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Country Policy and Information Note

Iraq: Blood feuds

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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: 30 August 2017

1. Introduction

1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm from another tribe/family because of a person's involvement in a blood feud.

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1.2 Points to note

- 1.2.1 For the purposes of this guidance a blood feud is a dispute between two families or tribes with a cycle of retaliatory violence in which each group fights or murders members of the other group.
- 1.2.2 Within Iraq, blood feuds are primarily a Kurdish phenomenon. For cases involving Kurdish tribal conflicts linked to political conflicts, see the country policy and information note on [Iraq: Political opposition in the Kurdistan Region of Iraq \(KRI\)](#).

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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 Particular social group

- 2.2.1 The Country Guidance (CG) case of [EH \(blood feuds\) Albania CG \[2012\] UKUT 348 \(IAC\)](#), heard on 7 December 2010, 30 June 2011 and 27 September 2011, and promulgated on 15 October 2012, found:

'It is settled...that members of families or clans are capable of constituting a particular social group and that the Refugee Convention is engaged where there existed a reasonable degree of likelihood that members of a particular family would be at risk of serious harm on return, subject of course to whether internal relocation was available, or whether the state provided sufficient protection against such risk.' (paragraph 62).
- 2.2.2 Although victims or potential victims of blood feuds form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each

case will be whether the particular person will face a real risk of persecution on account of their membership of such a group.

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Exclusion

- 2.3.1 Decision makers must note that blood feuds are normally triggered by a murder or other serious offence carried out by the person or a member of their family/tribe. The person's involvement in any such crime should be carefully considered as evidence of serious criminality may mean that the person falls to be excluded under Article 1F of the Refugee Convention.
- 2.3.2 In [EH \(blood feuds\)](#), the Upper Tribunal found that international protection under the Refugee Convention, Qualification Directive or Articles 2 and 3 of the European Convention on Human Rights (ECHR) is not available to a person who is willing and intends to commit a revenge killing on return to their country of origin, by reference to that intention (paragraph 74(d)).
- 2.3.3 For further guidance on the Exclusion clauses and Restricted Leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.4 Assessment of risk

- 2.4.1 A person can become embroiled in conflict with other tribal member of member of a different tribe over matters such as land, resources and, especially, questions of 'honour' involving women. Disputes can go on for many years and tribe members can inherit historic disputes. A tribal dispute that is especially serious is a blood feud. If a tribe member is murdered, the males of the victim's tribe are obliged to avenge the death, triggering a blood feud. This goes on until restitution is made through an avenged death or mutually agreed financial compensation. Blood feuds are not resolved through the passage of time alone (see [Blood feuds – Definition and Reasons](#)).
- 2.4.2 There is limited information on the prevalence of blood feuds. Statistical data cannot be found, although sources suggest that the phenomenon is widespread in the Kurdish areas of the country. The pattern and intensity of blood feuds may vary between areas (see [Blood feuds – Prevalence](#)). Blood feuds are an important tribal custom and their prevalence will likely be related to the power and influence of the tribe at any particular time (see [Importance of the tribe](#)).
- 2.4.3 Women and children are unlikely to be victims of blood feuds (see [Blood feuds – Definition](#)).
- 2.4.4 Decision makers must determine whether an active blood feud exists. Factors relevant in this analysis will include:
- the history and nature of the alleged feud;
 - the person's relationship to the murdered individual; and

- the ability of the feared tribe to locate the person
- 2.4.5 Decision makers must pay particular attention to distinguish blood feud conflicts from other crimes.
- 2.4.6 That a person is involved in a tribal dispute will not, in itself, be enough to amount to serious harm or persecution. However, if a blood feud is active, and the person is likely to be affected by it, then, given the potential retributive consequences, a person is likely to be at risk of serious harm or persecution.
- 2.4.7 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

i. Kurdish authorities

- 2.5.1 A person's reluctance to seek protection, or lack of knowledge of it, does not mean that the protection is not available. For those fearing a tribal dispute or blood feud, the onus is on the person to demonstrate why they cannot avail themselves of the protection of the authorities in the first instance.
- 2.5.2 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

ii. Tribes

- 2.5.3 Tribal disputes are mediated and resolved first and foremost through tribal mechanisms, such as tribal courts. Tribes are very powerful and are a rival to the formal authorities in the administration of justice and protection. Traditional mechanisms have come under strain because of crimes committed by individuals associated with Daesh (Islamic State) (see [Importance of the tribe](#), [Tribal courts](#) and [Blood feuds – Tribal redress](#)).
- 2.5.4 The tribal authorities will attempt to resolve a 'blood feud'. This may be more difficult if the participants in the feud are tribal leaders. Restitution can involve the payment of blood money to allay vengeance. In some cases, therefore, a tribe may be able to offer effective protection (see [Blood feuds – Tribal redress](#)).

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2.6 Internal relocation

i. Those who fear a 'blood feud'

In deciding whether internal relocation is reasonable, decision makers must take into account the geographical reach and the political power and connections of the aggressor tribe. Decision makers must first consider whether relocation within the Kurdish areas is reasonable based on the individual facts and merits of each case.

ii. Kurds in general

- 2.6.1 While a person's Kurdish ethnicity will be relevant in the assessment of relocation to non-Kurdish areas of Iraq, there is no part of Iraq to which a Kurd, as a general principle, cannot relocate specifically because of their Kurdish ethnicity. The onus will be on the person to demonstrate why they cannot relocate to a given area specifically because of their ethnicity, if it is claimed that is why they cannot do so. Each case must be decided on its merits.
- 2.6.2 In the country guidance case of [AA \(Article 15\(c\)\) Iraq CG \[2015\] UKUT 00544 \(IAC\)](#), heard on 18-19 May 2015 (and promulgated on 30 October 2015), the Upper Tribunal found that relocation to Baghdad (except to parts of the 'Baghdad Belt', the urban environs around Baghdad City, which bordered Anbar, Diyala and Salah al-Din) was possible as a general matter (paragraph 204, A2, A3). The Upper Tribunal went on to find that, in assessing whether relocation to Baghdad was unreasonable or unduly harsh, a number of factors are likely to be relevant. Two of these factors are particularly relevant for Kurds. These are:
- whether a person can speak Arabic (as those who cannot are less likely to find employment) (paragraph 204, D 15(b));
 - whether a person is from a minority community (paragraph 204, D 15(f))
- 2.6.3 For further information and guidance, see [Country Information and Guidance – Iraq: Return/Internal Relocation](#)
- 2.6.4 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 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.
- 2.7.1 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 A Kurdish tribe can become embroiled in conflict with other tribes over matters such as land, resources and, especially, questions of honour involving women. However, that a person is involved in a tribal dispute will not, in itself, be enough to amount to serious harm or persecution.
- 3.1.2 Decision makers must give careful consideration to whether a blood feud is active and whether the person will be affected by it. If a blood feud is active, and the person is likely to be affected by it, then, given the potential retributive consequences, a person is likely to be at risk of serious harm or

persecution. Women and children are unlikely to be victims or potential victims of blood feuds.

- 3.1.3 For those fearing a tribal dispute or blood feud, the onus is on the person to demonstrate why they cannot avail themselves of the protection of the authorities. A person's reluctance to seek protection, or lack of knowledge of it, does not mean that the protection is not available.
- 3.1.4 A tribe may also be able to offer effective protection in the case of a blood feud through the payment of financial compensation.
- 3.1.5 A person who fears a blood feud or tribal dispute may be able to relocate to areas to which the risk does not extend. Each case must be assessed on its merits. In particular, decision makers must consider the geographical reach and the political power and connections of the aggressor tribe
- 3.1.6 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.

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Country information

Updated: 25 July 2017

4. Kurds

- 4.1.1 For information on the Kurdish people, Kurds in Iraq, the Kurdistan Region of Iraq (KRI) and the Kurdistan Regional Government (KRG), see the country information and guidance note on [Political opinion in the Kurdistan Region of Iraq \(KRI\)](#).

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5. Kurdish tribes

5.1 List of tribes

- 5.1.1 Mehrad R Izady, a Kurdish scholar, in his book on the Kurds, 'Kurds: A Concise Handbook', provided the following list of Kurdish tribes in Iraq. This should not be taken to be an exhaustive list. Also, displacement since 1992 (when the source was published) may mean that tribes have moved around.

Name(s)	Location	Other information
Delo Confederacy Gash, Jamrezi, Karezi, Panjankushti, Salim Waysi, Taskawand	Khush mountains to Sarkala and Khanaqin [Diyala]	Small. Once member of Baban Confederacy. South Kurmanji-speaking Sunnis
Dizai (Dizay) Confederacy Gondola (Gontola), Maman, Piran	Erbil to Trigris river	Very populous. Once member of Baban Confederacy. South Kurmanji-speaking Sunnis
Hamawand Confederacy Begzada, Chingini, Kafrushi, Mamand, Piriayi, Ramawand, Rashwand, Safarwand, Shitabisar, Sofiawand	Chamchamal [Sulamaniyah] to Sirwan river and Bazayn region	Large. Gurani-speaking Yarsans
Jaf Confederacy Amala, Badghi, Baseri, Bashki, Haruni, Isai, Ismail Uzhayri, Jalali (Galala), Jawanrudi, Kamali, Mikaeli, Muradi, Nawroli, Pishtmale, Rashubari, Rogai, Sadani,	Sulaymaniyah to Klar and Halabja	Very large. South Kurmanji-speaking Sunnis

Safiwand, Shatri, Shaykh Ismaili, Tarkhari, Tawgozi, Yazbanbakuk, Yarwaysi, Yusifjani		
Keza (Kaza) Confederacy Sandula Begi, Kokha Bahram, Sarkala	Shi Kifir to Chinchaldan	Small
Pahla (Fayli) Confederacy Bapirvand, Braspi, Chaydarvand, Dustalivand, Guran, Haywari, Jabirvand, Jugi, Kalkuh, Khizirvand, Kowkirvand, Mamasivand, Nowruzrand, Osivand, Papi, Shakarbegi, Sharaka, Sulamankahni, Zargush	In pockets from Baquba, north-east of Baghdad to Khuzistan [Iran]	Laki-speaking, Yarsans and Shia
Sharan (Shiwan) Confederacy Bazayni, Khasa	North of Kirkuk, between Khasa and Zeh rivers	Large
Zand Confederacy Alyan (Elyan), Gheni (Qini), Mamsalih, Tayer Khani	Kifri to Sirwin river	Laki-speaking, Yarsans
Ako	Around Raniya [Sulamaniyah]	Large
Baban (Babani)	North of Kirkuk and in Khanaqin	Small. South-Kurmanji-speaking
Belikan (Balik, Balikiyan)	Between Rawanduz [Erbil] and Rayat in Balik Heights [Erbil]	Large
Barzanji (Berzinji)	Khanaqin, Port Yarsan	Large

Bayati	Tuz Khurmatu [Salah al-Din] to Kifiri	
Bazayni (Shaykh Bazayni)	Erbil to Kirkuk	
Boli	South of Bilek	Small
Chigini	North of Sulamaniyah	
Dumbuli (Dunbeli)	Shaykhan [Ninewah]	
Daudi (Dawde)	Tawq, Kifri to Tuz Khurmatu	Large
Gakhar (Qara Tapa)		
Girdi	North of Erbil and Koy Sanjaq	
Homermil	Sarkala to Kocha Sanjaq	
Jabbari (Jebzari)	Kirkuk to Chamchamal and Laylan [Kirkuk]	
Kakai	Kirkuk to Tuz Khurmatu	Yarsans
Khalkan (Khalkani)	Northern Balik Mountains and north-east of Erbil	
Khoshnaw	Around Shaqlawa	Very large
Kura	Erbil to Shaqlawa	
Laylani	Laylan	

Palhani	Zanabad to Qara Tapa	
Pizhdar	Peshdar. Around Qala Diza	
Salhi	Between Kirkuk and Qara Hasan. Also in Damascus, Syria	
Sherwan	North of Rawanduz [Erbil]	
Siyan	North of Kirkuk	
Surchi	Middle course of the Greater Zab river to Rawanduz	Very large
Talabani (Telshani)	In pockets south-east of Kirkuk, north-east of Klar	
Talshani	Ski Kifri to Zardawa	
Zangana	Kifri to Klar	Gurani and South Kurmanji-speaking Yarsans
Zarari	North of Basturicha	
Zudi	Rawanduz region	

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5.1.2 The journal, Perspectives on Terrorism, in an article dated 2007, noted:

¹ Mehrad R Izady, 'The Kurds: A Concise Handbook' (pp. 80-82), 1992. Hard copy only.

'Many of Iraq's tribes can track their ancestry to one of nine tribal confederations: the Rubia, Zubayd, Dulaym, al-Muntafiq, Ubayd, al-Khaza'il, Bani Lam, Albu Mohammed, and the Ka'b. The largest Arab tribal confederations in Iraq are the Zubayd, Tayy, Rubia, Dulaym, Shammar, Jubur, Ubayd, Anniza, al-Dhufair, al-Muntafiq, Bani Rikab, Bani Hachim, al-Soudan, Albu Mohammed, al-Qarraghul, al-Tikriti, al-Hassan, Yazzid, Ka'b, Shammar Touga, al-Ghalal, al-Sumaida, Bani Lam, al-Azza, al-Umtayr, Zoba, Midan, al-Duriyeen, al-Khaza'il, al-Suwarma, and al-Sumaida.'²

5.1.3 For more information on Kurdish tribal confederacies, see the [Bach map](#)

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5.2 Particular tribes: the Ako

5.2.1 Several sources agree that the Ako tribe are from the Rania area (which is in Sulamaniya governorate).^{3 4 5} Paul John Rich, in a book published in 1992, noted that the Ako 'inhabit the great mountains to the north of Rania and Qala Diza'.⁶ Other important tribes in Rania are the Piran and the Pizhader.⁷

5.2.2 Mehrad Izady's book on Kurdish tribes, published in 1992, referred to the Ako as a 'large' tribe.⁸

5.2.3 Paul John Rich noted that the Ako 'consist of several sections loosely knitted together' and that 'their villages number between forty and fifty'.⁹

5.2.4 A Historical Dictionary of Iraq, published in 2004, referred to Abbas Agha Mamad as a leader of the Ako. Mamad sympathised with Kurdish revolts and had a good relationship with the Kurdish parties in Iraq, and with the Iraqi Communist Party. He created an armed group in Rania in 1961, and became a member of the Revolutionary Council formed by Mustafa Barzani in 1964.¹⁰

5.2.5 A book published in 1993 referred to Swara Agha as a leader of the tribe.¹¹

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5.3 Particular tribes: the Jaff

5.3.1 The Country Guidance case of [SI \(expert evidence – Kurd- SM confirmed\) Iraq CG \[2008\] UKAIT 00094](#), heard on 7 May 2008 and promulgated on 15 December 2008, heard evidence from Dr Alan George that the 'Jaff, whose

² Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 20 March 2017

³ Edmund A Ghareeb and Beth Dougherty, 'Historical Dictionary of Iraq', 2004, pp. 152-153. Hard copy only

⁴ Paul John Rich, 'Iraq and Rupert Hay's Two Years in Kurdistan', 2008, p. 59. Hard copy only

⁵ Mehrad R Izady, 'The Kurds: A Concise Handbook', 1992, pp. 80-82. Hard copy only

⁶ Paul John Rich, 'Iraq and Rupert Hay's Two Years in Kurdistan', 2008, p. 59. Hard copy only

⁷ Paul John Rich, 'Iraq and Rupert Hay's Two Years in Kurdistan', 2008, p. 59. Hard copy only

⁸ Mehrad R Izady, 'The Kurds: A Concise Handbook', 1992, pp. 80-82. Hard copy only

⁹ Paul John Rich, 'Iraq and Rupert Hay's Two Years in Kurdistan', 2008, p. 59. Hard copy only

¹⁰ Edmund A Ghareeb and Beth Dougherty, 'Historical Dictionary of Iraq', 2004, pp. 152-153. Hard copy only

¹¹ George Black, 'Genocide in Iraq: The Anfal Campaign Against the Kurds', 1993, p. 197. Hard copy only.

numerical strength is estimated as up to three million, is the largest Kurdish tribe' (paragraph 9).

- 5.3.2 The same case heard evidence from Dr Rebwar Fatah: 'The Jaff tribe is affiliated to the PUK [Patriotic Union of Kurdistan] and the PUK acts in favour of the Jaff...It is one of the most substantial tribes in size. Jaff's territories occupy a huge area of Iraqi and Iranian Kurdistan. Tribes such as the Jaff have become "neo-tribes" who have attained political influence extending beyond their geographical regions' (paragraph 30).
- 5.3.3 Sources note that the Jaff tribe are from Sulamaniya.^{12 13} The website 'Jaff, A Kurdish Tribe' (a pro-Jaff website) noted that the 'small towns of Kalar and Halabja [in Sulamaniya] are considered the provincial center of the Jaff tribal leaders...Since the first half of the Twentieth Century, the Jaff tribe has evolved and moved from a nomadic life to a settled existence. The members became more educated and migrated to northern Sulamaniya and urban areas such as Erbil and Baghdad'.¹⁴
- 5.3.4 A paper by the Center for Strategic and International Studies (CSIS), published in 2014, described the Jaff as 'the largest Kurdish tribe in Iraq'.¹⁵
- 5.3.5 The website 'Jaff, A Kurdish Tribe' numbered the Jaff at 1.5 million, 60 per cent in Iran and 40 per cent in Iraq.¹⁶
- 5.3.6 The website 'Jaff, A Kurdish Tribe' observed that the 'Jaff emirate is a union of several tribes, clans (a group of families) and sects ruled by the Jaff elite (Begzadas) or emirs'. It continued that the 'last prominent ranking Jaff tribe leader was Al-Amir Sardar Beg Jaff...There is no ranking leader of strict hierarchy among current Jaff leaders'.¹⁷
- 5.3.7 The website 'Jaff, A Kurdish Tribe' noted that the Jaff are 'widely integrated in society', with posts in the government, armed forces and business.¹⁸

¹² Encyclopaedia Iranica, Kurdish Tribes, 2004,

<http://www.iranicaonline.org/articles/kurdish-tribes>. Date accessed: 30 September 2016

¹³ Center for Strategic and International Studies (CSIS), 'Iraq in Crisis', May 2014, p.170, https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/140513_Cordesman_IraqInCrisis_Web.pdf. Date accessed: 30 September 2016

¹⁴ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

¹⁵ Center for Strategic and International Studies (CSIS), 'Iraq in Crisis', May 2014, p.170, https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/140513_Cordesman_IraqInCrisis_Web.pdf. Date accessed: 30 September 2016

¹⁶ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

¹⁷ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

¹⁸ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

- 5.3.8 The website noted that 'some tribe members contest the authority of certain leaders because they believe they are working for the PUK not for the tribe'.¹⁹
- 5.3.9 The 2014 CSIS paper observed that some members of the Jaff tribe were members of Gorran (the political 'change' movement in Iraqi Kurdistan). It noted that a leaked US State Department cable suggested that Iran funded the Jaff tribe, as an indirect way of funding the Gorran for the March 2010 elections.²⁰
- 5.3.10 The website 'Jaff, A Kurdish Tribe' noted that the Jaff 'have no restrictions on marriage with individuals outside the Jaff tribe as long as the families accept the decision'.²¹

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5.4 Importance of the tribe

- 5.4.1 The journal Perspectives on Terrorism, in an article dated 2007, noted that 'the tribe has remained the most important entity in Iraqi society'.²²
- 5.4.2 In 'The Kurdish National Movement: Its Origins and Development', originally published in 1960, Wadie Jwaideh commented on the importance of tribes within Kurdish society:

 '...the autonomous Kurdish political system never developed beyond the tribal stage. Those Kurdish leaders who succeeded in founding such systems followed an Islamic rather than a Kurdish pattern of political organization. As a result, tribal-based institutions, rather than state-based institutions, have come to be the Kurdish political institutions par excellence...One of the most striking features of Kurdish tribal life is the peculiar tenacity of Kurdish tribal sentiment. On numerous occasions, it has proved even stronger than religious sentiment.'²³
- 5.4.3 In 'Kurds, states and tribes', published in 2003, Martin Van Bruinessen observed: 'The past two decades of great social upheaval have not led to the extinction of tribes...[t]he apparently pre-modern phenomenon of the tribe has shown remarkable resilience and adaptability, and in several respects

¹⁹ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

²⁰ Center for Strategic and International Studies (CSIS), 'Iraq in Crisis', May 2014, p.170, https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/publication/140513_Cordesman_IraqInCrisis_Web.pdf. Date accessed: 30 September 2016

²¹ Jaff, A Kurdish Tribe, 'The Jaff Tribe and the role of its leadership', undated, <https://sites.google.com/site/jaffakurdishtribe/home/books-and-papers/the-jaff-tribe-and-the-role-of-its-leadership>. Date accessed: 30 September 2016

²² Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 20 March 2017

²³ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, pp. 30-33. Hard copy only

tribes and tribalism are even more pervasive in Kurdish society now than twenty, thirty years ago.¹²⁴

5.4.4 In 'Jewish Subjects and Their Tribal Chieftains in Kurdistan: A Study in Survival', published in 2007, Mordechai Zaken commented:

'Scholars of Iraq stressed...[a] social dichotomy that has played a profound role in Iraq's modern history: the division between town and tribe. During the first half of the 20th century, nomadic, semi-nomadic, or settled tribes surrounded the handful of cities and towns. They controlled the country's communication system and held nine-tenths of its land. In 1933, a year after the independence of the new Iraqi State, approximately 100,000 rifles were in the hands of the tribesmen and 15,000 rifles in the hands of the government. In modern times, only a few tribes were fully nomadic. Nevertheless, the majority of the settled population was tribally organized. Whether it was Arab or Kurdish, the population maintained tribal codes and traditions...[and] there were two forms of Government in Kurdistan. The inhabitants often faced two separate systems, the official government on one hand and the tribal agha [chief] on the other.'¹²⁵

5.4.5 The Huffington Post, in an article dated July 2014, quoted Falah Muradkan-Shaker, a lawyer and project coordinator for the NGO WADI: "Sometimes customs and tribal laws are stronger than national laws."¹²⁶

5.4.6 A joint report between Minority Rights Group International and Ceasefire Centre for Civilian Rights, dated November 2015, stated that 'tribal power holds stronger sway [than laws] in many parts of Kurdistan.'¹²⁷

5.4.7 An article in Al Monitor, dated January 2016, observed that '[t]ribal influence grows when the state is weak'. It interviewed 'social researcher' Qasim Mohammed, who said: "This influence increased [even more] following 2003, when the Saddam regime fell, and the tribes have managed many government departments by virtue of the ties that government officials running these departments have with the tribes."¹²⁸

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¹²⁴ Van Bruinessen, Martin, 'Kurds, states and tribes', p. 1, in Jabar, Faleh A and Dawod, Hosham (eds), 'Tribes and power: nationalism and ethnicity in the Middle East', 2003, pp. 165-183. Hard copy only

¹²⁵ Zaken, Mordechai, 'Jewish Subjects and Their Tribal Chieftains in Kurdistan: A Study in Survival' (p. 22), 2007. Hard copy only.

¹²⁶ The Huffington Post, 'Kurdish Teenager's "Honor Killing" Fades to Memory as Iraq Violence Swells', 17 July 2014, http://www.huffingtonpost.com/the-groundtruth-project/kurdish-teenagers-honor-k_b_5596318.html. Date accessed: 16 March 2017

¹²⁷ Minority Rights Group International and Ceasefire Centre for Civilian Rights, 'The Lost Women of Iraq: Family-based violence during armed conflict', November 2015, p. 29, <http://minorityrights.org/wp-content/uploads/2015/08/Lost-Women-English.pdf>. Date accessed: 16 March 2017

¹²⁸ Al Monitor, 'Can Iraq curb tribal disputes?', 20 January 2016, <http://www.al-monitor.com/pulse/originals/2016/01/iraq-tribes-armed-conflict.html>. Date accessed: 7 December 2016

5.5 Tribal organisation

- 5.5.1 In 'Kurds, states and tribes', published in 2003, Martin Van Bruinessen observed:

'The tribes of which more or less reliable descriptions exist, valid for one period or another, vary widely in size and complexity of organisation. Some of them are, or were until recently, pastoral nomads, others combine settled agriculture with transhumant animal husbandry, others again consist of settled peasant farmers. Nowadays large parts of many tribes are urbanised without having completely given up on tribal values and tribal organisation – which in certain urban contexts may even be an advantage.'²⁹

- 5.5.2 The journal Perspectives on Terrorism, in an article dated 2007, noted:

'A small tribe is considered to have a population range in the hundreds to thousands of members, whereas larger tribes can have tens of thousands of members that are arranged into sub-clans. Although the practice of referring to tribal affiliation to distinguish one's identity is less prevalent in today's society, particularly in the larger cities, an estimated 75% of the population today belongs to one of the country's 150 tribes, or at least maintains kinship ties with a tribe...'³⁰

- 5.5.3 The source also stated:

'The tribal structure is one of the oldest establishments of Iraqi civilization. The origin of the Iraqi tribal structure dates from the time of Mesopotamia and has endured centuries of subjugation to empires, monarchies, foreign occupations, and national governments. This longevity has been attributed to fluctuations in governing powers throughout time, which have required tribes to concentrate their allegiance and political force on maintaining long-term networks rather than to support changing regimes to sustain their tribes...In the absence of strong central authority, tribes functioned as miniature quasi-polities where tribal leaders (known as *sheikhs*) would administer resource and conflict management and law enforcement...

'Since the tribal structure in Iraq predates the advent of Islam, the precise boundaries between tribal loyalties and religious affiliation are in many instances not well defined. Indeed, some tribes have both Sunni and Shiite members...

'The foundation of the tribe is referred to as the *khams*, which is the greater extended family. The family is linked by all male offspring who share the same great-great grandfather. The lowest level of the structure is the *bayt*, which consists of a single extended family with members numbering in the hundreds. A group of *bayts* form a clan, known as the *fakdh*. Each *fakdh* maintains its own chief, family name, and land that is relative to a specific

²⁹ Van Bruinessen, Martin, 'Kurds, states and tribes', p. 3, in Jabar, Faleh A and Dawod, Hosham (eds), 'Tribes and power: nationalism and ethnicity in the Middle East', 2003, pp. 165-183. Hard copy only

³⁰ Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 20 March 2017

village or town. A cluster of clans constitute a tribal organization or '*ashira*'. The '*ashira*' enjoys a high level of unity primarily due to the relative power that its *sheikh* or the sheikh's *bayt* holds and due to the geographic proximity of the clans of which it is comprised. A confederacy of tribes is classified as a *qabila*. Although the *qabila* is an alliance of several tribes, it is still regarded as a tribe.^{'31}

- 5.5.4 The Marriage and Family Encyclopaedia, by JRank, undated but copyrighted 2016, has an article entitled 'Kurdish Marriage Patterns'. The source noted:

'Almost all Kirmanji-, Sorani-, Zaza-, and Gorani-speaking Kurds are historically tribal people, and tribal traditions continue to affect the daily experiences of tribal, as well as nontribal Kurds, who live in both rural and urban areas. The term *mal* also means a lineage in Kurdish. A lineage is a group of people who descend from a common ancestor. According to tribal ideology, brothers, father, and sons are joined in a single group, creating a division within the tribe against the father's brother and his sons. They all unite against far removed patriarchal cousins.'³²

- 5.5.5 The source also noted:

'Tribal membership exists both in terms of putative patrilineal kin groups (groups that trace their genealogy to a common ancestor of the main branch of the tribe) and fictive patrilineal kinship groups (groups created in circumstances when an individual was adopted as a tribal member; lineages are traced from this adopted individual). However, tribal kinship is described bilaterally (traced through both male and [sic] female lines). Kurdish kinship terminology consists of two categories: kin relations traced through blood (consanguine) and through marriage (affinal) relations. In each category, terms are very specific for ascending and descending generations; the categories define patrilineal kin and female affine, as well as social relations.'³³

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6. Tribal courts

- 6.1.1 Jwaideh stated: 'The Council's function is the settlement of disputes and the administration of justice in accordance with tribal customary law. It deals with such questions as war, the settlement of feuds, the restitution of stolen property, and the arbitration of disputes concerning the abduction of women or grazing and irrigation rights.'³⁴

³¹ Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 20 March 2017

³² JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

³³ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

³⁴ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 31. Hard copy only

- 6.1.2 In 'Jewish Subjects and Their Tribal Chieftains in Kurdistan', Zaken commented: 'In recent times, special courts have been established to deal with tribal disputes. In earlier times, tribal disputes were brought before a powerful religious shaikh or tribal chieftain for mediation. In this manner, several of the influential tribal shaikhs became more powerful and prosperous.'³⁵
- 6.1.3 The Country Guidance case of [SI](#) heard evidence from Dr Alan George, an academic specialising in the Middle East, that '[i]n the KRG...there were parallel justice systems: (i) the regional government system, both civil and criminal; (ii) the tribal system, which operated independently; and (iii) a fusion of (i) and (ii) in which government officials and powerful tribal figures interacted with each other' (paragraph 21).
- 6.1.4 The Danish Refugee Council (DRS) and Danish Immigration Service (DIS) conducted a fact-finding mission to the KRI in September and October 2015, interviewing multiple sources. In their report of the mission ('the Danish report'), they commented:
- 'Journalist Osama Al Habahbeh explained that due to the tribal nature of the society in KRI, some tribes are above the authorities, which means that they may also be able to offer protection. In line with this, IOM [International Organisation of Migration] said that informal mediation is very common in all kinds of disputes in KRI. Correspondingly, various other sources referred to a possibility to seek protection from other actors than the authorities, such as family, religious leaders, tribes, militias, clan-affiliates with political power and private security companies. The sources, however, indicated that the protection would only be offered to those with the right affiliation. In addition, UNHCR said that such protection would be for a limited period of time and not be effective or legitimate. Correspondingly, Human Rights Watch said that it could not be considered as effective protection for the enjoyment of human rights.'³⁶
- 6.1.5 The report added: 'PAO/KHRW [Public Aid Organisation/Kurdish Human Rights Watch] said that the cases that are solved outside the court system are often solved through tribal councils. PAO/KHRW informed that, as the property owner must have documents from the court stating the ownership, the parties who settle the conflict outside the Property Claims Commission will have to approach the court to obtain the documents of ownership.'³⁷

³⁵ Zaken, Mordechai, 'Jewish Subjects and Their Tribal Chieftains in Kurdistan: A Study in Survival', 2007, pp. 8-9. Hard copy only

³⁶ Danish Refugee Council (DRS) and Danish Immigration Service (DIS), 'The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p. 46, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 13 December 2016

³⁷ Danish Refugee Council (DRS) and Danish Immigration Service (DIS), 'The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015', April 2016, p. 50, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>

- 6.1.6 An article in Al Monitor, dated January 2016, observed: 'Tribal communities have their own laws derived from their customs. These tribes developed into social authorities and are effective in resolving many of their internal conflicts. But conflicts between tribes are particularly dangerous these days, while security forces are busy battling IS [Daesh].'³⁸

See also: [Blood feuds – tribal redress](#)

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7. Blood feuds

7.1 Definition

- 7.1.1 The journal Perspectives in Terrorism, in an article dated 2007, noted: 'The concept of blood feuds and vengeance is most important in the *kham*s structure, where male members are obliged to avenge the death of another member.'³⁹
- 7.1.2 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, explained: 'Traditionally, blood feuds are intertribal affairs. When a Kurd is murdered by someone from another tribe, not only the lineage of the dead man, but the whole tribe comes together for an extra-judicial form of punishment, usually provoking countermeasures that lead to escalated tribal warfare.'⁴⁰
- 7.1.3 The Country Guidance case of [SI \(expert evidence – Kurd- SM confirmed\) Iraq CG \[2008\] UKAIT 00094](#), heard on 7 May 2008 and promulgated on 15 December 2008, heard evidence from Dr Alan George:
- 'Quoting from his book, *Jordan: Living in the Crossfire*, October 2005, he states that in Iraqi, as in Jordanian, society:
- "*sharaf*, or honour, is everything, traditional mediation seeks to ensure that problems affecting individuals do not escalate into conflicts involving entire families and tribes... Tribal custom requires murder to be compensated by mutual agreement, failing which honour can be satisfied only by vengeance against the killer's family. Such so-called blood feuds can be grisly and protracted affairs involving a cycle of retaliation and counter-retaliation that sometimes passes from generation to generation".'
- 7.1.4 The same case heard evidence from Dr George that 'it was the custom for women and children to be exempted from blood feuds' (paragraph 12).

[8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf](#). Date accessed: 13 December 2016

³⁸ Al Monitor, 'Can Iraq curb tribal disputes?', 20 January 2016, <http://www.al-monitor.com/pulse/originals/2016/01/iraq-tribes-armed-conflict.html>. Date accessed: 7 December 2016

³⁹ Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 22 August 2016

⁴⁰ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

- 7.1.5 The same case heard evidence from Dr Rebwar Fatah that tribal feuds 'will not fade away with time' (paragraph 30).

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7.2 Reasons

7.2.1 Jwaideh explained:

'The tribal group regards itself as a single unit and is so regarded by outsiders – a fact that engenders the idea of collective responsibility, with the consequent practice of retaliation against the offender or any member of his group by any member of the victim's group...

'[The notion of] 'tola' (vengeance) [is] one of the three things that dominate the Kurd's thinking and determine the pattern of his loyalties and behaviour. The commission of murder is the signal for the beginning of a blood feud in conflicts concerning such matters as theft of animals, water or grazing rights, and, most serious of all, questions of honour involving women. According to Nikitine, who wrote about the Kurds of central Kurdistan, the victim's family acquires the right of retaliation against the murderer, who is banished from the tribe for a period of five years or more. At the end of this period, provided a settlement has been made, the murderer may return to the tribe, with the elder's approval and the chieftain's confirmation. The victim's family, however, retains its right of retaliation.'⁴¹

- 7.2.2 The journal Perspectives on Terrorism, in an article dated 2007, noted: 'Modern tribal social and justice codes exhibit continuing adherence to traditional cultural tribal customs, such as strong loyalty to one's clan or tribe, which includes the tradition of blood feuds (*al-tha'r*), protecting family honor (*ird*), and exhibiting one's masculinity and valor in fighting (*al-mirowa*).'⁴²

- 7.2.3 In 'Kurds, states and tribes', published in 2003, Martin Van Bruinessen observed:

'The 'purest' case of a tribal feud that I came across in my fieldwork took place in Ulvdere, a small town near the Turkish-Iraqi border consisting of a number of wards that were each inhabited by a different lineage of the same tribe. The feud had been triggered by an elopement, in the course of which a man had been accidentally killed, and it had been going on for several years, mobilising two entire lineages against each other.'⁴³

- 7.2.4 An article in The New York Times, dated February 2003, described a blood feud thus:

'Mr. Sourchi is consumed by a blood feud, and has sworn to avenge the death in 1996 of his uncle, Hussein Agha al-Sourchi, 65, for which he blames Mr [Masoud] Barzani [of the Kurdistan Democratic Party (KDP)]. It is

⁴¹ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p. 34

⁴² Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 22 August 2016

⁴³ Van Bruinessen, Martin, 'Kurds, states and tribes', p. 7, in Jabar, Faleh A and Dawod, Hosham (eds), 'Tribes and power: nationalism and ethnicity in the Middle East', 2003, pp. 165-183. Hard copy only

one of several feuds that exist beneath the businesslike dialogue of changing Iraq, and is a worrisome indicator of the fragility of peace in a land where even people with common goals are intent on settling old scores.¹⁴⁴

- 7.2.5 An article in Al Monitor, dated January 2016, interviewed 'social researcher' Qasim Mohammed, who said: "The tribes were also involved in corrupt deals, and some have interfered to resolve political disputes and protect officials suspected of unlawful activities by helping to halt legal proceedings against them through tribal settlements and the payment of compensation and blood money."¹⁴⁵

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7.3 Prevalence

7.3.1 Jwaideh observed:

'As in all tribal communities, the blood feud is widespread throughout Kurdistan. Its pattern and intensity vary from one place to another and are influenced by a number of factors. It is strongest in the more purely tribal areas and weakest in regions where, for various reasons, the process of detribalization is most advanced and the influence of the external administration is greatest.'¹⁴⁶

- 7.3.2 In 'Jewish Subjects and Their Tribal Chieftains in Kurdistan: A Study in Survival', published in 2007, Mordechai Zaken commented: 'Scholars of Kurdistan noted the widespread rivalry and blood feuds between tribes in Kurdistan.'¹⁴⁷

- 7.3.3 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, explained: 'Blood feuds are more widespread in Northern Kurdistan [in Turkey] than in other parts of Kurdistan, and incidents of it are decreasing as the power of tribal leaders decreases.'¹⁴⁸

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7.4 Tribal redress

7.4.1 Jwaideh noted:

'The chiefs lose no time in taking effective measures to settle a conflict before it assumes serious proportions. Blood feuds involving the chiefs

¹⁴⁴ The New York Times, 'Threats and Responses: Northern Iraq; Feud Between Kurdish Clans Creates Its Own War', 24 February 2003, <http://www.nytimes.com/2003/02/24/world/threats-responses-northern-iraq-feud-between-kurdish-clans-creates-its-own-war.html>. Date accessed: 8 December 2016

¹⁴⁵ Al Monitor, 'Can Iraq curb tribal disputes?', 20 January 2016, <http://www.al-monitor.com/pulse/originals/2016/01/iraq-tribes-armed-conflict.html>. Date accessed: 7 December 2016

¹⁴⁶ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, p.34. Hard copy only

¹⁴⁷ Zaken, Mordechai, 'Jewish Subjects and Their Tribal Chieftains in Kurdistan: A Study in Survival', 2007, pp. 8-9. Hard copy only

¹⁴⁸ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

themselves, however, are much more difficult to settle. Fasl (settlement of the blood feud) entails the payment of blood money, known in Kurdish simply as khwin (blood). In addition to blood money, it is customary for the offender's family to present the aggrieved party with a horse and to give away a girl in marriage to a member of the victim's family in order to allay feelings of vengeance (tola) and to unite the two families involved.

'The settlement of a blood feud is entrusted either to a person of prestige in the community or to a council of chiefs or elders...A blood feud often flares up again even though a settlement has been made. An example is the resurgence of the feud between Suto Agha of Horamar and Tato Agha of Rekhan...

'An important practice connected with the blood feud is the granting of asylum (pana) to the offender. A breach of asylum by the offender is viewed seriously, and those guilty of it are liable to retaliation by the person granting the asylum, usually a person of influence. The settlement of a breach of asylum entails payment of a certain amount of money known as *wuskir* as compensation for the dishonour and injury done to the granter of asylum.'⁴⁹

7.4.2 The journal Perspectives on Terrorism, in an article dated 2007, explained that blood feuds can be settled by 'killing a member of the *khams* that murdered the family member or more commonly through managing financial compensation for the death (*al-diya*).'⁵⁰

7.4.3 'Kurdish Marriage Patterns', Marriage and Family Encyclopaedias, explained: 'Settlement between the tribes can be a lengthy process and is pursued until an agreement is reached about the payment of blood money, *bez*, to the relatives of the victim.'⁵¹

7.4.4 The Country Guidance case of [SI](#) heard evidence from Dr Alan George that 'family/clan/tribal blood feuds can be resolved through mediation' (paragraph 11).

7.4.5 The Danish report noted that, in the city of Yathrib (Salah al-Din governorate)

'...the main issue lies in tribal issues between the different sects. Shia families ask for blood money for their martyred sons before they would allow their Sunni neighbours back. A twist to the controversies between Shias and Sunnis is that the Shia population in the freed areas are asking for compensation for their material losses during fighting. This compensation is supposed to come from the central government, but some Shia families, especially one tribe, is requiring blood money to be paid by Sunni families themselves and not the government. The Shias are saying they will not allow

⁴⁹ Jwaideh, Wadie, 'The Kurdish National Movement: Its Origins and Development', 1960, pp. 34-35. Hard copy only

⁵⁰ Perspectives on Terrorism, 'The Iraqi Tribal Structure', Vol 1, No 1 (2007), <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/2/html>. Date accessed: 22 August 2016

⁵¹ JRank, Marriage and Family Encyclopaedias, 'Kurdish Families – Kurdish Marriage Patterns', <http://family.jrank.org/pages/1026/Kurdish-Families-Kurdish-Marriage-Patterns.html>. Date accessed: 28 November 2016

IDPs [Internally Displaced Persons] back before they are compensated. This might take a long time.’⁵²

7.4.6 The UN High Commissioner for Refugees (UNHCR), in their position on returns to Iraq dated November 2016, stated:

‘Tribes commonly resolve disputes in line with tribal customs. Typically, tribes would first seek a resolution through arbitration and the payment of financial compensation – “blood money” – to the family of the victim (“*fasl*” or “*diva*”) in cases of murder, physical harm and damage or loss of property. The injured party in turn gives up the right to retribution. Only where tribes fail to resolve disputes between them by peaceful means do such conflicts turn into blood feuds, which may give rise to long cycles of retaliatory violence and revenge. According to reports, these traditional forms of justice have come under severe strain in light of the widespread and serious crimes committed by individuals affiliated with ISIS [Daesh]. According to Lise Grande, the UN Humanitarian Coordinator for Iraq, “Many of the tribal mechanisms that are used by communities to manage social tensions and promote reconciliation are overwhelmed”.’⁵³

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⁵² Danish Refugee Council (DRS) and Danish Immigration Service (DIS), ‘The Kurdistan Region of Iraq (KRI) – Access, Possibility of Protection, Security and Humanitarian Situation – Report from fact finding mission to Erbil, the Kurdistan Region of Iraq (KRI) and Beirut, Lebanon, 26 September to 6 October 2015’, April 2016, p. 74, <https://www.nyidanmark.dk/NR/rdonlyres/4B4E8C12-84B7-4ACB-8553-5E0218C5689A/0/FactfindingreportKurdistanRegionofIraq11042016.pdf>. Date accessed: 8 June 2017

⁵³ UN High Commissioner for Refugees (UNHCR), UNHCR Position on Returns to Iraq, 14 November 2016, fn 84, <http://www.refworld.org/docid/58299e694.html>. Date accessed: 21 March 2017

Version control and contacts

Contacts

If you have any questions about the note and your line manager or senior caseworker cannot help you or you think that the note has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this note (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the note then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**
- valid from **30 August 2017**

Changes from last version of this guidance

New CPIN

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