently residing in Kirkuk, must leave within one month. The governor of Kirkuk subsequently told the UN he would not deport IDPs from his province. International organizations and NGOs continued to assert that the government was indirectly pressuring IDPs to leave.’⁹²

9.2.2 The UN Security Council, in a report dated April 2016, reported:

‘Lack of information, difficult access to administrative offices or wariness over involvement with the authorities on the part of particular groups, such as Sunnis, are barriers to the registration of internally displaced persons and, as a result, to their gaining access to financial and other vital assistance...

‘The Babil Governorate refused to admit displaced men aged between 15 and 50 years, putting them at risk and causing family separation as only women and children were allowed entry. The Government pointed out that that was due to constant security threats to the Governorate owing to its close proximity to Anbar Governorate and it was required to ensure security and safety of the population. Despite an announcement by the Prime

⁹² US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

Minister on 18 April 2015 that the sponsorship requirement would be lifted, it was evident that it remained in place at the time of the visit of the Special Rapporteur and particularly affected the internally displaced Sunni and those coming from Sunni areas including Anbar Province...

'Internally displaced persons of Sunni Arab identity face particular discrimination and restrictions to their freedom of movement and ability to reach safe locations...

'Internally displaced persons of some ethnic or religious backgrounds have allegedly been prevented by security forces from returning to their homes while others of different identity are allowed to return and to occupy the property of others. In northern Ninewa and in Diyala, Sunni Arabs were reportedly barred from returning to their homes in areas controlled by Kurdistan forces. The authorities cite the state of war and the need for further security checks. Many Arab villages reportedly remain empty in northern Ninewa, despite the fact that the territory is under Kurdistan Regional Government control and the Sunni Arab population has been displaced to nearby areas.'⁹³

- 9.2.3 USSD 2015 noted: 'Reports of arrests and temporary detention of predominantly Sunni IDPs continued throughout the year.'⁹⁴
- 9.2.4 FH 2016 noted: 'The state adopted a policy requiring Sunni internally displaced persons (IDPs) to have a sponsor to enter Baghdad, which left many stranded.'⁹⁵
- 9.2.5 The UNHCR report dated May 2016 noted:

'Since 2014, access to Baghdad has proven difficult for internally displaced persons (IDPs), depending on their profile and area of origin, and authorities have implemented shifting policies regarding entry to the governorate. The main entry point for IDPs from Al-Anbar, the checkpoint on Bzeibiz Bridge, located 80 kilometers southeast of Ramadi on the border between Al-Anbar and Baghdad governorates, has reportedly been fully or partially shut over various periods. IDPs without valid civil documentation often face difficulties to pass checkpoints. Between April and December 2015, IDPs displaced from areas under ISIS control required a sponsor to enter Baghdad, with the exception of those with medical conditions. Due to access restrictions, IDPs fleeing from within Al-Anbar governorate have reportedly become stranded for days at the Al-Anbar side of the Bzeibiz bridge in difficult conditions, and/or have been forced to relocate to relatively safer areas within Al-Anbar governorate, or to return to a conflict zone. Furthermore, alternative routes into Baghdad, e.g. through Kerbala, Babel or Wassit governorates have also largely been blocked for IDPs. Since early December 2015, the sponsorship requirement has intermittently been halted and reinstated, depending on

⁹³ UN Security Council, 'Third report of the Secretary-General pursuant to paragraph 7 of resolution 2233 (2015)', 27 April 2016, paras 16, 42, 47-48,

<http://www.un.org/en/sc/documents/sgreports/2016.shtml>, accessed 18 July 2016

⁹⁴ US State Department, Country Reports on Human Rights Practices for 2015 – Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 18 July 2016

⁹⁵ Freedom House, Freedom in the World 2016 – Iraq, <https://freedomhouse.org/report/freedom-world/2016/iraq>, accessed 19 July 2016

security conditions; however, since the end of February 2016, the sponsorship requirement has been entirely put on hold, meaning that, with the exception of medical cases, Baghdad is no longer accessible for IDPs from conflict areas, even if they have sponsors.

‘Incidents of arrest and detention of IDPs seeking access to safety have also been reported. Reports speak of large numbers of IDP men and boys arrested and detained, for suspected ISIS affiliation, by PMU at Al-Razazah checkpoint leading to Ameriyat Al-Falluja and toward Bzeibiz Bridge.⁶⁷ Since May 2015, the UN Assistance Mission for Iraq (UNAMI) has reportedly received a number of reports of Sunni Arabs abducted by Shi’ite militias at Bzeibiz Bridge and other locations in Al-Anbar governorate. While some were reportedly freed after payment of ransom, others were either killed or remain missing.

‘Recent military advances in Al-Anbar have reportedly triggered new displacement. IDPs are no longer granted access to Baghdad but instead are forcibly transferred by the ISF to IDP camps in Al-Anbar (Ameriyat Al-Fallujah and Habbaniyah Tourist City). Men and boys undergo lengthy security screening. Beginning 30 December 2015, newly arriving IDP men and boys are reportedly subjected to restrictions with respect to their freedom of movement outside the camps in Ameriyat Al-Fallujah, requiring a sponsor in order to do so. IDPs from Al-Anbar seeking to move northwards are reportedly able to transit via Baghdad’s north-eastern Al-Shaab checkpoint, provided they fulfil the security requirements imposed by the concerned governorate authorities. Within Baghdad, IDPs could, in principle, freely choose the area in which they wish to settle. However, as a result of the sectarian segregation within Baghdad, which followed the large-scale sectarian violence of 2006/07, many areas where one sect is in the majority are reportedly not accessible for members of the other sect, or only at the risk of serious security incidents. At checkpoints within the city, the ISF/Shi’ite militias reportedly ask people for their national ID card, which often gives an indication of the individual’s religious (Sunni/Shi’ite) affiliation based on the person’s first name, family or tribal name and area of origin. Therefore, Sunni Arabs generally remain in Sunni-dominated neighbourhoods. Incidents of IDPs being stopped at checkpoints inside the city and interrogated by the ISF have been reported. Some IDPs were reportedly asked for a second sponsor at checkpoints inside Baghdad, or in the areas where they intended to reside. As a result, some IDPs limit their movements to their initial sponsor’s area of residence, which may impact on their ability to join other family members, and/or to access services or employment.

‘The high number of (largely Sunni Arab) IDPs in Baghdad has reportedly led to growing resentment, fear and suspicion vis-à-vis these IDPs, who are regularly suspected of being affiliated or sympathizing with ISIS. On 21 April 2015, Hakim Al-Zamili, the head of the Defense and Security Committee in the Council of Representatives (CoR) and a senior figure in the Sadrist Trend, stated that ISIS was infiltrating Baghdad by sending fighters disguised as IDPs. And in May 2015, political and security officials in Baghdad reportedly asserted that there was a correlation between the influx of IDPs from Al-Anbar and the increase in the number of car bomb

explosions in the city. Such statements reportedly contributed to the strengthening of pre-existing negative perceptions of IDPs from Al-Anbar. Moreover, ISIS reportedly claimed bombings in Shi'ite areas of Baghdad, saying it carried them out *"to avenge residents of Anbar killed in the streets of Baghdad"* by Shi'ites. As a result, there have reportedly been incidents of harassment, threats, kidnappings, arrests, evictions and killings of Sunni Arab IDPs in Baghdad. At the end of May 2015, a spokesman for Iraq's Interior Ministry said that 14 killings of Sunnis from Al-Anbar in Baghdad in recent weeks were under investigation. According to reports, Sunni IDPs have also been pressured to move out of Shi'ite and Sunni-Shi'ite mixed neighbourhoods. For fear of reprisals, some are reported to pose as Shi'ites in order to be able to reside in Shi'ite neighbourhoods. Others reportedly attempt to change their accents in order not to reveal their area of origin. In some instances, male IDPs from Al-Anbar reportedly had their ID cards confiscated by ISF, while others faced pressure to join pro-government groups to fight against ISIS in Al-Anbar. As a result of harassment and fear, a number of Sunni Arab IDPs reportedly returned to their area of origin despite safety and security concerns, or, if and when feasible, relocated to other parts of the country.⁹⁶

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9.3 Protection

9.3.1 The FIS report noted:

'It is a commonly held view among Sunnis that the authorities are unable or unwilling to help them. Police officers are often said to be Shiites. When the rebuilding of the security forces began in 2005, the Shia parties responsible for the operation recruited young Shiites to the forces. These young men were often loyal to Muqtada al-Sadr. As a result, the security forces were by and large under Sadrist and Mahdi Army control. According to estimates, 90% of the 35,000 police officers in north east Baghdad had links to the Mahdi Army. It was an established fact that the Baghdad police force (60,000) was divided into two groups, those loyal to the Mahdi Army and those loyal to the Badr organisation. In 2005–2006, the death squads of the Badr organisation killed Sunnis under the pretence of conducting police work. This explains why Sunnis are highly suspicious of the authorities.'

'The police are unable to protect citizens against violent attacks. They are not even able to protect all government employees, with the exception of high-ranking Shia employees.'

'According to a survey conducted by the Minority Rights Group International in 2012, Sunnis felt that they were under-represented in the local police forces. According to Shiites, the opposite is true. According to the Constitution of Iraq, all minorities must be equally represented in the security forces. However, non-Shiites are regularly dismissed from the Iraqi security forces. 76% of Sunnis feel that the security forces are unable to guarantee their safety. According to the survey, the only minority more concerned for

⁹⁶ UNHCR, 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, pp. 11-15, <http://www.refworld.org/docid/575537dd4.html>, accessed 20 June 2016

their safety than Sunnis was Christians. The figure for Shiites was approximately 35%.

'At this moment, the Iraqi Minister of Interior is controlled by a Shia party. The Iraqi Prime Minister appointed Mohammed Ghabbani of the Badr organisation as the new Minister of the Interior in October 2014. However, it is believed that real power is in the hands of Hadi al-Amir, the leader of the party and its military wing. It is claimed that al-Amiri personally ordered attacks against Sunnis during the civil war, but he denies such allegations...

'It is increasingly difficult for the police to perform their duties in densely populated areas such as Baghdad. The police is also the most corrupted part of the Iraqi security force. Anyone can report a crime to the police but the police are unable to solve crime efficiently. Consequently, people prefer to turn to their tribe for assistance, even if they trusted the local police. It is feared that crime reports end up in the hands of unknown senior government officials. These people, and the police in general, are believed to be part of some group or other. The police can also pressure people to give them money. No charges are brought against corrupt police officers because judges are concerned for their own safety. They are not protected effectively enough for them to begin investigating the actions of corrupt police officers.'⁹⁷

9.3.2 The same source added:

'Since AAH members work within the security forces and government authorities, it is understandable that people, especially Sunnis, are afraid of reporting any injustice or threats they have experienced to the police. If you report a crime committed by the militias, they may find out. However, there seem to be some regional differences in this respect. In some areas of Baghdad, people say they have reported threats, assaults or kidnappings to the police. In most cases, the police said they were unable to help. One of the contributing factors is excessive workload of the Iraqi police and lack of resources, both of which prevent it from investigating crimes reported by private individuals. An AAH presence is another contributing factor in certain areas. It is said that police officers are mainly Shiites who are not interested in helping Sunnis. Reporting an offence is perceived to be a waste of time, or even dangerous. Sunnis are afraid to draw attention to themselves, or afraid to report a crime. They are afraid that the militia will seek revenge if they find out that a crime has been reported. In some areas, people say they have reported crimes and the police have investigated them.

'Sunnis have filed reports at police stations. Some incidents have been investigated, but in other cases no investigation has been launched or the people filing a report have been told that there was nothing the police could do under the present circumstances. Some people do not even bother to report a crime because they are convinced the authorities will do nothing to help. Others are afraid to report the activities of a specific armed group, because – they say – the authorities are members of the group in question. It

⁹⁷ Finnish Immigration Service, 'Security Situation in Baghdad – the Shia militias', 29 April 2015, pp. 20-21, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

is difficult to report the activities of the security authorities. The police protects itself and the security forces, which makes any police investigation highly questionable.

‘According to reports, the Iraqi security authorities, the army and the police persecute people because they are Sunnis. A taxi driver said that he was afraid to report a difficult customer to the police because he feared that the police would identify him as Sunni and arrest him. He claims that the government supports the Shia militias. There are Shia militias and security troops at police stations and they can easily pass through checkpoints. The presence of Shia militias at some police stations makes it almost impossible for Sunnis to report a crime, and completely impossible if the report refers to the actions of the Shia militias.’⁹⁸

9.3.3 Human Rights Watch, in a report which covered events in 2015, noted:

‘Accountability for grievous crimes remained weak. There was no accountability for the abduction and murder of Sheikh Qasim Janabi in February 2015 by suspected Shia militants posing as security officials. Armed men grabbed Janabi, a Sunni sheikh engaged in intersectorian dialogue, in plain daylight with eight others, including his nephew, who survived. Prime Minister Abbadi ordered an investigation, but no suspects had been named or apprehended at time of writing. In Baghdad and Diyala, criminal gangs who Sunni victims say are affiliated with the Iraqi security services and Shia militias carried out uninvestigated assassinations and threats.

‘In one case, courts held Shia militiamen accountable. Baghdad’s Rusafa Criminal Court in May sentenced to death an unknown number of defendants for their role in the August 2014 massacre of 30 Sunni worshippers at the Musab bin Umair mosque in Diyala province.’⁹⁹

9.3.4 The UNHCR report, dated May 2016, observed:

‘According to reports, both state and non-state actors commit human rights violations/abuses with impunity. Iraqi authorities reportedly have limited capacity to enforce law and order and to investigate human rights abuses. Within the police, corruption is reported to be endemic, as are the abuse of power and extortion. Moreover, police officers reportedly remain a main target for ISIS. The judiciary reportedly lacks capacity, and is prone to nepotism, political interference and corruption. The independence of the judiciary is reportedly further undermined by frequent threats, intimidation and attacks against judges, lawyers and their family members. Those defending alleged terrorism suspects are reported to be at particular risk. The criminal justice system is reported to be weak and fails to meet international and domestic legal obligations in relation to arrest and detention as well as due process and fair trial standards. According to reports, most allegations of torture and ill-treatment in detention are not

⁹⁸ Finnish Immigration Service, ‘Security Situation in Baghdad – the Shia militias’, 29 April 2015, pp. 21-22, http://www.migri.fi/download/61225_Security_Situation_in_Baghdad_-_The_Shia_Militias_29.4.2015.pdf?01abe06266acd288, accessed 26 July 2016

⁹⁹ Human Rights Watch (HRW), World Report 2016: Iraq: Events of 2015, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 17 July 2016

adequately investigated, or fail to result in prosecutions. The government reportedly does not effectively implement civil or administrative remedies for human rights violations. The Iraqi High Commission for Human Rights (IHCHR), which was established in 2008 and became operational in April 2012, has reportedly not yet succeeded in establishing an appropriate complaints and investigation mechanism for human rights violations. The IHCHR does reportedly not have any means to protect witnesses or victims from further abuses. Detainees who complained to the IHCHR about torture and other forms of ill-treatment have reportedly not received a response and have seen their detention conditions significantly worsen.¹⁰⁰

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¹⁰⁰ UNHCR, 'Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas', May 2016, pp. 4-5, <http://www.refworld.org/docid/575537dd4.html>, accessed 20 June 2016

Version Control and Contacts

Contacts

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Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **28 June 2017**

Changes from last version of this note

Minor changes to policy guidance to reflect CG case.

No changes have been made to the country information.

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