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Home Office

Country Policy and Information Note

Iraq: Blood feuds

Version 2.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 25 October 2019

1. Introduction

1.1 Basis of claim

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

1.2 Points to note

- 1.2.1 A blood feud is a form of tribal dispute. For the purposes of this note a blood feud is a dispute between 2 families or tribes with a cycle of retaliatory violence in which each group fights or murders members of the other group according to an ancient code of honour and behaviour. Intertribal killings may be triggered by a number of reasons, including honour-related matters and historic intertribal animosities (see [Blood feuds/Definition](#)).

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2. Consideration of issues

2.1 Credibility

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

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2.2 Exclusion

- 2.2.1 If there are serious reasons for considering that the person has been involved with a group and/or activity that falls within scope, then decision makers must consider applying one (or more) of the exclusion clauses.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 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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2.3 Refugee convention reason

- 2.3.1 A person's actual or imputed membership of a particular social group (PSG).
- 2.3.2 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).

- 2.3.3 In light of the Upper Tribunal's finding in EH that, in principle, a family group or clan is capable of constituting a PSG in Albania and taking into account available country information in this note, a person who is part of a tribe in Iraq is a member of a PSG.
- 2.3.4 Although victims or potential victims of blood feuds form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.5 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

- 2.4.1 There is limited published information on the prevalence of blood feuds. Statistical data are not available although sources suggest that the phenomenon is widespread in the southern governorates and is known to occur in the Kurdish region. Tribal justice has gained renewed strength in areas formerly held by Daesh because tribes consider the formal justice system ineffective (see [Blood Feuds – Prevalence](#)).
- 2.4.2 A person can become involved in conflict with members of a different tribe over matters such as intended or unintended killings, infliction of injury, theft, unpaid debts, and disputes over land, property or water supplies. Disputes can go on for many years and tribe members can inherit historic disputes (see [Blood Feuds – Definition](#) and [Blood Feuds - Methods of prevention and resolution](#)).
- 2.4.3 However, if a tribe member is murdered or injured, the males of the victim's tribe are obliged to avenge this by killing someone in perpetrator's tribe, triggering a blood feud. The blood feud goes on until restitution is made through an avenged death, mutually agreed financial compensation ('blood money') or in some cases, despite being banned by law, by one tribe giving one or several girls or women to another tribe for marriage. While women and children are traditionally exempt from blood feuds, when females are given as compensation for injury or death, they have no right to divorce and may be exposed to abuse. Depending on what caused a blood feud, a tribe may expel the perpetrator or, in serious cases such as 'honour' crimes or the murder of a tribal leader, even kill them (see [Blood Feuds – Definition](#) and [Blood Feuds - Methods of prevention and resolution](#)).
- 2.4.4 Some blood feuds may be resolved by peaceful means. To facilitate this, in 2018 the Ministry of Justice in Iraq established an arbitration system composed of tribal leaders in an attempt to resolve disputes and establish community peace. Therefore, not all tribal disputes will necessarily become

blood feuds and result in violence (see [Blood Feuds – Definition](#) and [Blood Feuds - Methods of prevention and resolution](#)).

- 2.4.5 The fact that a person is involved in a tribal dispute will not, in itself, be enough to amount to serious harm or persecution. Decision makers must determine the likelihood that the person will be at risk of retributive treatment that amounts to persecution or serious harm, taking into account factors such as the intensity of the blood feud and the possibility of conflict resolution. However, if a blood feud exists and cannot be resolved by peaceful means and the person is likely to be directly affected by it, then, given the potential retributive consequences, a person may be at risk of serious harm or persecution.
- 2.4.6 While women and children are unlikely to be targeted for retribution in a blood feud, the resurgence of using women and girls as compensation for injuries or deaths means that they may also be at risk of serious harm or persecution. Each case must be considered on its individual facts, with the onus the person to demonstrate that they are at risk.
- 2.4.7 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from members of another tribe decision makers must assess whether the state can provide effective protection (see the [Iraq Country Policy and Information Note: Security and Humanitarian Situation](#)).
- 2.5.2 Tribal disputes are mediated and resolved first and foremost through tribal mechanisms, including the Ministry of Justice tribal arbitration system. Tribes are very powerful and are a rival to the formal authorities in the administration of justice and protection (see [Blood feuds – Protection](#)).
- 2.5.3 As a result of a weakened state authority and ineffective formal justice system, people have turned to their tribes to resolve their problems and provide security. 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 – methods of prevention and resolution](#)).
- 2.5.4 Under Regulation 4 of [the Refugee or Person in Need of International Protection \(Qualification\) Regulations 2006](#), only the state or “any party or organisation, including any international organisation, controlling the State or a substantial part of the territory of the State” can provide “protection”. Given the relative strength and respect of the tribal system, and that the tribal arbitration system is backed by the Ministry of Justice, it is arguable that they operate as an ‘organisation ... controlling the State or a substantial part of the territory of the State.’
- 2.5.5 Even if a tribe/the tribal mechanism or the Ministry of Justice tribal arbitration system is not an “actor of protection” under Regulation 4, decision makers

must consider whether seeking to use this mechanism is likely to mean that there is no real risk of harm, and therefore no persecution.

- 2.5.6 There are also reports of law enforcement personnel being reluctant to get involved in tribal conflicts as they fear that they will exacerbate the situation. Law enforcement have also been known to ‘take sides’ in line with their own tribal affiliations. At other times law enforcement officials are reported to be powerless to intervene in tribal disputes and, without sufficient military back up, fear reprisals. Judicial authorities reportedly often avoid following up on tribal incidents (see [Blood Feuds – Protection](#)).
- 2.5.7 The onus will be on the person to show that they cannot obtain protection from either state forces or tribal authorities.
- 2.5.8 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution from local opposing tribal members, decision makers must determine whether the person could relocate internally to a place where they would not face a real risk of persecution or serious harm and where they can reasonably be expected to stay. Decision makers must take into account the size, influence and reach of the tribe from which they are fleeing. Each case must be considered on its individual merits.
- 2.6.2 For more information on internal relocation see the country policy and information note on [Iraq: internal relocation, civil documentation and returns](#).
- 2.6.3 For general guidance on internal relocation see the 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.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 25 October 2019

3 Tribes

3.1 Background

- 3.1.1 A report published in November 2018 by the European Asylum Support Office (EASO), using a variety of sources, entitled 'Country of Origin Information Report – Iraq Actors of Protection' stated:

'Roughly 75% of Iraq's population is either a member or an associate of one of the 150 main tribes in Iraq. These family-based clans and networks, which are most prominent in Sunni areas (Anbar, Salah al Din, Kirkuk and Ninewa) and in the southern areas (mainly Basra), help their tribesmen to obtain employment, government services, and protection from threats. Tribes have been engaged to provide security and tribal law is described by a tribal leader as "fill[ing] gaps not addressed by the state" where state institutions are weak. Tribal dispute resolution is particularly important in poorer areas in southern and western Iraq.

'Tribal customary law ('urf) is a longstanding and important mechanisms [sic] for dispute resolution and preservation of order in Iraq. It is based on a system of collective honour and responsibility, whereby disputes are resolved through restoration of equilibrium by reciprocity and compensation. Tribal justice in Iraq remains common and has reportedly become increasingly popular and preferred to courts and police, particularly in central and southern Iraq.

'...Since 2003, tribal justice has been increasingly relied upon due to weak state capacity in the justice system, for issues ranging from murder, assault, armed conflict, theft, to commercial and criminal matters, to settlement through paying compensation (blood money or diya) or exchanging women/girls, vengeance, or marriage. Article 45 (2) of the Iraqi Constitution protects the advancement of tribes in Iraq, but prohibits tribal traditions that contradict human rights.

'However, tribal dispute mechanisms can involve violations of human rights such as giving away female relatives as compensation or honour killing; it may also include retributive killing/death or banishment. Women are "particularly vulnerable" regarding tribal justice and can encounter harsh treatment for transgression of tribal customs. Tribal Fasliya marriages, or exchange marriages for compensation, have reportedly grown in recent years due to weak rule of law. In 2015 for example, one tribal dispute was resolved by giving away 50 women in compensation.'¹

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¹ EASO, 'Iraq Country of Origin Report – Iraq: Actors of Protection', November 2018, [url](#)

3.2 Location of tribes

- 3.2.1 The United Nations Assistance Mission for Iraq (UNAMI) produced a map of the [location of tribes in Iraq](#) in 2003². CPIT is unable to find a more up to date version in the sources consulted (see [Bibliography](#)).

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Section 4 updated: 25 October 2019

4 Blood feuds

4.1 Definition

- 4.1.1 A report produced and published in June 2019 by the European Asylum Support Office (EASO) entitled 'Country Guidance: Iraq' stated:

'Blood feuds are conflicts between tribes involving cycles of retaliatory killings. Intertribal killings may be triggered by a number of reasons, including honour-related questions and historic intertribal animosities. It has been reported that the current instability has increased the onset of tribal conflicts, particularly in southern Iraq.

'Killing members of another tribe will put a target on the perpetrator, as well as his tribe.'³

- 4.1.2 A report entitled 'International Protection Considerations with Regard to People Fleeing the Republic of Iraq' published in May 2019 by the UN High Commissioner for Refugees (UNHCR) stated:

'A blood feud usually involves members of one family threatening to kill members of another family in retaliatory acts of vengeance carried out according to an ancient code of honour and behaviour. In Iraq, conflicts between (extended) families can reportedly be triggered by intentional or unintentional killing, but also by other offences such as the infliction of injury, loss of "honour" (e.g. as a result of the kidnapping or rape of a woman or girl, or socially unacceptable behaviour), theft, unpaid debts, or unresolved disputes over land, access to water supplies or property. Under tribal custom, male members of an extended family ("khamsa") are obliged to avenge the injury or death of another member, be it in the form of killing someone from the murderer's khamsa, or, more commonly, agreeing on financial compensation (blood money, "fasl" or "diyya" to the family of the victim), which in turn ends the right to retribution.'⁴

- 4.1.3 Dr Alan George, providing evidence in the Country Guidance (CG) case of SI⁵, heard on 7 May 2008, quoting from his book, Jordan: Living in the Crossfire, October 2005,

'... 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

² UNAMI, 'Map of Tribes in Iraq', 3 August 2003, [url](#)

³ EASO, 'Country Guidance: Iraq', June 2019, [url](#)

⁴ UNHCR, 'People Fleeing the Republic of Iraq', May 2019, [url](#)

⁵ SI (expert evidence – Kurd-SM confirmed) Iraq CG [2008] UKAIT 00094, 15 December 2008, [url](#)

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".⁶

- 4.1.4 Dr George also observed that 'it was the custom for women and children to be exempted from blood feuds'⁷.
- 4.1.5 Another Iraqi country expert, Dr Rebwar Fatah, observed in the same CG case that tribal feuds 'will not fade away with time'⁸.

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4.2 Prevalence

- 4.2.1 The UNHCR report published in May 2019 stated:

'In instances in which tribes fail to resolve disputes between them through peaceful means, disputes can turn into blood feuds ("tha'r"). Such feuds, accompanied by armed confrontations with heavy weapons, abductions and killings, are reported to remain a common occurrence, particularly, but not exclusively, in the southern governorates, where the situation is reportedly compounded by the return of armed fighters who had fought against ISIS.

'Tribal justice has reportedly also gained renewed strength in formerly ISIS-held areas as many tribes are reported to consider the formal justice system ineffective to deal with those considered guilty of atrocities committed by ISIS (be it with respect to alleged ISIS members from other tribes or from their own tribe). Acts of retribution are reported to also be frequently effected against families associated with real or perceived ISIS members on account of their family or tribal relations.

'... Blood feuds may give rise to long cycles of retaliatory violence and revenge and can sometimes flare up after being dormant for years.'⁹

- 4.2.2 A report entitled 'Iraq: Targeting of Individuals' published by EASO in March 2019 stated:

'In December 2016, UNAMI [UN Assistance Mission for Iraq] noted an increase in the number of tribal clashes in southern Iraq. Such clashes may result in armed confrontations, which in turn can result in deaths and injuries, including of innocent bystanders. UNAMI further explained that "tribes frequently come into conflict with one another over issues such as land use and ownership, inter-and intra-family disputes and historic inter-tribal animosities."¹⁰

- 4.2.3 An article published by Iraqi News in December 2016 entitled '500 refugee families fear return to Diyala over blood feud' stated:

⁶ George, Alan; Expert evidence in CG case (para 10), case promulgated 15 December 2008, [url](#)

⁷ George, Alan; Expert evidence in CG case (para 12), case promulgated 15 December 2008, [url](#)

⁸ Fatah, Rebwar; Expert evidence in CG case (para 30), case promulgated 15 December 2008, [url](#)

⁹ UNHCR, 'People Fleeing the Republic of Iraq', May 2019, [url](#)

¹⁰ EASO, 'Iraq: Targeting of Individuals', March 2019, [url](#)

'Five-hundred refugee families in Diyala are wary of returning home due to past blood feuds as old as ten years, according to a local source.

"A tribal blood feud dating back to 2006 is preventing 500 refugee families from returning home in Khailaniya (47 km northeast of Baqubah)," Alsumaria News quoted the source as saying, on condition of anonymity.

"Government, political, tribal and security leaderships have made tremendous efforts for months to resolve the tribal feud and return the displaced families home after they had spent more than two years at refugee camps in Khanqin (105 km northeast of Baqubah), where they live in miserable conditions."

'Violence between 2006 and 2008, as well as that which erupted with the rise of the Islamic State in 2014, ignited bitter tribal feuds at some regions, especially in Diyala's town of Maqdadiah.'¹¹

- 4.2.4 An article published in January 2018 by The New Arab described the tribal conflict situation in Basrah: 'Feuds between the region's half-dozen tribes often flare into pitched battles with assault rifles and machineguns, killing bystanders and driving a never-ending cycle of revenge attacks.'¹²

- 4.2.5 A report published by Kurdistan24 in March 2018 entitled 'Tribal conflict in Sulaimani kills eight, injures nine' stated:

'Clashes erupted between two Kurdish tribes in Sulaimani province on Saturday, with 17 people killed and injured, police said.

'The fight began after a resident in Hajiyawa town was killed on Saturday in an altercation that broke out in the area. The conflict escalated between two families and tribes in Klawsuran village near the city of Rania.

"So far, eight people have been killed, one of them a child and another victim a woman," police told Kurdistan 24. Five people have since been arrested in relation to the dispute.

"Nine more people have been injured and were transferred to the Rania and Sulaimani hospitals."

'Authorities brought the fight to a halt in the daytime, but clashes resumed in the night resulting in further casualties, the police said.

'The root of the conflict between the two tribes dates back to three years ago after elders in the area resolved the dispute. It re-emerged, however, after a family member was killed on Saturday, a resident in Hajiyawa told Kurdistan 24 on Sunday, stating three security members were among the injured, two of them still in a critical state.'¹³

- 4.2.6 An article published by The Foreign Policy Group in November 2018 entitled 'Northern Iraq May be Free, but the South is Seething' stated:

'With the Iraqi security forces already debilitated following the 2003 war, the power vacuum allowed many spaces to be occupied by southern Iraq's historic tribal entities that have exploited citizens through intimidation, blood

¹¹ Iraqi News, '500 refugee families fear return to Diyala over blood feud', 4 December 2016, [url](#)

¹² The New Arab, 'Tribal feuds spread fear in Iraq's Basra province, 19 January 2018, [url](#)

¹³ Kurdistan24, 'Tribal conflict in Sulaimani kills eight, injures nine', 18 March 2018, [url](#)

money, and revenge attacks, causing ongoing violence in many neighborhoods across Basra.

‘Unresolved tribal disputes in Basra frequently spill into violent clashes, transforming some residential areas into conflict zones. Each time a tribal member is killed, a revenge killing is threatened in retaliation. Local security forces rarely intervene in these tribal altercations and often abandon these areas completely due to a lack of adequately armed forces.

‘Former Prime Minister Haider al-Abadi sent in the Iraqi Army and Federal Police to bring security in the wake of the tribal wars. But such military efforts are short-term solutions, as shown by repeated violent clashes in Basra since February [2018].’¹⁴

- 4.2.7 An article published by BasNews in November 2018 stated that nearly 550 people had been killed or wounded in tribal fights since the beginning of 2018¹⁵. However, the article makes no specific mention of blood feuds and these deaths and injuries may be as a result of other types of dispute i.e. land and business.

- 4.2.8 A report published in March 2019 by Kurdistan24 stated:

‘At least three people have been killed and seven more were wounded in a firefight that broke out between two tribes in Basra, late Monday.

‘According to security forces, the exchange of fire occurred between the tribes of Albu Hamdan and al-Batut in the area of "Karma Ali," north of Basra. The reasons behind the incident are, as of yet, unknown.

‘A security source told Kurdistan 24 there had been a total of three deaths and seven injuries "from both sides of the conflict."

‘Another security source, however, claimed two of the victims were innocent bystanders who were killed on suspicion of belonging to the either of the rival clans.

‘... The conflict broke out despite a judicial decision that considers such clashes to amount to "terrorist acts." Perpetrators can, therefore, be prosecuted under Iraq's anti-terrorism law.

‘Sources stated local authorities had asked security forces to carry out "preemptive operations" against similar conflicts between tribes before they escalate, as well as punish those engaging in the violence.

“Security forces must distinguish between innocent people and those who provoke tribal conflict,” Saadi said.

‘It is not easy for Iraq's security forces to intervene in clan disputes. On multiple occasions, Iraqi authorities have failed to disarm tribes who regularly resort to such measures to resolve disagreements when their form of diplomacy fails.’¹⁶

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¹⁴ FP, ‘Northern Iraq may be free, but the south is seething’, 9 November 2018, [url](#)

¹⁵ BasNews, ‘Nearly 550 Iraqi people killed, wounded in tribal conflicts’, 17 November 2018, [url](#)

¹⁶ Kurdistan24, ‘Clashes between Basra tribes kill, injure ten people’, 12 March 2019, [url](#)

4.3 Methods of prevention and resolution

4.3.1 The March 2019 EASO report stated that:

'In a 2011 article published in The Middle East Journal, Katherine Blue Carroll, an Assistant Professor of Political Science at Vanderbilt University in Nashville, Tennessee and a former member of a Human Terrain Team supporting the U.S. Military in Iraq, notes that given the weakness of the new Iraqi state, and in particular its legal system, tribal law surged in to fill the gap. She observes many of Iraq's tribes have printed their legal codes in formal documents that may be voted into effect by the tribe's senior members. According to Katherine Blue Carroll there is "relatively little variation in the structure, specifics, or processes of law from tribe to tribe, and this facilitates the settlement of disputes between them".'¹⁷

4.3.2 The same source further states:

'...that reconciliation processes centre on "shayks working with the parties involved:

- 1) to determine the facts of the case
- 2) with reference to tribal legal codes, to set out the amount of money that the perpetrator's tribe or family must pay to the victims to avoid retribution (often referred to as "blood money" in English but called either *fasel* or the Qur'anic term *diya* in Iraq)
- 3) to enact communal rituals of reconciliation. The Arabic term for this entire process is *sulha*, or settlement, but Iraqis often use the term *fasel* to refer not only to the "blood money" paid but also to the process for determining its amount."

'Katherine Blue Carroll further explains that the ultimate goal of tribal mediation is to restore peace through restoring honour, thus avoiding feuds.'¹⁸

4.3.3 The EASO June 2019 report stated 'In order to avoid continuous cycles of revenge killings among tribes, tribal conflict is often settled by paying compensation in the form of "blood money". The ultimate goal of tribal mediation is to restore peace through restoring honour, thus avoiding feuds. Conflict resolution between different ethnic or religious tribes, such as a Shia tribe and a Sunni tribe, is usually considered more difficult.'¹⁹

4.3.4 An article published by The Economist in May 2019 stated:

'Iraq is home to around 150 tribes, whose sheikhs long helped resolve disputes. Saddam Hussein tried to weaken them, but after he fell in 2003, sheikhs filled the vacuum left by a fragile and corrupt state. Today even some corporate lawyers advise their clients to use tribal councils rather than courts, especially if the sheikhs involved have links to powerful militias. This has led to a booming new business: sheikhs who rent out their services.'²⁰

¹⁷ EASO, 'Iraq: Targeting of Individuals', March 2019, [url](#)

¹⁸ EASO, 'Iraq: Targeting of Individuals', March 2019, [url](#)

¹⁹ EASO, 'Country Guidance: Iraq', June 2019, [url](#)

²⁰ The Economist, 'With Iraqi tribes settling more disputes, sheikhs are in demand', 30 May 2019, [url](#)

4.3.5 The UNHCR report published in May 2019 stated '[i]n April 2018, the Ministry of Justice reportedly announced the establishment of a tribal arbitration committee tasked with the resolution of tribal conflicts. Iraqi observers described the development as further undermining the formal justice system.'²¹

4.3.6 An article published in April 2018 by the Iraq Civil Society Solidarity Initiative (ICSSI) entitled 'Will Iraq's new "tribal court" undermine rule of law?' stated:

'Amid Iraqi calls to reinforce the rule of law and strengthen Iraqi state institutions, the Ministry of Justice announced March 28 [2018] a new initiative for "arbitration" among tribes, allowing a team of tribal elders to intervene as arbitrators in resolving all possible disputes and conflicts between Iraqi tribes.

'According to a statement by the Ministry of Justice, this team of 47 tribal leaders will be called "al-Awaref," selected by the Iraqi Ministry of Interior in virtue of a memorandum of understanding with the Ministry of Justice and to be charged with several tasks, most notably reducing the expansion of tribal conflicts and focusing on "bringing about community peace" in Iraqi provinces.

'The 47 arbitrators will work voluntarily and receive no salaries from the Iraqi state. In addition to undergoing a background check by the Ministry of the Interior, their names were presented to tribal leaders for approval.

'A March 28 statement issued by the Ministry of Justice noted that the ministry "has adopted a team of well-known tribal arbitrators to resolve disputes," describing them as "a safety valve for the community, which will have a major role in strengthening security and establishing community peace in all provinces of the country."²²

4.3.7 The same source stated:

'Abboud al-Issawi, the head of the tribal committee in parliament and a staunch supporter of the initiative, told Al-Monitor, "[The initiative] will support the law, preserve tribal life and prevent any abuse by persons who have nothing to do with it and do not follow its religious and social criteria."

'Issawi said, "This initiative will neither be too different from Islamic law nor will it be contrary to human rights. In the coming phase, we will work on making it more organized and consistent with the work of the Iraqi state."

'The arbitrators will be allocated to different Iraqi provinces: four arbitrators in Baghdad, two in al-Karkh and two in al-Rusafa, while other provinces will be assigned either one or two arbitrators, all of whom will be directly affiliated to the Ministry of Justice.

'Sarhan al-Fatlawi, a sheikh from al-Fatla tribe, told Al-Monitor, "Such a bill can be of use to highlight the role of tribes in building the community and supporting the Iraqi state, especially as Iraqi tribes have achievements throughout the history of the country. So we do not see any harm in such a bill that will put a stop to those who encourage tribal revenge."

²¹ UNHCR, 'People Fleeing the Republic of Iraq', May 2019, [url](#)

²² ICSSI, 'Will Iraq's new 'Tribal court' undermine rule of law?', 14 April 2018, [url](#)

'He added, "Tribal problems are aggressively developing into conflicts for simple and minor reasons, all because of those who considered themselves tribal sheikhs when — in fact — they were not. We believe that the tribal arbitration bill will be essential for tribes and will help end issues before they develop into armed clashes, such as those that occur in some areas of southern Iraq."'²³

4.3.8 A report published in January 2018 by the UNHCR entitled 'Tribal Conflict Resolution in Iraq' stated:

'Despite being banned by law, the use of women and girls as compensation for injury or death ("fasliyah") has reportedly seen a resurgence since 2014, particularly in southern Iraq. Under this custom, an inter-tribal conflict is resolved by one tribe giving one or several girls or women for marriage to another tribe. In this type of marriage, the woman has no right to divorce and is likely to be exposed to abuse. In particularly serious cases such as in the case of honour crimes or the murder of a tribal leader, tribes may impose capital punishment on the culprit.

'In serious cases, the perpetrator's tribe can "dishonour" the perpetrator and order his and his family's expulsion from the tribe, or even kill him. Being expelled from one's tribe reportedly has serious consequences for the affected individual's social status and every-day life, as he loses all claims to protection by the tribe. In the event of a formal expulsion from the tribe, which can be for a specific period of time or forever, the expulsion is reportedly announced through a document ("sanad", or "certification"). It reportedly has the purpose of informing other tribes of a tribe's decision to expel a certain member and that the tribe does not take any responsibility for any of his future actions. According to UNHCR information, such letters do not follow a standard format. The perpetrator may receive a copy of such a letter based on his standing in the tribe and his relationship with the sheikh, or may be informed verbally through relatives or other members of the tribe.'²⁴

4.3.9 An incident in which a tribal feud was avoided was reported by Kurdistan24 in April 2018 in an article entitled 'Video of youth kissing Iraqi election poster nearly causes tribal feud' which stated:

'After a video of a young man kissing the campaign poster of a female candidate raised fears of a feud between two tribes in Iraq's southern city of Najaf, tribal leaders announced on Saturday that the dispute had been averted with an apology and a large cash settlement.

'In the agreement, the al-Majatim tribe of the 20-year-old male featured in the video agreed to pay 100 million IQD (\$84,000) to the Bouzeib tribe, to which the candidate belongs.

"In a reconciliation session on Friday, an agreement was made between the two tribes following the reckless behavior by a member of the Al-Majatim tribe toward the image of the candidate Hadba al-Hasnawi," read a joint tribal statement released to the press.

²³ ICSSI, 'Will Iraq's new 'Tribal court' undermine rule of law?', 14 April 2018, [url](#)

²⁴ UNHCR, 'Tribal Conflict Resolution in Iraq', 15 January 2018, [url](#)

'The video showing the young man kissing, caressing, and speaking suggestively about the poster was viewed by many social media users in Najaf, and was said to have been a threat to the honor of al-Hasnawi and, as a result, her entire tribe as well.

'In addition to the agreement to pay the monetary settlement, a public apology by representatives of the al-Majatim tribe was also made in front of members of both clans.'²⁵

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4.4 Protection

4.4.1 The UNHCR report published in January 2018 stated:

'Prosecution of the offender in the formal judicial system does not necessarily end or avoid tribal conflict, and, in some cases, law enforcement officials and courts refer cases to the tribal system for settlement. According to reports, tribal justice has reportedly gained renewed strength as a result of successive conflicts affecting Iraq, weak state authority and an ineffective formal justice system and people increasingly resort to tribes to resolve their differences. Law enforcement personnel, who are often themselves members of tribes in the area, are said to be reluctant to interfere in tribal conflicts as their involvement may risk further escalating the situation. Others are reported to take sides in tribal disputes along their own tribal affiliation.'²⁶

4.4.2 The New Arab article published in January 2018 stated the following in relation the situation in the Basrah province:

'Residents of the province's north say security forces are powerless to halt the clashes.

'In the absence of heavily armed military and federal police forces, "local police are reluctant... to get involved in these battles because there is nothing to protect them," said provincial council member Ghanem Hamid.

'Even in situations where they could prevent the violence, police officers - many of whom hail from the tribes involved - hesitate to intervene for fear of later reprisals.

'Haydar Ali, a 34-year-old engineer, suggested deploying soldiers and policemen from other provinces "who have no social relations or tribal ties that could affect their role".

'Residents have called on security forces to confiscate weapons, but regular raids have had little impact on the vast numbers of arms circulating in the province.'²⁷

4.4.3 The November 2018 EASO report stated that:

'Due to the societal importance of tribal custom, powerful tribal affiliation can interfere with the police in upholding respect for the law. Tribal disputes are described as "widespread", especially in the south, with many tribes being well-armed and challenging state security and control.

²⁵ Kurdistan24, 'Video of youth kissing election poster nearly causes tribal feud', 21 April 2018, [url](#)

²⁶ UNHCR, 'Tribal Conflict Resolution in Iraq', 15 January 2018, [url](#)

²⁷ The New Arab, 'Tribal feuds spread fear in Iraq's Basra province', 19 January 2018, [url](#)

‘Judicial authorities do not follow up on tribal incidents and judges must seek tribal protection themselves in case of threats against them. [...] According to information provided to UNHCR, judicial officials and law enforcement “take sides” in tribal disputes, along their own tribal affiliations. Tribes are also given privileges by government parties and politicians who seek tribal assistance and tribes also have connections within the security forces. Tribal members also escape punishment due to such connections.’²⁸

4.4.4 An article published by Arab News in September 2017 entitled ‘Tribes, tradition stand in way of Iraq police’ stated:

‘Policeman Ahmad regrets the day he detained a motorist at a checkpoint for possession of a gun without a license, bringing the weight of Iraqi tribal customs down on his head.

‘Faced with threats and the reality that state law in Iraq cannot stand muster with tribes and their customs, the police captain gathered his family and fled Baghdad to take refuge in the south of the country.

‘He had been posted at a checkpoint in an eastern district of the capital when he discovered the gun in a car.

‘Along with comrades, they arrested the driver, a merchant, but before long a group of gunmen turned up and secured his release.

“‘We were only able to hold on to the gun,” the captain told AFP, opting not to give his family name or the province where he and his family are now living.

‘Days after the incident, he had received a threatening telephone call.

“‘We know where you live, where your family are. You’d better return the gun if you want to save them,” was the crux of the message he received.

‘Ahmad teamed up with fellow police officers to arrange a meeting with representatives of the tribe of the man he had briefly detained.

‘He was shown documents apparently certifying the gun as legal, leaving him with little choice but to return the weapon and close the case.’²⁹

4.4.5 The same source further stated:

‘Ali, another policeman who refused to give his family name, had to pay the price — literally — laid down by the parallel law system.

‘He had to cough up close to [US]\$10,000 and his captain almost as much, all because they tried to implement state law. During a raid to close down illegal street stalls, he had been hit by one of the traders and struck back with his truncheon. Three weeks later, his police station received the demand of a tribe summoning those who took part in the raid to a tribal meeting. The implication was that otherwise a group of youths would be sent to deal with those responsible.

‘Ali’s superiors refused to intervene because, he says, they had not wanted the interior ministry to be dragged into what for them was a tribal affair. At

²⁸ EASO, ‘Iraq Country of Origin Report – Iraq: Actors of Protection’, November 2018, [url](#)

²⁹ Arab News, ‘Tribes, tradition stand in the way of Iraq police’, 23 September 2017, [url](#)

the meeting, Ali and his captain were slapped with the stiff penalty as compensation.

“Whenever we try to arrest anyone caught in the act or on suspicion, the tribe can always find us,” he said. So “if I see anyone breaking the law, I don’t intervene.”

‘Ali, with anger in his voice, said: “I don’t want to be the victim of such stories or to have such problems.” In Iraq, a conservative Arab country where your origin and family name carries weight in finding a job, a partner in marriage or in politics, “tribal customs have a real impact on society”, said Hussein Allawi, a teacher in national security at Baghdad’s Al-Nahrain University.

‘Up until the ouster of longtime dictator Saddam Hussein in a US-led invasion in 2003, state law took precedence over tribal customs. All that has changed.

“For the past 10 years or so, no measure has been taken” to limit “the negative impact” of such customs, said Allawi.

‘With total impunity, “some people use the name of their tribe to obstruct the work of the security forces,” he said.’³⁰

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³⁰ Arab News, ‘Tribes, tradition stand in the way of Iraq police’, 23 September 2017, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Tribes
 - Background
 - Types
- Blood feuds
 - Prevalence
 - Reasons
 - Resolutions
 - Protection

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Version control

Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **11 February 2020**

Changes from last version of this note

Updated COI and guidance.

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