

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	606
Land:	Irak
Kilde:	CORI Research Analysis.
Titel:	What is the treatment of/human rights situation for ethnic Kurds in Iraq who reside (or are living in an internal displacement situation) outside the (nondisputed parts of the) three northern Governorates (Duhok, Erbil and Sulaymaniyah), in particular:
Udgivet:	5. oktober 2012
Optaget på baggrundsmaterialet:	11. november 2012

CORI

Country of origin research and information

CORI Research Analysis

Date: 5 October 2012

Country: Iraq

Ref: Ira1012

Issues: What is the treatment of/human rights situation for ethnic Kurds in Iraq who reside (or are living in an internal displacement situation) outside the (non-disputed parts of the) three northern Governorates (Duhok, Erbil and Sulaymaniyah), in particular:

a) in the disputed territories (parts of Nineveh (or Ninawa), parts of Erbil (or Arbil), the whole of Kirkuk governorate, and parts of Diyala governorate)?

b) in (the non-disputed parts of) Southern and Central Iraq?

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Background

In November 2010 the *International Organisation for Migration* (IOM) reported that the 2005 Iraqi constitution recognised areas as being under the authority of the central government in Baghdad and the Kurdish Regional Government, however the status of Kirkuk and 11 districts in Diyala, Erbil, Ninewa and Salah al Din remain contested,

“The problems of the disputed internal boundaries are rooted in a complex history. The brutal suppression by the previous Iraqi regime, most acute during the 1988 “Al Anfal Campaign” and the 1991 uprisings, is well remembered by the regions’ Kurds who were its principal, but not exclusive, target. Kurds, as well as other non-ethnic Arabs including Turkmen and Assyrians, were systematically targeted and forced into displacement.

Since 2003, major progress has been made to resolve differences between groups in the north and achieve some degree of political independence, culminating in parliamentary and presidential elections last year. Nevertheless, tensions remain between the authorities in the north and those in Baghdad. Though the 2005 Iraqi constitution recognizes the Kurdish Regional Government’s (KRG) authority over Dahuk, Erbil and Sulaymaniyah, the status of Kirkuk as well as 11 districts in Diyala, Erbil, Ninewa and Salah al-Din remains contested. Land and property disputes, high levels of unemployment and recent droughts have exacerbated many of these tensions.”¹

In July 2012 *Minority Rights Group International* reported that Baghdad and the disputed areas of northern Iraq (Nineveh, Kirkuk and Diyala) are focuses of violence which affects minorities,

“There are two main focuses of violence, particularly that affecting minorities – Baghdad, and the disputed areas in the north covering large sections of Nineveh, Kirkuk and Diyala governorates, bordering the Kurdistan Regional Government (KRG) region. The violence in the north takes place against a backdrop of the dispute between Federal government and the KRG over territories bordering the KRG area. Many areas in the north are struggling with a complex legacy of demographic manipulation implemented under Saddam Hussein’s regime, which has left communities making competing claims to areas of strategic importance. As was noted in a recent consultation of minority civil society activists in the Nineveh Plains, minorities are targeted because ‘the lack of political consensus between powerful blocs against a background of the intersection of their agendas and interests, meant that minorities were used as fuel and were victims of this conflict of interests, for example an attempt to confiscate their settlements and make use of them as a political bargaining chip.”²

In July 2012 *Minority Rights Group International* reported that there is violence between ethnic groups in some disputed areas,

“Members of Iraqi religious and ethnic minorities have been targeted by a campaign of violence since 2003, including truck bomb attacks on minority villages in the Nineveh Plains, hostage takings, bombings of religious and political institutions, kidnappings, killings and attacks on minority owned businesses []. In December 2011, this violence spread to the autonomous Kurdistan Region, a normally peaceful area to which many minorities had previously fled in the hope of finding better security. As a result, huge numbers of minorities have fled Iraq; the Sabeen Mandaean community, for example, has been reduced to a tenth of its pre-2003 size. Many members of minorities take steps to reduce the risk to their personal safety; for example hiding religious symbols or wearing a veil when going out, or simply staying at home. Iraq was rated fourth most dangerous country in the world for

¹ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

² Minority Rights Group International, Improving security for minorities in Iraq, 19 July 2012, <http://www.minorityrights.org/11409/briefing-papers/improving-security-for-minorities-in-iraq.html>, accessed 10 September 2012

minorities in MRG's 2012 Peoples Under Threat ranking. In 2012, Iraq is at a crossroads, particularly with regard to security. The downward trend in levels of violence, since a high point was reached after the bombing of the Al-Askari Shi'a Mosque in Samarra in 2006, appears to be bottoming out, with 2011 registering similar levels to the previous year.

In the disputed areas of the north, which are claimed by both the Federal government and the autonomous Kurdistan Region, and are home to many minority communities, the withdrawal of the United States (US) army at the end of 2011 has caused anxiety; the US forces played an important role in defusing tensions there. Violence and confrontational rhetoric between ethnic groups have been on the increase in Kirkuk, a city in the disputed areas, where constitutional provisions intended to reverse or provide redress for demographic manipulation dating back to the Saddam Hussein period have still not been implemented. In Baghdad, a political stand-off within the government is leading to doubts about its chances of survival in the long term. Minorities continue to be targeted specifically, even if the reasons for this targeting, and the identity of the perpetrators, are not always clear."³

In explaining the inclusion of interviews with Kurds in their 2012 research on the security of minorities in Iraq, *Minority Rights Group International* reported that Kurds are "not normally considered to be in a vulnerable or 'minority' position, [they] were interviewed partly because a members of these communities can be in a situation comparable to that of a minority if they live in an area where another community dominates."⁴

Article 140 of the Iraqi Constitution provides a mechanism for resolving claims to disputed internal territories,

"Article 140:

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), by a date not to exceed the 31st of December 2007."⁵

In November 2011 Erbil based online newspaper *Rudaw* reported that Article 140 had yet to be implemented,

"Article 140 of the constitution was to solve the issue of all disputed territories — areas in the Diyala, Kirkuk and Nineveh provinces -- claimed by both the central government and the Kurdistan Region.

The deadline for the full implementation of this article was set for 2007. The Kurds opposed this deadline, saying it was too far in the future. Now, almost five years later, the deadline and Article 140 are still ink on paper. []

Article 140 consists of three phases. The first is called "normalization" whereby displaced Kurdish families would return to their homes and Arab families brought by the former Iraqi regime to largely Kurdish areas would have to leave. The second phase is to carry out a

³ Minority Rights Group International, Improving security for minorities in Iraq, 19 July 2012, <http://www.minorityrights.org/11409/briefing-papers/improving-security-for-minorities-in-iraq.html>, accessed 10 September 2012

⁴ Minority Rights Group International, Improving security for minorities in Iraq, 19 July 2012, <http://www.minorityrights.org/11409/briefing-papers/improving-security-for-minorities-in-iraq.html>, accessed 10 September 2012

⁵ Iraqi Constitution, http://www.uniraq.org/documents/iraqi_constitution.pdf, accessed 18 September 2012

census; the third and final stage is to carry out a public referendum on whether residents in disputed territories want their areas to be governed by the central authorities or join the semi-autonomous Kurdistan Region.”⁶

In August 2012 German based media agency, *Niqash*, stated that Article 140 has not been implemented,

“[] Iraq’s so-called disputed territories. That is, where there is land that Iraqi Kurdistan says belongs to Iraqi Kurdistan but which Baghdad says belongs to Iraq. Article 140, formulated in 2003 to resolve issues with these disputed territories, sets out to remedy the expulsions, the ethnic cleansing and Arabisation undertaken by former Iraqi ruler Saddam Hussein.

These are, firstly, normalization - a return of Kurds and other residents displaced by Arabisation – followed by a census taken to determine the demographic makeup of the province’s population and then finally, a referendum to determine the status of disputed territories. Obviously whether a territory is home to mainly Kurds or mainly Arabs will have an effect on who can lay claim to the area.

But so far, the measures outlined in Article 140 have not been implemented and the disagreement between Baghdad and Iraqi Kurdistan as to who is allowed to do what with local oil fields has only worsened.”⁷

a) in the disputed territories (parts of Nineveh (or Ninawa), parts of Erbil (or Arbil), the whole of Kirkuk governorate, and parts of Diyala governorate)?

In November 2010 the *IOM* provided the following profiles of displacement within the Diyala, Nineveh (Ninewa), Erbil and Kirkuk governorates;

“[]Diyala Governorate Profile

Along with Baghdad and Ninewa, Diyala was one of the governorates that saw the highest rates of displacement following the 2006 Samarra mosque bombing. Most IDPs were displaced to another part of Diyala, though many also fled to Baghdad, Wassit, Sulaymaniyah and Kirkuk.

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Erbil Governorate Profile

Erbil, like the other northern governorates under control of the Kurdistan Regional Government (KRG), has been relatively stable since 2003. In comparison to elsewhere in the country, few families were displaced from Erbil. Consequently, returnee numbers in the governorate are also low.

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Kirkuk Governorate Profile

A long history of migration, coupled with religious and ethnic tensions has made Kirkuk one of the most demographically complex governorates in Iraq and one of the few where regular displacement continues, albeit at a slower rate than before. Fear of conflict and difficulty in securing longterm work or shelter has meant that life for many of the families displaced in or returning to Kirkuk is precarious.

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Ninewa Governorate Profile

Despite decreases in violence throughout the rest of Iraq, Ninewa has been marred by on-going attacks. Both sectarian violence as well its location along the DIBs (disputed internal boundaries) in northern Iraq continue to make Ninewa a primary focus of displacement and return in Iraq.”⁸

⁶ Rudaw, Analysis: No progress on article 140, 8 November 2011, <http://www.rudaw.net/english/kurds/4134.html>, accessed 18 September 2012

⁷ Niqash, While Baghdad fights Kurds, Iran wins: Exploiting oil potential, 31 September 2012, available from <http://www.ekurd.net/mismas/articles/misc2012/8/kurdsiniraq177.htm>, accessed 2 October 2012

⁸ International Organisation for Migration, Iraq Mission, Governorate Profiles, November 2010, <http://www.iomiraq.net/govprofiles.html>, accessed 18 September 2012

In November 2010 the *IOM* reported that 16% of internally displaced people (IDPs) in the disputed regions are Kurdish,

“Since 2006, IOM monitors have conducted in-depth assessments of 31,369 families in the areas defined as DIBs [Disputed Internal Boundaries], representing approximately 188,214 individuals. Many of these families originally came from Diyala and Baghdad (9,619 and 7,314 respectively) which are also the two governorates from which the highest numbers of IDPs originate nationwide. However 6,747 families also come from Ninewa (of which 5,370 are from Mosul) and 4,427 families come from Kirkuk.

[]

The families displaced since 2006 come from a range of ethnic and religious backgrounds. Many are Arab Sunni Muslim (38%) or Kurd Sunni Muslim (16%) but significant numbers of families displaced from the DIBs are also Arab Shia Muslim (13%) or Assyrian Christian (13%).”⁹

In November 2010 the *IOM* reported that food, access to work and shelter were the main concerns of IDPs in disputed internal boundaries,

“Displaced families in the disputed internal boundaries cite food, access to work and shelter as their most pressing needs. These are also the top three priority needs of IDPs across Iraq, although 64% of displaced families in the DIBs cite food as a need compared to 56% across Iraq. This may be due to increased difficulty in securing access to public distribution system (PDS) rations in these areas. Water is also more likely to be cited as a priority need in the DIBs than elsewhere in Iraq, and is exacerbated by increased water scarcity and drought in recent years.”¹⁰

In November 2010 the *IOM* reported that healthcare, legal support and food were the major concerns for returnees to disputed areas,

“Access to healthcare stands out as a major concern for families returning to their homes in DIBs, with 11% of IOM-assessed returnee families having a member of the family with a chronic illness. IOM monitors in Ninewa and Dahuk re-port that many medical facilities lack the sufficient staff and equipment to provide proper treatment and struggled with the exceptionally hot weather at the end of the past summer. Legal help is also cited as a priority need, a reflection of the high number of property disputes which occur in the disputed territories of Iraq. The Arabization policy under the regime of Saddam Hussein meant that many Arabs were granted land and were encouraged to settle in Kurdish areas. This decades-long conflict has led to tens of thousands of property claims, the vast majority of which remain unresolved.

Food is a common concern among IDPs, returnees and the communities that host them in the disputed internal boundaries. The Public Distribution System (PDS) rations which are provided are less readily available in these areas than they are generally across Iraq.”¹¹

In December 2010 the *IOM* reported that those displaced within disputed territories are more likely to state that direct threats to their life are causes for leaving their homes,

⁹ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

¹⁰ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

¹¹ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

“[]internally displaced persons (IDPs) living in the DIBs [Disputed Internal Boundaries] are seven times more likely to have been displaced due to armed violence than other displaced Iraqis, twice as likely as other internally displaced to cite direct threats to life and generalized violence as their reasons for leaving their homes and have low levels of personal security.

Exacerbating their precarious situation, these families are less likely to live in rented homes (42 per cent) than the nationwide average (71 per cent). Since many of the IDPs in DIBS are also staying in public buildings and tents on public land, the threat of eviction not only makes secondary displacement more likely, it also adversely affects their feelings of personal security and their long-term ability to establish themselves in their new locations.”¹²

In November 2010 the *IOM* reported that some disputed areas families do not have access to basic services and due to sectarian tensions Kurds living in Arab areas often do not receive the same services as Arabs and vice versa,

“Where the boundaries of northern Iraq lie remains a highly contested question which affects politics, economics and social relations throughout the country. While disagreements remain unresolved between the KRG and the government in Baghdad, many vulnerable families continue to face the risk of displacement.

For those families for whom that risk has become a reality, lack of food, access to work and legal help have contributed to low levels of personal security. In areas which are under both central and KRG government administrative control, the provision of these services becomes an even more complex issue. For example, families in some places in Ninewa are without basic services. This is exacerbated by the fact that often these families do not have one key provider which they can hold accountable for this or present their grievances to. *IOM* monitors report that amidst this, sectarian tensions further complicate service provision such that displaced and returnee Arabs in Kurdish areas often do not receive the same services as do their Kurdish counterparts while the same is also true of Kurds living in Arab areas.”¹³

In its 2011 country report on human rights practices the *USDOS* reported that the government has largely failed to provide essential services to support returnees in Baghdad and Diyala,

“Although the government promised to provide essential services to support returnees in Baghdad and Diyala provinces upon their return home, these promises remained largely unfulfilled.”¹⁴

In June 2011 the *Internal Displacement Monitoring Centre* reported that the needs of those displaced prior to 2003 have been largely unaddressed and that many Kurdish communities whose villages were destroyed have been left without redress,

“Different mechanisms have been set up to respond to the situations of the populations displaced in the various periods. Measures to address pre-2003 displacement have been fraught with particular difficulties since their inception in 2006: for instance there has been no clear assessment of the needs of this group, which have been largely unaddressed by the Iraqi government as well as the international humanitarian community. The Commission for the Resolution of Real Property Disputes (CRRPD), established by the GoI in 2006 to

¹² International Organisation for Migration, Families displaced within Iraq's disputed internal boundaries face additional obstacles, 17 December 2010, <http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAF/cache/offonce/lang/en?entryId=28892>, accessed 19 September 2012

¹³ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

¹⁴ United States Department of State, Country report on human rights practices, 2011, Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186428>, accessed 19 September 2012

settle property disputes arising from displacement caused by the former government's policies, had by October 2009 received over 152,000 claims but as of April 2009 only 1,000 decisions had been enforced. The CRRPD has not addressed the claims of people whose property has been destroyed, leaving without redress many victims of the former government such as Marsh Arab and Kurdish communities whose villages had been completely destroyed.

There has been no resolution of the situations of the people displaced before 2003 in contested northern areas in the absence of agreement between the KRG and the GoI over disputed territories. Both have both cited the situation of IDPs and returnees to assert their claims over Kirkuk and Mosul, particularly in negotiating the details of a proposed but long-delayed population census.¹⁵

In its 2011 country report on human rights practices the *United States Department of State (USDOS)* reported that many Kurds displaced due to Arabisation policies have been unable to regain their original property and that the government has been slow to implement compensation policies,

"The majority of those displaced pre-2003 were moved under the prior regime's policy of Arabization. Many of them have returned to their areas of origin but were included in the displaced population because they were unable to regain their original property and residences, generally in central and southern Iraq. Both Arabs and Kurds displaced in this way have a right to compensation and a process exists, but the government has been slow to implement it."¹⁶

In May 2012 *Agence France Presse (AFP)* reported that prime minister Barzani, of the Kurdistan Region Government, stated that Kurds were being killed and expelled from their homes in Jalawla, Sadiyah and Kirkuk and warned of "ethnic cleansing,"

"A top Kurdish politician warned on Monday of Baghdad's continued desire for "ethnic cleansing," the latest in a series of attacks by Kurdish leaders on premier Nuri al-Maliki's leadership.

The remarks from Kurdistan region prime minister Nechirvan Barzani, nephew of the autonomous region's president Massud Barzani, come amid increasingly fractured ties between the Baghdad central government and the Kurdish region.

"Today, there are those in the Iraqi political field who want, with all the power, to keep the policy of Arabisation and ethnic cleansing," Barzani said in a speech marking the return to Kurdistan of the remains of 730 Kurds killed by Saddam Hussein's forces in his Anfal campaign in the 1980s.

He did not specify to whom he was referring, but the remarks appeared aimed at Maliki.

"The daily killing of Kurdish citizens and expelling them from their houses in Jalawla, Sadiyah and Kirkuk is the same policy of the former regime, but with new clothes and colours," Barzani said, referring to three disputed areas claimed by the central government and Kurdistan."¹⁷

¹⁵ Internal Displacement Monitoring Centre, Iraq: IDPs and their prospects for durable solutions, Briefing paper presented at the UNHCR annual consultations with non governmental organisations, 28-30 June 2011, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/6F0BF943A6D3C33EC12578BE004AA12A/\\$file/Iraq_June2011.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/6F0BF943A6D3C33EC12578BE004AA12A/$file/Iraq_June2011.pdf), accessed 20 September 2012

¹⁶ United States Department of State, Country report on human rights practices, 2011, Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186428>, accessed 19 September 2012

¹⁷ AFP, Iraqi Kurd politician warns of 'ethnic cleansing,' 28 May 2012, http://www.google.com/hostednews/afp/article/ALeqM5i78iugTZM47mwnpzywTq_DnY6IPO?docId=CNG.129d512ef0032f5dc6141eb00bb43d30.31 and <http://www.ekurd.net/mismas/articles/misc2012/5/state6250.htm>, accessed 18 September 2012

In August 2012 the UN humanitarian news agency *IRIN* reported that Arab-Kurdish tensions in disputed areas was a driver of conflict,

“Low-level skirmishes continue in the disputed areas between Iraqi Kurdistan and the Arab areas controlled by the central government. JRTN (Army of the Men of the Naqshabandi Order), a militant Sunni group of former Baathists, is still active along the trigger line, where the US military surge never quite reached. As tension rises between Baghdad and Kurdistan’s capital Erbil over oil revenues and power-sharing, groups like JRTN take advantage of the vacuum. But these skirmishes are unlikely to flare up into all-out conflict. Both sides have too much to lose.”¹⁸

Nineveh

In June 2012 the *Institute for War and Peace Reporting (IWPR)* stated that Sunni Arab's are the majority population in Nineveh and Kurds are the largest minority group. According to the *IWPR* Arabs and Kurds in this region have accused each other of abuse and discrimination, Kurdish politicians have claimed that in recent years thousands of Kurds have been killed in the provincial capital, Mosul,

“Residents of Iraq's volatile Nineveh province say they are cautiously optimistic that their lives will get better because Sunni Arab and Kurdish politicians have decided to work with rather than against one another.

After Iraqi president Saddam Hussein was ousted in 2003, this northern province became one of the most dangerous places in the country, despite American, Iraqi and Kurdish efforts to crush the Sunni insurgents and al-Qaeda militants who made Nineveh their base.

Security is still a serious issue, along with poor public services and high unemployment, and residents blame many of the problems on continued animosity between local Sunni Arab and Kurdish leaders.

The Arabs have accused Kurdish leaders and their “peshmerga” troops of abuses and discrimination against non-Kurds. They have also accused the Kurdish authorities of seeking to incorporate Nineveh into the Kurdistan Region to the north.

Kurdish politicians argue that it is their community that has been persecuted, and that Sunni Arab insurgents have killed several thousand of them in the provincial capital Mosul in recent years.

Sunni Arabs make up the majority of Nineveh’s population, while the Kurds are the largest minority group there.”¹⁹

In June 2012 the *Institute for War and Peace Reporting (IWPR)* reported reconciliation between Sunni Arab and Kurdish leaders following a Kurdish boycott of local government following 2009 elections results which saw Sunni Arab representatives take 22 of 37 council seats,

“In the local elections held in 2005, Kurds gained 31 of the 41 seats on the provincial council, giving them control over local politics and security. In the 2009 elections, power swung towards the Sunni Arab population, whose representatives won 22 of 37 council seats.

¹⁸ IRIN, Briefing: Why is Iraq still so dangerous?, 1 August 2012, <http://www.irinnews.org/Report/95999/Briefing-Why-is-Iraq-still-so-dangerous>, accessed 18 September 2012

¹⁹ Institute for War and Peace Reporting, Arab-Kurdish rapprochement in Northern Iraqi region, 7 June 2010, <http://iwpr.net/report-news/arab-kurdish-rapprochement-northern-iraqi-region>, accessed 18 September 2012

Kurdish council members subsequently boycotted local government, a move which obstructed development plans for Nineveh.

Despite these frictions, signs emerged last month that relations between the two groups might be improving.

In a step aimed at reducing tension, provincial governor Atheel al-Nujaifi, a Sunni Arab, moved to give Kurdish council members a greater say. While the distribution of council seats will remain the same, decisions will now be reached by consensus rather than a straight vote.

"The differences of the past have disappeared," Nujaifi said. "A positive relationship with the Kurds will be good for Nineveh's people – both groups can now cooperate to provide a better standard of living for the people."

The governor insisted that Sunni Arab interests had not been compromised by the change.

"We have not abandoned the rights of our people," he said.

Dindar Abdullah, the Kurdish deputy head of the provincial council, said everyone in Nineveh stood to benefit from reconciliation.

"The interests of the people demand reconciliation among politicians," he said. "This reconciliation will be good for all of the province's citizens, whether they are Arabs, Kurds, Christian or anything else."²⁰

In July 2012 *Minority Rights Group International* reported that ethnic minorities have been the targets of violence in the Nineveh plains and the autonomous Kurdistan region,

"Members of Iraqi religious and ethnic minorities have been targeted by a campaign of violence since 2003, including truck bomb attacks on minority villages in the Nineveh Plains, hostage takings, bombings of religious and political institutions, kidnappings, killings and attacks on minority owned businesses [] In December 2011, this violence spread to the autonomous Kurdistan Region, a normally peaceful area to which many minorities had previously fled in the hope of finding better security. As a result, huge numbers of minorities have fled Iraq."²¹

Kirkuk

In November 2010 the *Inter-Agency Information and Analysis Unit* reported that Kirkuk's administrative status is disputed and is one of the more unstable governorates in Iraq,

"Kirkuk's administrative status is under dispute between the Iraqi central government and the semi-autonomous Kurdistan Regional Government (KRG). Article 140 of the Iraqi constitution gives Kirkuk the right to self determination through a governorate-wide referendum, following normalization and a national census. Outbreaks of violence in Kirkuk since 2003 have frequently been linked to tensions around the governorate's indeterminate status. Security improvements in the second half of 2008 have been maintained in 2009, but Kirkuk remains one of the more unstable governorates in Iraq."²²

²⁰ Institute for War and Peace Reporting, Arab-Kurdish rapprochement in Northern Iraqi region, 7 June 2010, <http://iwpr.net/report-news/arab-kurdish-rapprochement-northern-iraqi-region>, accessed 18 September 2012

²¹ Minority Rights Group International, Improving security for minorities in Iraq, 19 July 2012, <http://www.minorityrights.org/11409/briefing-papers/improving-security-for-minorities-in-iraq.html>, accessed 10 September 2012

²² Inter-Agency Information and Analysis Unit, Kirkuk Governorate Profile, November 2012, http://reliefweb.int/sites/reliefweb.int/files/resources/AAB72DDC9E66E801C12577EB00515F58-Full_Report.pdf, accessed 18 September 2012

In July 2012 *Minority Rights Group International* reported that violence between ethnic groups has increased in Kirkuk and that constitutional provisions addressing demographic manipulation have yet to be implemented,

“In the disputed areas of the north, which are claimed by both the Federal government and the autonomous Kurdistan Region, and are home to many minority communities, the withdrawal of the United States (US) army at the end of 2011 has caused anxiety; the US forces played an important role in defusing tensions there. Violence and confrontational rhetoric between ethnic groups have been on the increase in Kirkuk, a city in the disputed areas, where constitutional provisions intended to reverse or provide redress for demographic manipulation dating back to the Saddam Hussein period have still not been implemented.”²³

In its 2012 State of the World's Minorities and Indigenous Peoples report, *Minority Rights Group International* stated that tensions between Arabs, Kurds and Turkmen over political control, access to employment and resources and the lack of implementation of article 140 were factors leading to murders in Kirkuk,

“Kirkuk city was a centre of much violence throughout 2011, particularly targeting the Turkmen community, notably through killings of prominent individuals such as police officers and business leaders. This prompted the setting up of a parliamentary committee of enquiry, which at the time of writing has still not reported. No-one has claimed responsibility for the deaths but they are likely to be linked to tensions between Kurds, Turkmen and Arabs over political control, access to resources and jobs, and the long overdue referendum over the future status of Kirkuk.”²⁴

In November 2010 the *IOM* reported that Kirkuk has higher levels of female headed households than other disputed areas and that these families face additional legal, social and economic challenges,

“As the largest contiguous contested area and an entire governorate of Iraq, Kirkuk plays a large role in any analysis of the disputed internal boundaries. IDPs originally from Kirkuk represent 40% of all of those who spoke to IOM monitors in the DIBs. Similarly, families returning to Kirkuk represented 41% of all of the returnees that were assessed in the disputed areas. Administrative control over these IDP families remains a contentious issue due to election events, census activities and future referenda.

When Kirkuk is compared to other contested areas in the north, several trends emerge. Firstly, although the proportion of female-headed households in the DIBs (13%) is relatively similar to the average across Iraq, in districts such as Dabes and Kirkuk this figure rises to over 20%. These families headed by women often face additional legal, economic and social challenges in providing for their families.

Water is also a more pressing concern in this governorate than elsewhere in Iraq. Over 60% of returnees in the districts of Al Hawiga and Daquq use rivers, streams or lakes as their primary source of water, and 39% of those in the district of Kirkuk state that open or broken pipes provide their main water source.”²⁵

Diyala

²³ Minority Rights Group International, Improving security for minorities in Iraq, 19 July 2012, <http://www.minorityrights.org/11409/briefing-papers/improving-security-for-minorities-in-iraq.html>, accessed 10 September 2012

²⁴ Minority Rights Group International, State of the world's minorities and indigenous peoples, 2012, <http://www.minorityrights.org/11374/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2012.html>, accessed 18 September 2012

²⁵ International Organisation for Migration, Iraq displacement reports, Special focus – Disputed Internal Boundaries, November 2010, http://reliefweb.int/sites/reliefweb.int/files/resources/1FE70227853DF594C12577FC004CEBC8-Full_Report.pdf, accessed 19 September 2012

In its 2011 country report on human rights practices the *USDOS* reported that Kurdish families were displaced by security concerns in Diyala Province, some officials attributed the displacement to the lack of implementation of article 140 which seeks to reverse Saddam Hussein's Arabisation policy,

"Security concerns displaced many Kurdish, as well as some Arab and Turkmen, families in Diyala Province. Local officials estimated that more than 1,300 families left al-Sa'adya, Jalawla, Qaratapa, and Jabara, with many moving to Khanaqin or outside the province. Some local officials blamed the continuing displacement in Diyala Province on the lack of implementation of article 140 of the constitution, which seeks to reverse Saddam Hussein's Arabization policy. Article 140 describes a process to repatriate families displaced by the Arabization policy and relocate or compensate those Arab families brought to the area under the policy."²⁶

In April 2012 *The New York Times* reported that Kurdish families in Diyala province had received death threats following the murder of a Kurdish intelligence officer, causing them to flee. *The New York Times* reported that in addition to terrorism, Kurds have been displaced due to property disputes with Arabs,

"In January, the dismembered body of Wisam Jumai, a Kurdish intelligence officer, was discovered in a field in Sadiyah, a small town in northeastern Iraq. Soon his family and friends, one after another, received text messages offering a choice: leave or be killed.

"Wisam has been killed," read one message sent to a cousin. "Wait for your turn. If you want your life, leave Sadiyah."

After Mr. Jumai's killing, nearly three dozen Kurdish families fled their homes and moved here, according to local officials, to the sanctuary of a city that is claimed by the government in Baghdad but patrolled by Kurdish forces. Other Kurds from the area have come here after being pushed out over property disputes that can be traced to Saddam Hussein's policy in the 1970s of expelling Kurds and resettling Arabs.

Whether by terrorism or judicial order, the continuing displacement of Iraq's Kurdish minority lays bare the unfinished business of reconciliation in the wake of the American military's withdrawal, and it is a symptom of the rapidly deteriorating relationship between the semiautonomous Kurdish government based in Erbil and the central government in Baghdad.

The schism, which is most immediately over sharing oil wealth but is more deeply about historical grievances and Kurdish aspirations for independence, raises serious questions about the future of a unified Iraq. The crisis, American officials say, is far more grave than the political tensions between the Shiite-dominated government of Prime Minister Nuri Kamal al-Maliki and the country's Sunni Arab minority set off by an arrest warrant on terrorism charges issued in December for Tariq al-Hashimi, the Sunni vice president.

Khanaqin, a few miles from the Iranian border, lies at the end of a belt of rugged land in northern Diyala Province that runs from Sadiyah through Jalawla, another disputed town. It is also a place of ethnic rivalry, where Arabs and Kurds are trying the soft ways of democracy to settle feuds that nevertheless can still end in bloodshed.

Outside a Kurdish political office in Jalawla is a mural of three men, representing the area's main ethnicities: Arab, Kurd and Turkmen. "We are all brothers," it declares.

²⁶ United States Department of State, Country report on human rights practices, 2011, Iraq, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186428>, accessed 19 September 2012

Inside, Khader Mohammed, who directs the office, waved an intelligence report he recently received from authorities in Baquba, Diyala's capital. It claimed that the Islamic State of Iraq, an umbrella group of militants, would "attempt a number of attacks to destabilize the security situation in the province." Among the targets: Mr. Mohammed.

"I'm not afraid," he said. "This is my duty. I have to do my work."²⁷

In April 2012 *The New York Times* reported that some Arabs are claiming homes seized from Kurdish families under Hussein's Arabisation policy and that corruption is a problem within the system set up to address disputed properties,

"Karim Ali, 60, is among those who may soon leave. Like many Kurds here, Mr. Ali was forced out in the mid-1970s as part of the Hussein government's "Arabization" policy, which aimed to dilute ethnic opposition. He resettled in Ramadi, the capital of Anbar Province, but reclaimed his old home in 2003 as some Arabs, fearing revenge from the Kurds, decided to return to their original homes in other regions.

Though a court was set up to handle claims stemming from the Arabization policy, Kurds say that property records that would verify their ownership claims were destroyed. As a result, Arabs are now reclaiming homes that were seized from Kurdish families in the Hussein years.

This, Mr. Ali said, is what happened to him. "This belonged to my father," he said, standing outside his home. "In 20 days, I have to evacuate my house." He said he was taken to a police station in handcuffs several months ago and forced to sign papers turning the property over to an Arab who held the deed from 1975 to 2003.

"It's the same as during Saddam," Mr. Ali said. "It's even worse now because I was young then, and now I'm old."

Local officials say nearly 400 houses in Jalawla are being turned over in a similar fashion. Mr. Ihsan, the Kurdish representative in Baghdad, is also involved in matters related to these disputed areas. He said the process was rife with corruption: "We have the most corrupted judicial system in the world." (A 2009 report on internal displacement in Iraq by the Brookings Institution and the University of Bern called the process one of "incomprehension" and "frustration.")

"It's getting worse," Mr. Ihsan said. "The Americans left without finishing the job. We are worried that history is going to repeat itself."²⁸

In September 2012 Kurdistan news agency AKNews reported that 50% of Kurds have left the Jalawla district of Diyala since 2003 due to attacks by militants in which over 300 people have been killed and hundreds injured. According to AKNews, Diyala is home to approximately 175,000 Kurds,

"More than half of the Kurds living in Jalawla district of Diyala province have left the area since 2003 because of continuous attacks by militant groups.

Located in eastern Diyala province, Jalawla is part of the disputed areas with a mixed population of Arabs, Kurds and Turkmen.

²⁷ The New York Times, Kurd's displacement tests Iraq's fragile unity, 21 April 2012, http://www.nytimes.com/2012/04/22/world/middleeast/displacement-of-kurds-tests-iraqs-fragile-unity.html?pagewanted=all&_r=0, accessed 18 September 2012

²⁸ The New York Times, Kurd's displacement tests Iraq's fragile unity, 21 April 2012, http://www.nytimes.com/2012/04/22/world/middleeast/displacement-of-kurds-tests-iraqs-fragile-unity.html?pagewanted=all&_r=0, accessed 18 September 2012

The disputed areas refer to those territories that span Mosul, Kirkuk, Salahaddin and Diyala province that were subjected by the former regime to Arabization under which Kurdish families were expelled and Arabs families were resettled in their places in an attempt to change the demographics of these areas in particular the oil-rich Kirkuk province.

Despite attempts by the Kurdish leaders to restore the demographics balance and possibly to annex those areas to the Kurdistan Region, the Kurds living in these territories continue to immigrate towards Kurdistan Region because of "increased attacks" by insurgents and extremist groups.

Anwar Hussein, mayor of Jalawla said "terrorist attacks have driven 50% of the Kurds of Jalawla out since 2003. They have left towards Kurdistan Region"

Hussein cited figures obtained from headmen of the different neighborhoods in the district. These headmen are responsible for certain paperwork and information about the families residing in their neighborhoods.

He said Kurds have been targets of such "terrorist" attacks since 2003 where over 300 individuals have been killed and hundreds injured.

Diyala province, a restive part of Iraq outside the Kurdish autonomous region of Kurdistan but home to many Kurds. The Diyala district, which includes a string of villages and some of Iraq's oil reserves, is home to about 175,000 Kurds, most of them Shiites.

In June 2006, the local council of Khanaqin proposed that the district be integrated into the autonomous Kurdistan region in northern Iraq.

During the Arabisation policy of Saddam Hussein in the 1980s, a large number of Kurdish Shiites were displaced by force from Khanaqin. They started returning after the fall of Saddam in 2003.

Article 140 of the Iraqi constitution is related to the normalization of the situation in Kirkuk city and other disputed areas like Khanaqin.

Kurdistan's government says oil-rich Khanaqin should be part of its semi-autonomous region, which it hopes to expand in a referendum in the future. In the meantime, Khanaqin and other so-called disputed areas remain targets of Sunni Arab insurgents opposed to Kurdish expansion and vowing to hold onto land seized during ex-dictator Saddam Hussein's efforts to "Arabize" the region."²⁹

In September 2012 Kurdish news agency AKNews reported calls for the teaching of the Kurdish language in schools in Diyala in recognition of constitutional rights,

"[]Kurdish is the second widely used language in Iraq and has been recognized by the constitution as an official language alongside Arabic.

The chairwoman of the Education Committee in the Diyala provincial council Batoul Ahmed said her committee calls on the Iraqi Ministry of Education to start incorporating the Kurdish language teaching in school curriculums.

The learning of Kurdish by non-Kurdish people of Diyala and Iraq will help better communication between the citizens, according to her.

²⁹ AKNews, Over 50% of Kurds left Iraq's disputed Jalawla district since 2003 due to attacks, 28 September 2012, available from <http://www.ekurd.net/mismas/articles/misc2012/9/kurdsiniraq181.htm> or <http://www.aknews.com/en/aknews/3/327723/>, accessed 18 September 2012

Nasreen Bahjat, who is chairwoman of the Women and Children Committee in Diyala Council, believes that the teaching of Kurdish to starting from primary schools has become a necessity not only because it helps improved communication but also because it is as Constitutional right for the Kurds to have their language recognized as an official language in the country.

"Teaching the Kurdish language in schools has become an urgent issue because the Kurds represent the second largest group in Iraq and their language is the second official language according to the Iraqi Constitution," said the Kurdish official."³⁰

b) in (the non-disputed parts of) Southern and Central Iraq?

In November 2010 the *IOM* provided the following profile of displacement within the Baghdad governorate,

"Baghdad Governorate Profile

Baghdad is one of the most populous and unstable governorates within Iraq and has thus become a focus of displacement for a significant number of families. IOM monitors have assessed 61,111 IDP families, 35% of whom are currently located in the Karkh district. Most IDP families (81%) in Baghdad governorate were displaced from elsewhere within the governorate. The bulk of these families have been living in the governorate since 2006. Their prolonged displacement has greatly affected their needs and concerns, which often differ from those of families who have been displaced more recently."³¹

In April 2012 Kurdish rights organisation, the *Alliance for Kurdish Rights* reported that a militant group had called for Kurds to leave Arab populated areas of Iraq, including Baghdad. The *Alliance for Kurdish Rights Reports* estimates that there are over 300,000 Kurds living in Baghdad, 50,00 in Mosul and a further 100,000 in the rest of Southern Iraq,

"A militant group called Beder have threatened Kurdish people living in Arab populated regions within Iraq. They have issued a statement saying all Kurds living in Baghdad and other Arab areas must leave immediately. In a statement, Abu Abdullah Mohamadawi has said, this militant group have ordered all Kurds living in Arab regions, particularly those living in Baghdad to leave towards Barzani-controlled regions. It is estimated that at least 300,000 Kurds live in Baghdad, 50,000 in Mosul and around 100,000 the rest of Southern Iraq."³²

No further information on the treatment of Kurds in southern or central Iraq was found during the timeframe of this research.

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³⁰ AKNews, Kurdish language should be taught in Iraq's disputed Diyala province to promote better communication: Officials, 13 September 2012, available from <http://www.ekurd.net/mismas/articles/misc2012/9/kurdsiniraq180.htm>, accessed 18 September 2012

³¹ International Organisation for Migration, Iraq Mission, Governorate Profiles, November 2010, <http://www.iomiraq.net/govprofiles.html>, accessed 18 September 2012

³² Alliance for Kurdish Rights, Kurds given one week to leave Arab regions in Iraq, 12 April 2012, <http://kurdishrights.org/2012/04/06/kurds-given-one-week-to-leave-arab-regions-in-iraq/>, accessed 18 September 2012

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