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Kurdistan Region of Iraq: Arabs Blocked From Returning

Lift Unlawful Restrictions on Thousands

(Beirut) – The [Kurdistan Regional Government](#) (KRG) is preventing about 1,200 Arab families from returning home to 5 villages more than 6 years after the area was retaken from the Islamic State (also known as ISIS), Human Rights Watch said today. KRG authorities have allowed Kurdish residents in neighboring villages, in the Rabia subdistrict, west of Dohuk, to return.

“Kurdish authorities are preventing thousands of Arab villagers from returning home without any lawful reason,” said [Belkis Wille](#), senior crisis and conflict researcher at Human Rights Watch. “The fact that the KRG has permitted neighboring Kurdish villagers to go back suggests that the Arabs are being blocked as punishment.”

From November 2019 to June 2020, Human Rights Watch interviewed a resident for each of five villages – Jidria, Mahmoudia, Qahira, Suadia, and Sufiya – where ISIS briefly took control on August 3, 2014. The Peshmerga, the KRG security forces, re-took control within days. All five residents said that the Peshmerga continue to control the area and have prevented their return. They estimated that 1,200 families have been prevented from returning to the 5 villages.

The Mahmoudia resident said that the village’s roughly 300 families, all Arab, fled the fighting between ISIS and Peshmerga forces. He said they fled first to the town of Rabia and on to Mosul, also then under ISIS control. Most returned to the area in 2016 and most to Rabia, which was under KRG control at the time. He said that at that point, the Peshmerga allowed them to farm their lands unhindered but did not allow them to move back to Mahmoudia or even visit.

On September 25, 2017, despite the opposition of the federal Iraqi government and most of the international community, the KRG held a non-binding referendum on independence in the Kurdistan Region of Iraq as well as in disputed territories under KRG de facto control, including the Rabia subdistrict. After the referendum passed, the federal Iraqi government [demanded](#) that Kurdish authorities [nullify](#) the referendum results and withdraw from parts of the so-called disputed territories.

Fighting broke out between the Peshmerga and Iraqi Security Forces in October 2017 and the Peshmerga erected a berm roughly one kilometer south of Mahmoudia. The Mahmoudia resident said he and other villagers lost access their land at that point, because the Iraqi forces took over the town of Rabia, where they were living. He and the residents of the other villages said that since then, the only way for people to cross the berm is through a checkpoint just outside of Mahmoudia.

The residents said that the Peshmerga at the checkpoint have refused to let them through on numerous occasions since October 2017, with one saying he has only been able to cross by saying he was visiting Kurdish villager friends. He said that since March 2020, the checkpoint has been closed because of Covid-19.

The Jidria resident said that when ISIS took control of the village, its 25 families, all Arab, fled first to the village of Sufiya and then to Mosul. Most residents returned to Rabia town in 2016, he said. At

that time the Peshmerga allowed them to farm their lands and to visit their village, but not to move back. The residents said they had found their homes looted. After the Peshmerga erected the berm, he said, Jidria villagers have been unable to access their village or land.

The Qahira resident said that after ISIS took over the village, the 75 families, all Arab, fled to various areas within Rabia subdistrict and eventually to Mosul. He said he moved into a house in Rabia town in 2016, and in July 2017, went to the Asayish security forces' office in the village of Waleed to register his family for return, with the sponsorship of his local chief (or mukhtar). The Asayish granted his family and 10 others the right to return in late July and to about another 13 families in August, he said.

His home, like those of the other villagers, had been looted and damaged, so he invested in repairs. On October 27, 2017, he said, clashes broke out between the Peshmerga and Iraqi forces. “We all fled the village because of shelling along the front line, about seven kilometers southwest of our village,” he said. “We went [to] Rabia town and tried to return home in November [2017], but Peshmerga forces refused to let us return.”

He said that since 2015, Kurdish villagers from Rabia sub-district had taken control of the Qahira farmers' land, which the village chief and he have protested with Asayish officials in Dohuk since 2016. In mid-2017, the chief told him the Asayish in Dohuk had ordered the Kurdish villagers to share the profits of the annual yields with the Arab landowners. After the October 2017 clashes, he said, the chief found it impossible to enforce the order until this year, when the Kurdish farmers working his land shared their profits with him.

The Suadia resident said that the 300 families, all Arab, fled to villages in the Rabia area in August 2014. In August 2017, Peshmerga forces allowed him and other families who had remained in Rabia and Zummar sub-districts to return home and, he said, about 30 families returned. “We were in the village for two months, schools reopened, and we started farming our land,” he said. “Life went back to normal.” But in October 2017, they all fled the area because of fighting. Since then, he said the Peshmerga has not allowed any of the residents to return.

The Sufiya resident said the village has a majority Arab and minority Kurdish population. He said that in August 2014, Arab residents fled to Arab villages in the area, while Kurdish families fled to Zakho. He said that he and other Arab villagers returned in 2015 upon hearing that Kurdish families had been allowed to return home, but Peshmerga forces at the checkpoint outside of Mahmoudia did not allow the Arab families to return, and he moved to Rabia town.

He said that in August 2017, Asayish officials in Waleed village allowed him and about 24 other Arab families from Sufiya to return home. He said that he returned to find his home, and all the other homes in the village, destroyed. They fled again during the October 2017 fighting. The Peshmerga let the Kurdish families return home a few weeks later, but not the Arab families.

The Qahira resident said he had heard from his village chief that in a February 2020 meeting, the Nineveh governor, Najim al-Jubouri, and Masoud Barzani agreed that the Arab villagers from Rabia sub-district should return home. But he said that had not happened.

All five men said that as of late 2017, the Peshmerga had allowed Kurdish families from neighboring villages including [Waleed](#), [Sehala](#), [Ayn Masik](#), [Musa Rasha](#) (or Shibana) and [Omar Khalid](#) to return to their homes. Human Rights Watch has visited the area and confirmed the returns.

The KRG coordinator for international advocacy, Dindar Zebari, [responded](#) on July 16 to a letter about the five villages Human Rights Watch investigated. He said that the villages in question had been mostly destroyed during the process of security forces taking the area back from ISIS in 2016 and 2017, though residents all said the area had been retaken in 2014. Zebari said local community leaders said they could not return to the area because of concerns of the presence of unnamed “armed groups” and ISIS sleeper cells, Turkish [airstrikes](#), Kurdistan Workers' Party (PKK) presence, and Covid-19 movement restriction. Those Human Rights Watch interviewed, however, all said they and their families were desperate to return to their homes. Zebari said that there are ongoing initiatives between the KRG and Baghdad to improve joint security mechanisms in the area and to facilitate returns.

Human Rights Watch has documented the KRG's [preventing returns](#) of thousands of Arabs in a similar case in Hamdaniya district.

While under international law the authorities may limit individuals' movement in conflict areas for security reasons, any restrictions need to be in accordance with national law, well-tailored to achieving its legitimate aim, proportionate, and nondiscriminatory. Such restrictions should be focused on limiting all civilian access to particular areas during periods when strictly necessary, not restricting particular groups. Under the [United Nations Guiding Principles on Internal Displacement](#), everyone has the right to be protected against being arbitrarily displaced from their home.

“KRG authorities have no justification for preventing these Arab families from returning to their villages,” Wille said. “They have the same right as Kurdish villagers to return to their land and homes.”

ecoi.net summary:

Kurdistan region: 6 years after the region has been retaken from Islamic State group (IS), Kurdish authorities deny Arab families the return to their villages while Kurdish residents were permitted to go back

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