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**COI QUERY**

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Main subject	Treatment of Kurds in Tuz and Kirkuk
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The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 14 December 2018. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

1. Documented cases of direct violence – by state and non-state agents - against the Kurds in the cities of Tuz and Kirkuk during October 2017

Background information on events in Tuz Khurmatu and the city of Kirkuk in October 2017

Kirkuk city and Tuz Khurmatu are ethnically mixed towns with Kurdish, Turkmen and Arab populations.¹ The cities are located in disputed areas outside the autonomous region of Kurdistan. Many Kurds consider Kirkuk as the cultural heart of the historic area of Kurdistan.² After an unsanctioned referendum on 25 September 2017, where a great majority voted for Kurdish independence from Iraq, tensions arose with the central government in Baghdad. During this period Kirkuk was controlled by Peshmerga forces that had the control since 2014 after a major offensive by the Islamic State made Iraqi forces withdraw.³ The central government launched a military campaign a few weeks after the vote, in order to push the Peshmerga forces out of the region and regain Iraqi sovereignty in the disputed areas.⁴

On 16 October 2017 Iraqi Forces, with support from a faction of the Patriotic Union of Kurdistan (PUK) and Shia militias, launched a military operation in the disputed territories in, inter alia, the governorate of Kirkuk and the city of Tuz Khurmatu.⁵

Tuz Khurmatu is located about 80 kilometers south of Kirkuk city, the cities are not located in the same governorate, the former is located in Saladin and the latter in Kirkuk governorate.⁶ When it comes to reports on the number of persons fleeing these areas during the 2017 October events, Tuz Khurmatu seems to be included to Kirkuk governorate by some sources. In a joint report of the Danish Immigration Service and the Norwegian country of origin information unit Landinfo, it is stated that around 148 000-150 000 people initially fled 'the area' as the fighting erupted, and that a majority of people fleeing were from 'Kirkuk' and Tuz Khurmatu.⁷ In an article by Kurdistan24 it is stated that around 180 000 persons were displaced in the 'affected areas' and that around 70 000 of the total amount came from Tuz Khurmatu.⁸ An article by Reuters mentions officials stating to have assessed

¹ HRW, Iraq: Fighting in Disputed Territories Kills, 20 October 2017, [url](#); New York Times, Iraqi Forces Sweep Into Kirkuk, Checking Kurdish Independence Drive, 16 October 2017, [url](#).

² Reuters, Iraqi forces complete Kirkuk province takeover after clashes with Kurds, 20 October 2017, [url](#).

³ Al-Jazeera, Baghdad: Iraqi forces in full control of Kirkuk, 16 October 2017, [url](#).

⁴ New York Times, Iraqi Forces Sweep Into Kirkuk, Checking Kurdish Independence Drive, 16 October 2017, [url](#); Basnews, Over 10,000 IDPs Reluctant to Return Home in Tuz Khurmatu, 19 November 2018, [url](#).

⁵ ICG, Oil and borders: How to Fix Iraq's Kurdish Crisis, 17 October 2017, [url](#), p. 1; HRW, Iraq: Fighting in Disputed Territories Kills, 20 October 2017, [url](#).

⁶ Al-Jazeera, Iraq: the separating walls of Tuz Khurmatu, 18 April 2016, [url](#).

⁷ Denmark: DIS and Norway: Landinfo, Northern Iraq. Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), November 2018, [url](#), p. 14.

⁸ Kurdistan24, Khurmatu mayor: Abuses against Kurds in Khurmatu 'war crimes', , 11 December 2017, [url](#).

that around 100 000 persons left Kirkuk city, another source stated that the total number of displaced persons were 100 000 (without specifying geographic area).⁹ The estimated amount of people that fled Kirkuk city and Tuz Khurmatu differs somewhat, which could be an effect of vague geographic delimitations. However, all sources describing this topic confirm that the majority of those who fled the events of October 2017 were of Kurdish ethnicity and came from the cities of Kirkuk and Tuz Khurmatu.¹⁰

Another issue deriving from a lack of clear geographic delimitations is the fact that Kirkuk city shares the same name with its governorate. Many sources use the name 'Kirkuk' without specifying if they refer to the city or the governorate. For instance, in an article from the 20 October 2017 by Al-Jazeera it is described that '100 000 flee Kirkuk' and in the content mix descriptions of events in both the city and the governorate.¹¹ In addition, most of the reports on alleged violations of civilians and civilian property concern Tuz Khurmatu. There is scarce information available to EASO, within the timeframe allocated to respond to this query, about the events in Kirkuk city, therefore the following sections primarily summarise the available information on the events in Tuz Khurmaty.

Documented cases of direct violence – by state and non-state agents - against the Kurds in the cities of Tuz and Kirkuk during October 2017

Several sources reported on forced displacement of predominately Kurds, and looting and destruction of property in, especially Tuz Khurmatu¹², but some sources mention that such actions also occurred in Kirkuk city¹³. Reuters reported that roughly 100 000 left the city, but also that many Kurdish neighborhoods still seemed to operate normally.¹⁴ An article by Al-Jazeera contains a statement from a person that had fled Kirkuk city: 'at night, they come out and beat the youth. They have burned houses. That's why we got scared – because of our families, that's why we left.'¹⁵

The United Nation Assistance Mission for Iraq (UNAMI) expressed concern over the reported violence in Tuz Khurmatu, and referred to allegations of armed groups putting 150 houses on fire on 16 and 17 October 2017. Furthermore, there were reports on the destruction of 11 household by the usage of explosives belonging to Kurdish families and officials of Kurdish political parties.¹⁶ Amnesty International (AI) reported that the events in Tuz Khurmatu appeared to be a targeted attack on predominantly Kurdish resident areas. Based on testimonies from fleeing residents, AI estimated that

⁹ Reuters, Kurdish officials say thousands flee Kirkuk since Iraqi army takeover, , 19 October 2017, [url](#).

¹⁰ Denmark: DIS and Norway: Landinfo, Northern Iraq. Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), November 2018, [url](#), p. 14.

¹¹ Al-Jazeera, '100,000 flee Kirkuk' since Iraqi army takeover, 20 October 2017, [url](#).

¹² See for instance: HRW, Iraq: Fighting in Disputed Territories Kills, 20 October 2017, [url](#).

¹³ Denmark. The Danish Immigration Service and Norway. Landinfo, Northern Iraq. Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), November 2018, [url](#), pp. 15, 96.

¹⁴ Reuters, Kurdish officials say thousands flee Kirkuk since Iraqi army takeover, 19 October 2017, [url](#).

¹⁵ Al-Jazeera, '100,000 flee Kirkuk' since Iraqi army takeover, 20 October 2017, [url](#).

¹⁶ UNAMI, UN Expresses Concern about Reports of Violence in Tuz Khurmatu, in Kirkuk, available at: [url](#).

at least 11 civilians were killed by indiscriminate attacks.¹⁷ In an interview conducted by the Kurdish media network Rudaw with Hasan Barzam (deputy head of the Patriotic Union of Kurdistan in Tuz Khurmatu) 20 people were estimated to have died during the events in Tuz Khurmatu, and 300-400 houses had been burned or destroyed in explosions.¹⁸ Fleeing residents of Tuz Khurmatu, interviewed by AI, further reported on the usage of heavy arms in the clashes, such as mortars, RPGs, DShk, heavy machine guns and Kalashnikov assault rifles. None of the witnesses were able to determine whether the attacks were attributable to Kurdish, Iraqi government forces or other. AI's documentation showed that fire was launched into crowds of Kurdish residents fleeing the city.¹⁹

Basnews reported that in addition to the detonation of houses belonging to Kurds in Tuz Khurmatu, abuse occurred 'elsewhere in Kirkuk' where Kurdish homes were raided, civilians insulted and violence used 'under the pretext of security measures'. According to Basnews' sources these actions were perpetrated by Hashd al-Shaabi militias.²⁰

Some sources stated that sectarian tension flared after the Iraqi forces' overtaking of Tuz Khurmatu.²¹ Human Rights Watch reported that it was 'unable to determine if there were casualties among Kurdish or other civilians in Tuz'.²² Kurdistan24 reported that there were attacks against political offices of Turkmen parties in the Kirkuk governorate, and that sectarian slogans were written on the walls of occupied buildings.²³ Rudaw reported that the Kurdistan Region parliament labelled the acts of violence in Tuz Khurmatu committed by Iraqi forces and the Hashd al-Shaabi against the Kurdish population as genocide and ethnic cleansing.²⁴ AI reported that some residents received threatening messages or phone calls from their Turkmen neighbours.²⁵

There have been accusations from Kurdish politicians against Iraqi forces, and especially the Hashd al-Shaabi, for committing possible violations against civilians in Tuz Khurmatu.²⁶ In January 2018, the Iraqi parliament voted to set up a committee to investigate possible war crimes committed in Tuz Khurmatu during the events of October 2017.²⁷ Kurdistan24 reported that threats and scenes from people fleeing the violence spread across social media during the events, and the military incursion was described by some as another 'Anfal' campaign (Kurdish genocide), including the Kurdistan

¹⁷ AI, Iraq: Fresh evidence that tens of thousands forced to flee Tuz Khurmatu amid indiscriminate attacks, lootings and arson, 24 October 2017, [url](#).

¹⁸ Rudaw, Tens of thousands of Kurds from Tuz Khurmatu unsure their return, 30 October 2017, [url](#).

¹⁹ AI, Iraq: Fresh evidence that tens of thousands forced to flee Tuz Khurmatu amid indiscriminate attacks, lootings and arson, 24 October 2017, [url](#).

²⁰ Basnews, [PICTURES]: Iranian-backed Shi'ite Militias Destroy Kurdish Properties in Tuz Khurmatu, 21 October 2017, [url](#).

²¹ Reuters, Nearly 30,000 Kurds displaced from city near Kirkuk: aid groups, 25 October 2017, [url](#).

²² HRW, Iraq: Fighting in Disputed Territories Kills, 20 October 2017, [url](#).

²³ Kurdistan24, UN denounces violence in Tuz Khurmatu as Abadi sends in army to restore order, 19 October 2017, [url](#).

²⁴ Rudaw, Kurdistan parliament labels Tuz Khurmatu violence as 'genocide', 7 December 2017, [url](#).

²⁵ AI, Iraq: Fresh evidence that tens of thousands forced to flee Tuz Khurmatu amid indiscriminate attacks, lootings and arson, 24 October 2017, [url](#).

²⁶ The National, Iraq parliament forms committee to investigate war crimes in Tuz Khurmatu, 9 January 2018, [url](#).

²⁷ The National, Iraq parliament forms committee to investigate war crimes in Tuz Khurmatu, 9 January 2018, [url](#); AI, Iraq: Committee to investigate abuses in Tuz Khurmatu a welcome step, 9 January 2018, [url](#).

Region's Vice-President.²⁸ EASO could not find any other sources corroborating the information that a genocide took place during the October events of 2017.

Looking at more specific information on eventual abuse during the events of October 2017, the reader should note that there is no official investigation of the events available at the time of writing, neither by state organs nor non-governmental sources. The information on more detailed abuse presented below is mainly provided by Kurdish sources, e.g. Basnews and Rudaw.

Basnews claimed that Hashd al-Shaabi sexually abused civilian women in, inter alia, Kirkuk and Tuz Khurmatu during the events of October 2017. A source presented in Basnews' article claimed that Hashd al-Shaabi had killed civilians, 'disrespected' their bodies, and looted and burned properties in the cities of Kirkuk and Tuz Khurmatu.²⁹ Soran Omar (head of the Kurdistan Region parliament's Human Rights Committee), cited in an article by Rudaw, also stated that Shiite forces killed people in a 'brutal manner' and mutilated their bodies. In addition, he stated that 41 people, including Peshmerga members, had been arrested and tortured.³⁰

According to BBC Monitoring, referring to Kurdish media, the Iraqi Popular Mobilization forces (PMF) violated international law by allegedly have killed captured Kurdish prisoners, run over hurt Kurdish soldiers with a tank and destroying Kurdish homes after the seize of Kirkuk. BBC Monitoring reported that PMF media, in turn, accused Kurdish Peshmerga of setting Kirkuk oil field and their own sites before evacuating them. Furthermore, the PFM reportedly denied involvement in extrajudicial killings of Kurdish fighters, PFM blamed 'infiltrators' for such conduct.³¹ Landinfo consulted a human rights activist in Iraq in April 2018, this sources stated that the PMF militia lay behind much of the violence.³²

UNAMI reported that some of its sources and witnesses alleged that civilians and members of Turkmen armed groups were responsible for conduct such as destroying property and intimidating residents.³³

2. Information on treatment of Kurds in Tuz Khurmatu and the city of Kirkuk during 2017-2018

Most of the internally displaced persons that fled the violence in October 2017 have reportedly returned to their home areas, returns have taken place from the days after the clashes³⁴ until the time of writing, and some have still not returned.³⁵ According to the joint report by the Danish and Norwegian Migration Offices consulted sources differed in their assessment of the returns to Kirkuk and Tuz Khurmatu. A local NGO stated, contrary to the other consulted sources, the most of the people

²⁸ Kurdistan24, UN denounces violence in Tuz Khurmatu as Abadi sends in army to restore order, 19 October 2017, [url](#).

²⁹ Basnews, Hashd al-Shaabi Sexually Abuse Civilians in Kirkuk: KRG, 23 October 2017, [url](#).

³⁰ Rudaw, Kurdistan parliament labels Tuz Khurmatu violence as 'genocide', 7 December 2017, [url](#).

³¹ BBC Monitoring, Kurdish, Shia militias trade abuse claims in Iraq's Kirkuk, 18 October 2017, available by subscription at: [url](#).

³² Human rights activist, cited in: Norway. Landinfo, Respons. Irak: Salah al-Din provins – sikkerhetssituasjonen i perioden juli - september 2018 [Iraq: The Salah al-Din province – security situation during the period of July – September 2018], 6 November 2018, [url](#), p. 6.

³³ UNAMI, Summary of UNAMI Findings in Tuz Khurmatu [EN/AR/KU], 23 December 2017, available at: [url](#).

³⁴ Rudaw, UN concerned of looting, forced displacement of Kurds from Kirkuk, Khurmatu, 19 October 2017, [url](#).

³⁵ Basnews, Over 10,000 IDPs Reluctant to Return Home in Tuz Khurmatu, 19 November 2018, [url](#).

fleeing Kirkuk had not returned, and the Kurdish JCC stated that 148 000 persons had not yet returned. The US Consulate in Erbil stated that most of the residents of Kirkuk had returned and only a few have returned to Tuz Khurmatu.³⁶ According to Basnews the number of IDP's reluctant to return to Tuz Khurmatu are 'more than 10 000'.³⁷ According to data from IOM, the governorate of Kirkuk held a total number of 47 702 returned families as of September 2018, and Saladin a total number of 89 158 returned families.³⁸

In order to preserve security and order in Tuz Khurmatu, the Rapid Response Force was deployed in the city in January 2018. Kawa Mala Parwez (chief of security of Tuz Khurmatu) stated in an interview that the special force clashed with the Shia militia Asa'ib Ahl al-Haq and that the parties opened fire. Consequently, the head of Asa'ib Ahl al-Haq was arrested.³⁹ Basnews reported in January 2018 that Parwez stated that the Iraqi Rapid Response Forces had arrested two Shi'ite militia commanders for 'causing chaos and arbitrary actions in the area'.⁴⁰ In an article from Radaw, Parwez stated that the Rapid Response Force entered Kurdish neighborhoods to disarm Arabs and Turkmen, however they also looted homes and arrested Kurds. Ali Hussein (spokesperson for the Hashd al-Shaabi's northern front) reportedly denied clashes with the Iraqi forces and called the information a media attempt to deteriorate the security situation.⁴¹

Some media sources reported on a deteriorated security situation in Tuz Khurmatu and Kirkuk since the Iraqi takeover in October 2017.⁴² Ethnic tensions have been fueled in, predominantly Tuz Khurmatu, and the Iraqi forces have been criticised for a bad performance of protecting the population from the Islamic State (IS).⁴³ Despite a huge territorial loss, the Islamic State is still present in territorial 'pockets' in, inter alia, Kirkuk province. In an article by VOA News from October 2018, the executive director of the Middle East Research Center for Reporting and Analysis (MECRA) stated that IS 'pose a constant threat in Diyala, Salah-a-Din, Kirkuk, Nineveh and Anbar'.⁴⁴ The Center for Strategic and International Studies, referring to data from the Armed Conflict Location & Event Data Project (ACLED), stated that attacks in the Kirkuk governorate have doubled from 2017 to 2018. Data records on IS orchestrated attacks in Kirkuk governorate peaked in October 2018, and the number of attacks had also increase in Saladin governorate. By October 2018 a total of 197 attacks had been recorded in Kirkuk governorate and 166 in Saladin during 2018.⁴⁵

³⁶ Denmark. The Danish Immigration Service and Norway. Landinfo, Northern Iraq. Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, incl. possibility to enter and access the Kurdistan Region of Iraq (KRI), November 2018, [url](#), p. 14.

³⁷ Basnews, Over 10,000 IDPs Reluctant to Return Home in Tuz Khurmatu, 19 November 2018, [url](#).

³⁸ IOM, Return Index. Findings Round 1 Iraq, September 2018, [url](#), p. 6.

³⁹ Rudaw, Iraq's Rapid Response force deployed to Tuz Khurmatu, 13 January 2018, [url](#).

⁴⁰ Basnews, Hashd al-Shaabi Commanders in Tuz Khurmatu Arrested, 19 January 2018, [url](#).

⁴¹ Rudaw, Iraq's Rapid Response force deployed to Tuz Khurmatu, 13 January 2018, [url](#).

⁴² The National, Iraq parliament forms committee to investigate war crimes in Tuz Khurmatu, 9 January 2018, [url](#); Basnews, Bombing Hits Central Tuz Khurmatu, 27 September 2018, [url](#); Basnews, Blast Rocks Hizbollah Movement Office in Tuz Khurmatu, 3 November 2018, [url](#); ANF News, Explosion in Hashd al-Shaabi ammunition warehouse, 3 November 2018, [url](#).

⁴³ Newsrep, A growing number of villages in Kirkuk, Iraq are being evacuated, 30 July 2018, [url](#).

⁴⁴ VOA News., US Military: IS Still Poses Threat in Iraq, Syria, 25 October 2018, [url](#).

⁴⁵ Markusen, M. B., the Islamic State and the Persistent Threat of Extremism in Iraq, CSIS, 30 November 2018, [url](#).

Tuz Khurmatu is divided in quarters after ethnicity that are separated by concrete walls and guarded by armed men.⁴⁶ In 2016, some residents described their situation as ‘trapped in ghettos’ according to Al-Jazeera.⁴⁷ Ethnic tension increased after the Iraqi forces’ overtaking of Tuz Khurmatu.⁴⁸ According to Rudaw, key administrative posts in Tuz Khurmatu have been seized from Kurds and filled by Arab and Turkmen candidates, for instance the posts as mayor, police chief and head of the local council.⁴⁹ As a city that has experienced ethnic conflicts and violence for a long period of time, the current situation poses a vulnerable situation.⁵⁰

Concerning the situation after the October 2017 events, UNAMI and the United Nations Office of the High Commissioner for Human Rights (OCHCR) reported jointly that in the following months, there were reports on civilians being killed and wounded in ‘sporadic incidents’ in Tuz Khurmatu. On 9 December 2017, a boy was reportedly killed and twelve civilians wounded during shellings in the Aksu, Jamula and Jumhuri quarters. Furthermore, UNAMI and OCHCR received two allegations of sexual violence.⁵¹

In January 2018, the National reported that arrests, abductions, and killings of Kurds and Turkmen occurred in Tuz Khurmatu.⁵²

In April 2018, MECRA published an article in which it is stated that locals in Kirkuk city experienced that the city’s security deteriorated after nightfall, and that a number of fake checkpoints had been set up by IS in the outskirts of Kirkuk to target Federal Police and members of Hashd al Sha’abi.⁵³

In July 2018, Newsrep reported on a series of IS orchestrated ambushes against security checkpoints and violence and kidnappings against villagers in Kirkuk followed the Iraqi Security Forces’ and Hashd al-Shaabi’s arrival.⁵⁴

On 12 August 2018, Basnews reported that a group of unidentified men detonated a Kurdish home in a village near Tuz Khurmatu.⁵⁵

On 23 August 2018, Rudaw reported that mortar shells had hit a civilian neighbourhood in Tuz Khurmatu causing at least two persons’ death. According to the same article, the local ‘Turkmen Hashd’ and Kurdish parties attribute responsibility for the attack to each other.⁵⁶

⁴⁶ LA Times, Tuz Khurmatu is Iraq’s city of walls. Is it a sign of the country’s future?, 11 March 2018, [url](#); Khoder, S., Iraq: The separating walls of Tuz Khurmatu, 18 April 2016, [url](#).

⁴⁷ Khoder, S., Iraq: The separating walls of Tuz Khurmatu, 18 April 2016, [url](#).

⁴⁸ Reuters, Nearly 30,000 Kurds displaced from city near Kirkuk: aid groups, 25 October 2017, [url](#).

⁴⁹ Rudaw, Kurdish parties threatened, marginalized in Tuz Khurmatu, official, 30 May 2018, [url](#).

⁵⁰ Landinfo, Respons. Irak: Salah al-Din provins – sikkerhetssituasjonen i perioden juli - september 2018 [Iraq: The Salah al-Din province – security situation during the period of July – September 2018], 6 November 2018, [url](#), p. 5.

⁵¹ UNAMI and OCHCR, Report on Human Rights in Iraq. July to December 2017, 1 March 2018, available at: [url](#), p. 4.

⁵² The National, Iraq parliament forms committee to investigate war crimes in Tuz Khurmatu, 9 January 2018, [url](#).

⁵³ Zangna D., Kirkuk in 2018: Reforms disputes and Iraqi elections, MECRA, 20 April 2018, [url](#).

⁵⁴ Newsrep, A growing number of villages in Kirkuk, Iraq are being evacuated, 30 July 2018, [url](#).

⁵⁵ Basnews, Tuz Khurmatu: Kurdish Civilian’s House Detonated, 12 August 2018, [url](#).

⁵⁶ Rudaw, Mortar fire in disputed Tuz Khurmatu wounds 2 amid ethnic tensions, 23 August 2018, [url](#).



In September 2018, UNHCR reported that organised crime had increased in Tuz Khurmatu and that it affected the overall protection environment. Kidnapping and requests for ransom occurred, and 400 people were reported as missing. UNHCR further reported on a growing fear among residents and IDPs of a relapse in ethnic violence as a result of the withdrawal of the Emergency Response Division.⁵⁷

On 16 October 2018, ANF News reported that women's security situation has deteriorated since the Iraqi forces overtaking in October 2017. The Organisation of Free Women in Kurdistan was cited in the article as claiming that violence against women is especially present in Tuz Khurmatu:

'In the Kurdistan region, a woman dies almost daily from murder or suicide. In the patriarchal society, shaped by an occupying mentality, women are the target of power struggles aimed at breaking the will to the freedom of women. Violence against women manifests itself not only in physical and sexual forms, but also in attacks by the occupiers on culture and society'.⁵⁸

⁵⁷ UNHCR, Iraq Protection Update – September 2018, 30 September 2018, available at: [url](#).

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