Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**1378**
Land:	Irak
Kilde:	Civilians in conflict
Titel:	Ignoring Iraqs most vulnerable; The plight of Displaces Persons
Udgivet:	1. april 2021
Optaget på baggrundsmaterialet:	18. maj 2021

IGNORING IRAQ'S MOST VULNERABLE:

The Plight of Displaced Persons

CENTER FOR
CIVILIANS IN CONFLICT
RECOGNIZE. PREVENT. PROTECT. AMEND.

RECOGNIZE. PREVENT. PROTECT. AMEND.

April 2021

T +1 202 558 6958
E comms@civiliansinconflict.org
civiliansinconflict.org

Cover: ***November 2019, Nineveh province, Iraq:***
Children in Hassansham IDP camp.
Credit: Paula Garcia/ CIVIC

ORGANIZATIONAL MISSION AND VISION

Center for Civilians in Conflict (CIVIC) is an international organization dedicated to promoting the protection of civilians in conflict. CIVIC envisions a world in which no civilian is harmed in conflict. Our mission is to support communities affected by conflict in their quest for protection and strengthen the resolve and capacity of armed actors to prevent and respond to civilian harm.

CIVIC was established in 2003 by Marla Ruzicka, a young humanitarian who advocated on behalf of civilians affected by the war in Iraq and Afghanistan. Honoring Marla's legacy, CIVIC has kept an unflinching focus on the protection of civilians in conflict. Today, CIVIC has a presence in conflict zones and key capitals throughout the world where it collaborates with civilians to bring their protection concerns directly to those in power, engages with armed actors to reduce the harm they cause to civilian populations, and advises governments and multinational bodies on how to make life-saving and lasting policy changes.

CIVIC's strength is its proven approach and record of improving protection outcomes for civilians by working directly with conflict-affected communities and armed actors. At CIVIC, we believe civilians are not "collateral damage" and civilian harm is not an unavoidable consequence of conflict — civilian harm can and must be prevented.

ACKNOWLEDGMENTS

This report was written by Paula Garcia, CIVIC's Iraq researcher. Additional insights, review, and editing was provided by Ali Al-Assaf, Iraq Country Director; Lauren Spink, Senior Global Researcher; Sahr Muhammedally, Middle East and South Asia Director; Shannon N. Green, Senior Director of Programs; and Marc Linning, Senior Protection Advisor. Natalie Sikorski, Program Manager of the Middle East and South Asia program, and Monica Zuraw, Communications Associate, facilitated production. Mohammed Nooraldeen, CIVIC's Iraq Program Associate, and Hana Qader and Dalal A. Mohammed, CIVIC translators and fixers, provided research assistance.

CIVIC is grateful to the civilians, community leaders, members of the security forces, and government representatives who agreed to participate in our interviews and share their perspectives and concerns with us, as well as the non-governmental organizations who supported our research and shared important insights with us.

The civilians CIVIC spoke with have suffered immeasurably through armed conflict and years of insecurity. We greatly appreciate their willingness to speak to us. CIVIC takes seriously our responsibility to ensure their words are translated into policies and practices that address their protection concerns.

CIVIC's work in Iraq is supported by the German Federal Foreign Office (FFO).

ACRONYMS:

CFs: Coalition Forces

CHM: Civilian Harm Mitigation

CPG: Community Protection Group

DMA: Directorate of Mine Action

EO: Explosive Ordinance

ERW: Explosive Remnant of War

GOI: Government of Iraq

IDP: Internally Displaced Person

IED: Improvised Explosive Device

INGO: International Non-Governmental Organization

IOM: International Organization for Migration

ISF: Iraqi Security Forces

ISIS: Islamic State in Iraq and the Levant, also known as Daesh

KDP: Kurdistan Democratic Party

KRG: Kurdish Regional Government

KRI: Kurdistan Region of Iraq

MOD: Ministry of Defense

MOI: Ministry of Interior

MOMD: Ministry of Migration and Displacement

MOP: Ministry of Peshmerga

NGO: Non-Governmental Organization

PMU: Popular Mobilization Unit, also known as al-Hashd al-Shaabi.

POC: Protection of Civilians

PUK: Patriotic Union of Kurdistan

YBS: Yekîneyên Berxwedana Şengalê (translated as Sinjar Protection Units)

TABLE OF CONTENTS

Organizational Mission and Vision iii

Acknowledgments iii

Acronyms iv

Executive Summary 1

Recommendations 3

To the Government of Iraq (GOI) and the Kurdistan Regional Government (KRG): 3

To the Provincial Government and Local Authorities: 4

To All Security Forces: 4

To the United Nations (UN) and the International Community: 4

Methodology 5

Background 6

Iraq's Camp Closure Policy 7

Blocked Returns 12

The Stigma of Families Perceived to Be Affiliated with ISIS 12

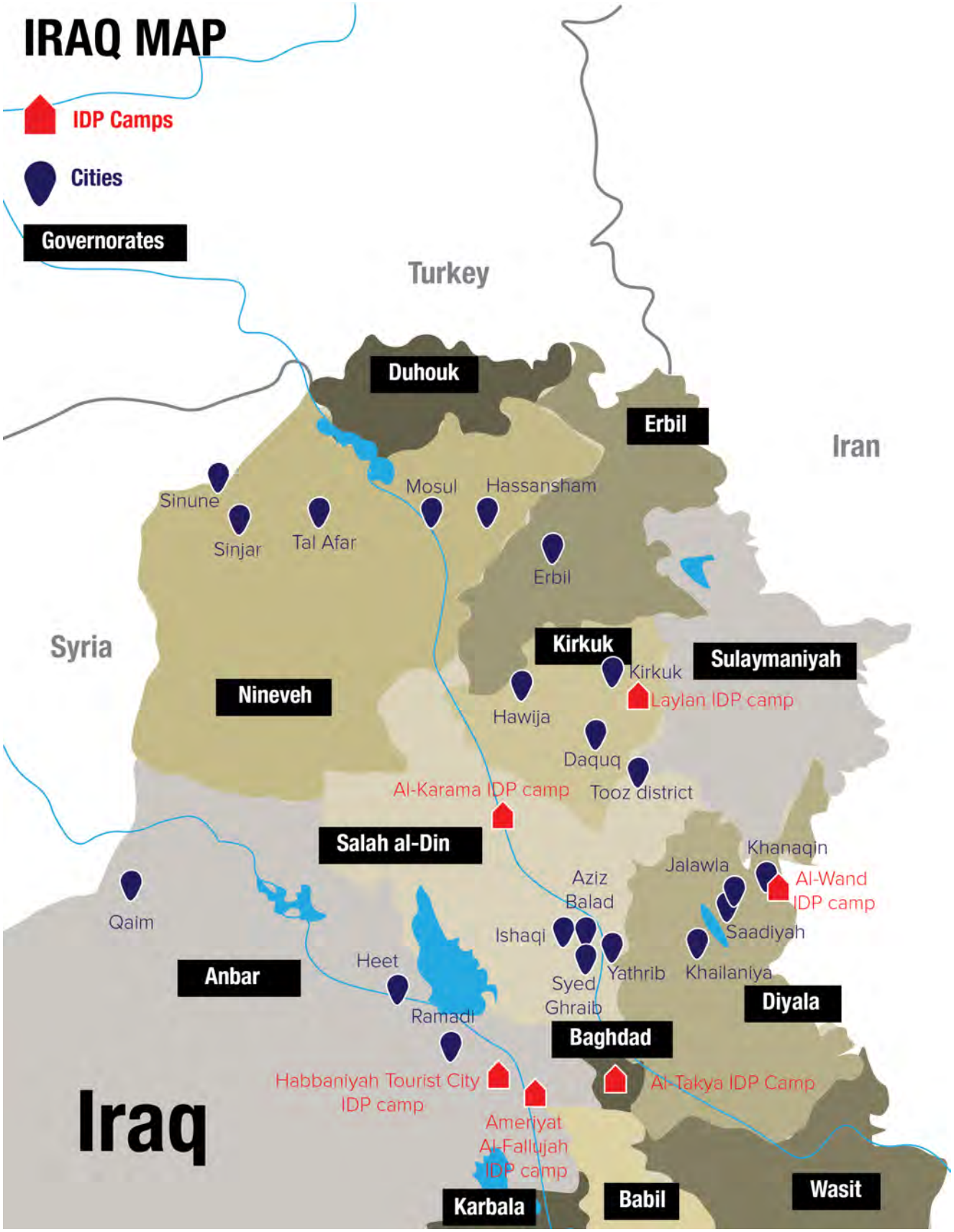
Denial of Security Clearance and Civil Documentation 13

Community Rejection and the Inability to Return Home 17

Local Actors and Communities Impeding Return 20

Conclusion 23

Endnotes 24


IRAQ MAP
IDP Camps
Cities
Governorates
Turkey
Iran
Syria
Iraq
Duhouk
Erbil
Nineveh
Kirkuk
Sulaymaniyah
Salah al-Din
Anbar
Diyala
Baghdad
Karbala
Babil
Wasit
Sinune
Sinjar
Tal Afar
Mosul
Hassansham
Erbil
Kirkuk
Laylan IDP camp
Hawija
Daquq
Tooz district
Al-Karama IDP camp
Khanaqin
Jalawla
Al-Wand IDP camp
Saadiyah
Khailaniya
Aziz Balad
Ishaqi
Yathrib
Syed Ghraib
Qaim
Heet
Ramadi
Habbaniyah Tourist City IDP camp
Ameriyat Al-Fallujah IDP camp
Al-Takya IDP Camp

I. EXECUTIVE SUMMARY

"I have no future and no place to go. I don't have anyone left. I am dead while still living. I will stay in this camp until they close it and after that, I don't know what I'll do. I don't know what will become of my children."

– Female head of household displaced in Hassansham IDP camp, December 2019

In 2019, the Iraqi government declared its intention to close all formal and informal internally displaced persons (IDP) settlements across the country and began a rapid and flawed campaign to return IDPs to their areas of origin. As a result, many IDPs have been forced to return to their areas of origin despite destruction, a lack of housing and livelihood opportunities, and the existence of security threats. Others have been secondarily displaced and forced to resettle elsewhere, sometimes in critical conditions with poorer services than before. The lack of a comprehensive IDP and reintegration strategy has also resulted in local actors and communities making arbitrary decisions about who is allowed to return based on their perceptions of individuals' security profiles.

Iraqis who left their homes during the fighting are vulnerable to abuse, stigma, marginalization, and isolation within Iraqi society. Among the displaced, some face additional hurdles: the elderly, the chronically ill, those belonging to ethnic or religious groups that have been historically marginalized, and female heads of households who have lost community support after losing their husbands during the war. Denying Iraq's displaced persons the ability to rebuild their lives damages the prospects of long-term stability and undermines the Iraqi government's obligation to uphold and protect the human rights of all Iraqis, including the displaced.

Over six million people were displaced when conflict with the Islamic State of Iraq and Syria (ISIS, also called Daesh) unfolded between 2014 and 2017. Soon after Mosul was retaken in 2017 and the end of military operations was announced, Iraqi authorities began closing IDP camps and pushing displaced citizens to return to areas under government control. As people began returning home, they found their properties looted and destroyed, as well as a lack of basic services, public infrastructure, and livelihood opportunities.

To this day, some IDPs are blocked from returning to their areas of origin by armed actors, local authorities, and communities because of a family member's alleged affiliation with ISIS. Many families "perceived to be ISIS-affiliated" face obstacles to accessing services and benefits, including obtaining security and civil documents allowing them to move freely across the country. Moreover, many of these families are being pressured to undergo the processes of "tabree'a" (disavowal) and/or "ikhbar" (denunciation) in order to obtain security clearance and apply for civil documents—a requirement that has no basis in Iraqi law. These processes put families under great stress and anxiety, as they amount to renouncing blood ties with a family member and constitute a form of accusation that can be used in trial. Families face the choice of undergoing tabree'a and ikhbar against a family member (understanding that their statements could be used as evidence in sentencing and/or proving their family member's affiliation with extremist groups) or deciding not to, which results in their inability to obtain the civil documentation that may be necessary for accessing basic services, educational opportunities, or other key documents.

Segments of the displaced population with no alleged ties to ISIS are also being prevented from returning home by local armed actors, government authorities, and/or neighboring communities who have been empowered by the change in power dynamics caused by the conflict. These actors are manipulating the return of displaced populations across Iraq to increase their access to land and resources, change the demographic makeup of their areas, or retaliate for prior tribal and community grievances.

The de facto ban preventing some community members from returning to their areas of origin is leaving many families in a situation of extreme vulnerability and prolonging their suffering after years of conflict. Abandoning them jeopardizes stabilization efforts and risks creating a generation of Iraqis facing exclusion and marginalization, with the potential of creating grievances that drive new cycles of violence.

In 2019, when the Government of Iraq (GOI) declared its intention to close all formal and informal IDP settlements across the country, it did so despite the many obstacles IDP families face to returning. Furthermore, when the government began its rapid and disorganized campaign to return IDPs, it gave short notice both to the affected population and the humanitarian actors supporting them. After a halt due to the COVID-19 pandemic, Iraqi Prime Minister Mustafa Al-Khadimi formed a committee in October 2020 with the mandate to close all remaining camps in Iraq before the end of the year. Some IDP camps were closed in a matter of days, without adequate assistance or resettlement solutions provided for residents unable to return to their areas of origin. More than half of the IDPs who left formal camp settlements after October 2020 did not return to their areas of origin. Instead, they went into secondary displacement.[1]

Although the GOI seeks to promote the return of IDPs to their areas of origin and close all IDP camps and informal settlements, it has not developed a comprehensive national strategy that addresses the obstacles many families face to returning home, nor has it implemented a strong framework of durable solutions for those unable or unwilling to return to their areas of origin. Moreover, the rushed closure of camps and the pressure on IDPs to return to their areas of origin has not been accompanied by strong and well-developed initiatives to address local grievances and community reconciliation. The lack of such initiatives has the potential to exacerbate existing tensions.

The GOI needs to develop a comprehensive strategy and a concrete action plan for the closure of IDP camps and informal settlements, focusing on guaranteeing protection and durable solutions for the displaced population. These solutions must include supporting IDPs who wish to return to the areas where they lived prior to their displacement by providing compensation for the destruction of property, rebuilding public infrastructure, and ensuring adequate service provision in affected areas. The government also needs to assess the need for reconciliation initiatives and promote means of peaceful dispute resolution that respect citizen's rights and the rule of law. Such initiatives promote social cohesion and ensure that families and communities will not be prevented from returning to their areas of origin by arme`d actors and/or neighboring communities.

The voluntary return of IDPs is one path toward a durable solution for displacement, provided the conditions are safe and do not worsen displacement-induced protection concerns. However, government authorities must also allow IDPs to integrate into their areas of displacement or resettle elsewhere if they do not wish to return to their areas of origin or it is not safe for them to do so.[2] Finally, in order to address community grievances, promote peace, and put an end to the cycle of violence, the GOI must facilitate access to justice and compensation for those who have lost family members or property due to the conflict.

II. RECOMMENDATIONS

To the Government of Iraq (GOI) and the Kurdistan Regional Government (KRG):

- Develop and implement a comprehensive national strategy of peace and reconciliation that promotes justice and accountability, and guarantee the safety and protection of returning IDPs.
- Pause the closure of IDP camps and settlements across the country and speed up the development of a comprehensive strategy and a concrete action plan that assess the situation of IDP families and their obstacles to return, and that propose adequate solutions within the framework of durable solutions.
- Ensure that the return of IDPs to their areas of origin is voluntary and adheres to Iraqi law, international law, and the Principled Returns Framework endorsed by the GOI.[3] Guarantee that local and provincial authorities and security actors are not forcing IDPs to return to their areas of origin if they do not want to return, and/or if they are at risk of becoming targets of violence.
- Ensure that the closure of IDP camps and informal settlements is communicated to IDP families and humanitarian actors working in camps at least 45 days in advance to ensure they can arrange for a return to their areas of origin or find a safe place to resettle.
- Provide free transportation for families leaving displacement sites to their areas of origin or their locations of resettlement; coordinate with the security forces and operations commands to ensure they are notified in advance and do not intercede in the movement of IDPs or unnecessarily slow them down.
- Speed up the disbursement of “return grants” from the Ministry of Migration and Displacement (MOMD) to IDPs, as well as the disbursement of compensation payments.
- Intervene in cases where security actors and communities block the return of IDPs, including by sponsoring reconciliation processes between communities and preventing security actors from blocking returns.
- De-link the security clearance procedure from the civil documentation process to ensure that all Iraqi citizens can obtain and renew their civil documentation as guaranteed in the Iraqi Constitution and by law.
- Inform the Civil Affairs Directorate (CAD) offices that there is no legal requirement to do “tabree’a” (disavowal) and/or “ikhbar” (denunciation) against family members suspected of ISIS affiliation in order to obtain civil documentation or return to their areas of origin; ensure that CAD offices cease requesting that families undergo these processes.
- Expedite the issuance of all civil documentation for undocumented Iraqi children, regardless of the alleged affiliation of their parents to extremist organizations and the civil status of their mothers.
- Increase mobile interventions by CADs to improve access to documentation for those who cannot return to their area of origin.
- Prioritize the clearance of explosive hazards in areas of return and facilitate the operations of humanitarian actors and private companies conducting explosive clearance.

To the Provincial Government and Local Authorities:

- Formalize a unified and fully anonymized mechanism for the population to report complaints about the behavior of security forces without retaliation; publicize its existence, allocate resources to investigate incidents, and, when appropriate, refer cases for prosecution.
- Integrate female officers into the local police and any newly established security force, and ensure the presence of female government employees at CAD offices.
- Advocate to the federal government to allocate funds and resources for ensuring the implementation of Compensation Laws No. 20/2009 and No. 57/2015, as well as for improving the compensation application process to ensure it is accessible, fair, and effective.
- Establish a security coordination mechanism that includes all the security forces operating in the area to ensure that all operations are conducted professionally and with adherence to international human rights law and Iraqi law.

To All Security Forces:

- Investigate allegations of misbehavior, harassment, and exploitation by members of each of the security forces, including those linked to civil documentation and blocked returns, and hold them accountable.
- Vacate civilian homes and schools and compensate owners for the time they were occupied in the form of rent payments.

To the United Nations (UN) and the International Community:

- Continue supporting the voluntary and safe return of IDPs to their areas of origin, the reestablishment of services and reconstruction efforts, and the creation of livelihood opportunities in conflict-affected areas.
- Continue funding initiatives for explosive hazards clearance by international organizations and NGOs across conflict-affected areas, and support Iraqi authorities conducting clearance operations by providing technical expertise, capacity building, and resources.
- Support the GOI in developing reintegration programs for families perceived to be affiliated with ISIS and minors who lived in ISIS-controlled territories and are at risk of indoctrination.

III. METHODOLOGY

This report presents CIVIC's analysis of the impact that security actors, local authorities, tribal structures, and communities are having on the return of IDPs to their areas of origin in Iraq. The study covers the governorates of Nineveh, Salah al-Din, Kirkuk, Diyala, Babil, and Anbar.

This analysis is based on 120 interviews, observations made while attending meetings with humanitarian partners, roundtables, and a review of public data and literature.[4] The interviews were conducted between October 2019 and January 2021 in different locations within the Erbil, Dohuk, Kirkuk, Salah al-Din, Diyala, and Anbar governorates. While most of the interviews were conducted in person, curfews and movement restrictions imposed by both the KRG and the GOI due to the COVID-19 pandemic required CIVIC to conduct some interviews over the phone. The interviews were conducted face-to-face or by phone in Arabic, Kurdish, Turkmen, or English (at the discretion of the respondent) and were semi-structured to allow greater flexibility in the data collection.

CIVIC conducted 88 interviews with civilians and community leaders, including tribal and religious leaders, as well as mukhtars (local community leaders). CIVIC also conducted eight interviews with government authorities from Nineveh, Kirkuk, Diyala, and Salah al-Din governorates. Those interviewed were affiliated with different political parties and included some independent candidates. Of these 96 interviews, 64 were conducted with men and 32 with women. An additional 11 interviews were conducted with members of different security forces and other armed actors operating in Kirkuk and Nineveh, including members of the local and federal police and PMUs.

CIVIC strives to interview equal numbers of men and women, but female representation in government in Iraq remains low. All community leaders (including mukhtars and tribal leaders) are men. To compensate for the lack of female representation during the interviews and in order to better capture women's perspectives, a Focus Group Discussion (FGD) was organized with seven women from Hawija city.

This brief also includes 46 interviews and conversations held by CIVIC with staff members from 13 local and international NGOs and UN agencies, as well as with independent researchers and journalists.

CIVIC interviewers made the aims of the research clear, and all of the interviewees gave informed consent. For the security and privacy of all interviewees, CIVIC has withheld names and, when necessary, other identifying information.

IV. BACKGROUND

The expansion of ISIS in Iraq and the subsequent war to defeat it caused one of the largest displacement crises in the world, with at least six million people displaced between 2014 and 2017. This displacement occurred in different phases of the conflict, with large numbers of people fleeing during ISIS's first expansion throughout the country in 2014, and then again during military operations by pro-government forces against the group—especially during the battle to liberate the city of Mosul. In August 2014, the ISIS takeover of Sinjar and Al-Baaj alone caused the displacement of more than 300,000 people in only a few weeks. Thousands of families crammed into vehicles or crossed by foot into the Kurdistan Region of Iraq (KRI), one of the few areas in northern Iraq deemed safe.[5]

As territory was being taken back by state and pro-government forces, IDPs began to return to some areas. Following the end of major military operations in December 2017, the GOI also began encouraging and facilitating the return of IDPs to their areas of origin. While the voluntary return of IDPs to their areas of origin can be a path toward achieving durable solutions to displacement—provided conditions in the areas of return are safe and do not worsen displacement-induced protection concerns—the return of IDPs has not been uniform across conflict-affected areas in Iraq or among the different displaced communities. In some parts of the country, the displaced population soon returned and began rebuilding their villages. However, due to a number of factors, such a return was slowed in certain areas, including Sinjar, Al-Baaj, and the Nineveh plains in Nineveh province; Hawija in Kirkuk province; Yathrib, Balad, and Baiji in Salah al-Din; some parts of Khanaqin in Diyala; and parts of Qaim district in Anbar. Reasons for this slowed return include the destruction of houses and infrastructure; contamination by explosive ordinance; a lack of basic services such as electricity, water, education, and healthcare; and a lack of livelihood opportunities in some conflict-affected areas.[6]

However, as this report discusses, there are other factors also preventing many families from returning to their areas of origin and rebuilding their lives. These factors include ethnic, religious, and communal tensions, the presence and behavior of some armed actors and local authorities, and the politicization of the return of IDPs by national and regional authorities. IDP families perceived to be affiliated with ISIS because of the alleged membership or collaboration of a family member face additional challenges to returning due to community rejection and their inability to obtain civil and other documentation required to return to their areas of origin.

More than three years since the military operations against ISIS ended, approximately 1.2 million Iraqis still have not returned to their pre-war areas of residency. Most of the displaced population—around 805,746 people—live in habitable rented houses or in their own properties. However, more than 212,000 individuals live in IDP camps or other kinds of formal settlements across the country, and more than 100,000 live in informal settlements, schools or religious buildings, or other unfinished buildings and uninhabitable spaces.7 These people are at risk of protracted displacement, which causes cycles of vulnerability, impoverishment, and marginalization from which IDPs struggle to break free. Some groups among these IDPs are especially vulnerable, such as the elderly, the chronically ill, those belonging to ethnic or religious groups that have been historically marginalized, and females heading households without relatives or community support networks after losing their husbands during the war.[8]

V. IRAQ'S CAMP CLOSURE POLICY

In 2019, the GOI declared its intention to close all formal and informal IDP settlements across Iraq by the end of the year, but it failed to provide an adequate strategy and action plan to implement this decision. IDPs face numerous challenges in returning to their areas of origin—including a lack of infrastructure, basic services, and livelihood opportunities, as well as the presence of explosive hazards, the destruction of property, and, in some areas, communal tensions. Given these obstacles, the return of IDP populations requires a national strategy that includes reconstruction and rehabilitation initiatives, programs to promote the economic recovery of affected areas, reconciliation and social cohesion programs, and alternative solutions for families unable to return to their areas of origin.[9]

The process of camp closure and consolidation in Iraq has lacked planning and coordination between the different authorities and security actors involved, as well as with humanitarian actors. The campaign to close and consolidate camps intensified in the summer of 2019, with a temporary halt in 2020 due to the COVID-19 pandemic and the appointment of a new prime minister. In October 2020, the GOI announced its plan to resume the camp closure campaign and close all remaining IDP camps and informal settlements by June 2021.[10] Both during the 2019 camp closure campaign and more recently in 2020, national, provincial, and local authorities have rushed to close IDP settlements with little regard for the wellbeing of IDP and returnee families. In many cases, they have pressured and/or forced IDPs to leave their locations of displacement regardless of the situation in their areas of origin or the risks associated with leaving. As of January 2021, according to the Camp Coordination and Camp Management cluster (CCCM), 62 percent of the 328,806 individuals who have left formal IDP camps since September 2019 did so under pressure from the camp closure process rather than voluntarily.[11]

In July 2019, the Nineveh authorities announced that, in keeping with National Security Council Resolution 16 (NSCR 16), all IDPs residing in camps in Nineveh province who originated from other Iraqi provinces must return to their areas of origin or relocate to camps in their provinces of origin.[12] This decision led to the forced and/or coerced relocation of thousands of IDP families, often with little time or planning. In 2020 and 2021, the same pattern repeated, with national and local authorities announcing the closure of camps and informal settlements with little notice to the families and without proposing solutions to the challenges they would face when returning to their areas of origin.[13]

Furthermore, even as IDP families are leaving their areas of displacement due to the camp closure campaign and under pressure from both national and provincial authorities, there is a lack of coordination between national/provincial authorities and security actors around their movement. Civilians leaving the camps are often stopped at checkpoints, prevented from accessing their areas of origin, or prohibited from continuing their journeys by security actors unaware of current IDP movements.[14] In other cases, security actors do not recognize the security clearance papers and camp departure letters issued by the National Security Service (NSS) and the Ministry of Migration and Displacement (MOMD), respectively. In November 2020, IDPs returning from Baghdad to the Al-Qaim district on the Syrian border in Anbar province faced four distinct screening processes by the different military operations commands in the areas they crossed through, despite having security clearances from the Baghdad Operations Command.[15] Multiple screenings are a consequence of the lack of a unified security database shared by all intelligence and security actors. This situation

December 2019, Kirkuk province, Iraq: *Yahiawa IDP camp.*

causes unnecessary delays in these families' journeys, despite the fact that they were pressured to leave their areas of displacement in the first place.

Local authorities and security forces have been responsible for a number of other evictions and forced relocations that did not respect humanitarian principles or the framework for voluntary and principled returns endorsed by the Iraqi government in 2018.[16] In 2019, the Anbar Operations Command announced the eviction of IDPs from Qarma and Al-Qaim who had been displaced in the camps of Ameriyat al-Fallujah and Habbaniyah Tourist City, both located in Fallujah district. IDPs in these camps were given just one day's notice. Armed Iraqi military officials entered the camps during the night and pressured IDPs to load their belongings onto trucks and prepare to leave the next morning. NGOs working in the camp reported that soldiers set fire to the tents of some IDPs who refused to leave.[17]

For over a week following this incident, the situation at these camps was chaotic. Movement restrictions were implemented that prevented IDPs from leaving the camps to go to work, shop, or receive medical treatment. Restrictions on the delivery of food aid were also imposed. The electricity in one camp was shut down one night while soldiers screamed at IDPs and forced them to load their belongings onto trucks. When some IDP families perceived as being ISIS-affiliated shared concerns about their safety in their areas of origin—they had been informed by tribal leaders and relatives that they were not welcome back due to a relative's alleged affiliation with or support of ISIS—members of the Anbar Operations Command told them that agreements guaranteeing their safe return had already been brokered. When the IDPs contacted their tribal leaders, they were asked to pay thousands of dollars to guarantee their safe return.[18]

Families interviewed in Ameriyat al-Fallujah IDP camp complained to CIVIC about the movement restrictions placed on them and the confiscation of civil documents, which have limited their ability to freely leave the camp since the summer of 2019. These strategies are used to pressure them to leave the camps altogether. According to one interviewee, "If you need to go to the general hospital in Fallujah, the camp's clinic would give you a report to show to the soldiers at the checkpoint, but most times they would not accept it."[19] Another woman told CIVIC, "My daughter got really sick and we wanted to take her to the hospital in Fallujah. We got permission from the clinic here but they did not allow us to cross the checkpoint."[20]

Since security forces at the checkpoint demand that IDPs leave their IDs with them if they exit the camp, another IDP shared a related concern: "If you need to go to the hospital or anywhere else, they would ask you to leave your ID. But I know of people who, upon return, were told their IDs had been lost. This is a big problem for us."[21] In some cases, IDPs' civil documentation is confiscated and they are explicitly informed that they can only retrieve their papers if they left the camps.[22]

Security actors, local authorities, and tribal leaders have resorted to other coercive measures to pressure IDPs to return to their areas of origin. Tribal sheikhs from Shaqlawiya, Hussay, and Qarma have visited Ameriyat al-Fallujah IDP camp on several occasions to pressure IDPs originally from their towns—many of whom are female heads of households perceived to be affiliated with ISIS—to return to their areas of origin despite security concerns and the lack of shelter or livelihood opportunities. IDPs have also been threatened with having their security clearances revoked, being forcibly relocated to other camps or areas, or losing the right to ever return to their areas of origin if they decided to remain in camps any longer.[23]

> ***"If you need to go to the general hospital in Fallujah, the camp's clinic would give you a report to show to the soldiers at the checkpoint, but most times they would not accept it."***
>
> **—- Female head of household in Ameriyat al-Fallujah IDP camp**

NGOs have told CIVIC of similarly coercive maneuvers employed by local authorities and security actors in Nineveh, Salah al-Din, and Anbar to pressure IDPs to leave IDP camps.[24] For example, in September 2019, security actors confiscated the civil documentation of 263 IDP families living in Al-Karama camp in Tikrit, Salah al-Din, telling the families they would only be able to get their documents back after their departure from the camp.[25] In January 2021, a humanitarian worker told CIVIC that the Anbar authorities had ordered the removal of the water filtration station at Habbaniyah Tourist City IDP camp, a move that would leave the remaining families without access to water.[26]

In Nineveh, armed security forces entered IDP camps on several occasions in 2019 and 2020 to pressure IDPs to leave.[27] An IDP who arrived in Mosul in December 2020 told CIVIC, "Members of the Ministry of Migration and Displacement and the National Security Service came to Hamam al-Alil camp and told us we had to leave in the coming days. Some of us told them that we could not return to our villages since they had been destroyed during the war and we had no jobs. They said that was not their problem and we must leave anyway." The same IDP reported being threatened by members of the security forces, stating, "they told me I would get into trouble if I kept complaining and refuse[d] to leave."[28]

Other families have been misinformed regarding the condition of their homes and the availability of services in their areas of origin. In Salah al-Din and Nineveh, for example, local authorities are now sponsoring the return of some families to their areas of origin. However, NGOs told CIVIC

that these returns do not have the support of local communities or adequate initiatives to promote reconciliation and social cohesion. Returning therefore poses a safety risk for some of these families.[29]

Aiming to accelerate the closure of IDP camps, national and provincial authorities are relocating IDPs to locations that lack basic services and are unsafe for the new residents. In December 2020, around 150 families living in Habbaniyah Tourist City IDP camp in Fallujah were relocated by the Anbar provincial authorities into a housing complex that lacks an adequate water supply and sanitation. Less than a month later, two residents were critically injured after stepping on an unexploded ordinance while herding their sheep in the housing complex's vicinity.[30] Security forces and local authorities failed to ensure the area was cleared of explosives despite it having been on the frontlines of the conflict.

The lack of planning and the rushed closure and consolidation of IDP camps and settlements has led to secondary displacement and increased vulnerability for many families.[31] In February 2018, for example, authorities in Baghdad announced the closure of the Al-Takya IDP camp in Baghdad and informed all IDPs that they could return safely to their areas of origin in Salah al-Din. The IDPs were transported by the Baghdad Operations Command to their areas of origin. However, upon their arrival, the Samarra Operations Command told them they were not allowed access to their villages.[32] As a result, these families were relocated to the abandoned Balad train station.[33] To date, 47 households still live in poor conditions in an IDP camp in the train station and surrounding unfinished buildings.[34]

CIVIC also spoke to families renting apartments in Mosul city after they were forced to leave formal IDP camps in Nineveh between October 2020 and January 2021. These families were unable to return to their areas of origin due to a lack of shelter, services, and livelihood opportunities, or because of opposition from community leaders and security actors.[35] The situation for many is precarious, as job opportunities are scarce and they are afraid they will not be able to afford their rent in the future. Some families who have returned to their areas of origin have not been able to afford rent for an apartment. They have occupied unfinished buildings or use tents they brought from the camps. These families face difficulties accessing basic services such as water and electricity, and they are at risk of being evicted by the municipal authorities.

Since the GOI intensified the camp closure campaign in 2020, cases of secondary displacement have notably increased. IOM estimates that at least 30 percent of the families who have left formal and informal camp settings since October 2020 have not returned to their areas of origin (a total of around 1,965 households).[36] In some areas, the number of IDPs who have resettled in places outside their areas of origin is much higher than this estimated average. For example, many Sunni Arab families from Sinjar district cannot return to their areas of origin because of security threats related to community tensions and the presence of certain security actors.[37] After the closure of Salamiyah camp in January 2021, for example, approximately 40 percent of the IDPs living in the camp who were originally from Sinjar district did not return to their areas of origin and resettled elsewhere.[38] While some IDPs choose not to return to their areas of origin—as is their right—others who are unable to return wind up secondarily displaced as a result of camp closures.

The GOI, provincial authorities, and security actors must plan ahead and coordinate to ensure that the consolidation of camps and the return of IDPs is done in a way that respects the rights of the IDP population. In particular, government authorities should improve coordination with humanitarian actors, who can assess the needs and potential risks facing IDPs in areas of return. Once these risks

are identified and assessed, national and provincial authorities should not be directed to return IDPs who are at risk of harassment and violence. In such cases, national and provincial authorities should protect these families and communities and provide alternative solutions, including by allowing them to resettle in other camps or integrate locally elsewhere.

DOMESTIC AND INTERNATIONAL LAW

Both Iraqi and international law recognize the rights of displaced individuals to return to their areas of origin and to choose the location where they want to live.[39] The 1998 UN Guiding Principles on Internal Displacement, for example, direct government authorities "to establish the conditions and provide the means" to facilitate the voluntary and safe return of the displaced communities to their areas of origin.[40] In addition, the Guiding Principles and the 2007 Pinheiro Principles in Property Restitution prohibit the forced return of IDPs to their areas of origin, especially when there are risks to an individual's safety involved.[41]

The Iraqi Constitution, meanwhile, gives all Iraqi citizens the right to move freely across the country and choose their place of residency.[42] This includes IDPs' ability to choose between returning to their area of origin, integrating into the area of displacement, or relocating to another part of the country. Iraq also enacted a National Policy on Displacement in 2008 that guarantees a wide range of protections for IDPs and returnees, including the safe and voluntary return of IDPs to their areas of origin and forbidding the forced return of IDPs to their areas of origin when there are safety risks.[43] The Iraqi government is also obligated under the Iraqi Constitution to guarantee basic living requirements as well as health and social security.[44] The forced return of IDPs to their areas of origin thus violates both Iraqi law and the Principled Returns Framework endorsed by the Iraqi government in 2018.[45]

VI. BLOCKED RETURNS

While the Iraqi authorities are pressuring IDPs to leave their areas of displacement and return to their areas of origin, many IDP families from areas formerly under ISIS control are being prevented from returning because of their perceived support for or affiliation with ISIS. In some cases, IDP families without perceived links to ISIS are also being de facto banned from returning by security actors, local authorities, and communities for reasons that are complex and highly localized, varying from one area to another even within the same governorate. The causes for such bans are compounded by historical grievances between ethnic and religious communities and/or tribal relations, and they are influenced by national and local politics.

The Stigma of Families Perceived to Be Affiliated with ISIS

The term "ISIS families" ("awa'il Dawa'ish" in Arabic) is used quite broadly to describe families in which one member, normally a son or husband, joined or collaborated with ISIS. The degree of affiliation varies from membership in ISIS's security apparatus as fighters to having been employed by ISIS as cooks or cleaners. Some government employees who continued to work under ISIS rule have also been accused of ISIS affiliation.[46] Sometimes, the stigma of perceived affiliation extends to second- and third-degree relatives, including cousins, uncles, and brothers living in different households. These families are stigmatized and collectively punished for crimes committed by their relatives.

According to Iraqi authorities, around 300,000 individuals with family connections to ISIS suspects live in IDP camps and informal settlements across Iraq, plus approximately 32,000 Iraqi citizens who live in camps in Northern Syria.[47] Labelled "ISIS families," the families of alleged ISIS members are being stigmatized and marginalized by local authorities, security forces, and other community members across Iraq.[48] Some of these families are being threatened, harassed, and subjected to physical violence, and some families' lands and assets have been confiscated or destroyed by civilians and security actors. Many have been denied security clearance documents and civil documentation, which limits their ability to access services and schools for their children and creates barriers for them to return to their areas of origin or resettle elsewhere. The denial of security clearance constitutes a de facto ban on movement for the affected individuals and makes it impossible for them to return. Barriers to movement, alongside the absence of national strategies of peace and reconciliation to overcome tensions, are preventing thousands of Iraqis from returning home and rebuilding their lives after the conflict.

The marginalization of these families deprives them of their fundamental rights under Iraqi and international law and constitutes a form of collective punishment. Moreover, it poses long-term risks to the stabilization of the country by creating new grievances that could trigger future waves of violence. Low levels of community acceptance for families perceived to be ISIS-affiliated will make it challenging for the GOI to restore trust and social cohesion between ethnic and religious communities across the country in a way that takes the perspectives of the victims into account. Yet doing so is necessary to ensure both justice and long-lasting peace in the country.

Denial of Security Clearance and Civil Documentation

One of the most acute challenges faced by families perceived to be affiliated with ISIS is the denial of security clearance papers and civil documentation that would enable them to leave IDP settlements and return to their areas of origin. Before issuing security clearance papers, security and intelligence actors in Iraq conduct security screenings of all displaced individuals and families. Upon the completion of this process, the IDP obtains a document declaring that they (or their household) have undergone a security screening and that their name is not in any of the security databases.[49] These documents are issued by the local authorities in the IDP's area of origin—the mayor and the district's civil authorities, together with the security and intelligence agencies present in the area and in consultation with a mukhtar (community leader).

If an individual's name appears in one of the government databases as being suspected of ISIS affiliation, the person will be detained for questioning. If an individual is found to be a relative of someone suspected of ISIS affiliation, the individual and/or household will be denied security clearance documents. In such instances, security actors and local authorities pressure these IDPs to undergo the ikhbar and/or tabree'a processes—meaning the denunciation and/or disavowal of the alleged ISIS suspect—before granting them security clearance papers and civil documentation.

While security screenings help the GOI and security forces identify and arrest ISIS affiliates, including those who have committed gross human rights violations and crimes, the security screening process has been used to punish the families and relatives of alleged ISIS affiliates and has made them vulnerable to various abuses. Without security clearance papers, IDPs are unable to renew or apply for civil documentation, which further deprives them of access to education, public healthcare, and food rations distributed by the public distribution system (PDS).[50] Undocumented families also experience problems accessing formal employment, renting housing, and applying for compensation or government benefits.51 Linking security clearance with access to civil documentation constitutes one of the most visible examples of collective punishment and discrimination that affects thousands of Iraqi families from Sunni-majority areas once under ISIS control.

> ***"They set up a caravan outside of Aziz Balad to conduct the security screenings of the returning families. The security forces were checking the names of all the families to issue the security clearance. They were looking for ISIS suspects and their families and relatives. Even relatives up to the seventh degree. Whenever they identified somebody as related to an ISIS member they would arrest him and beat him."***
>
> **–Tribal Sheikh from Yathrib, Salah al-Din, November 2019**

THE DISAVOWAL (TABREE'A) AND DENUNCIATION (IKHBAR) PROCESSES

IDPs whose family members or relatives are suspected of ISIS affiliation are often asked to undergo tabree'a (disavowal) and/or ikhbar (denunciation) in order to obtain civil documents, return home, and ensure they will not be arrested in the future based on their relatives' alleged affiliation.[52] Tabree'a is a tribal mechanism whereby an individual pledges to disavow and sever all bonds with a family member or relative who has been incriminated and expelled from the tribe.[53] Ikhbar is a legal complaint and a form of denunciation performed in front of a judge.[54] While the ikhbar practice is well established in the Iraqi legal system, the tabree'a procedure is a tribal practice.[55]

Notably, there is no requirement in Iraqi law that security clearance documents and/or civil documentation are conditional upon ikhbar or tabree'a. On September 16, 2019, the Nineveh Federal Court of Appeals issued a decision against a previous instruction from the Court of Investigation for Terrorism (dated September 5, 2019) preventing the issuance of civil documents to family members of individuals suspected of affiliation with extremist groups. The Nineveh Federal Court of Appeals stated that there is no legal requirement in the Iraqi legal system to do tabree'a to obtain civil documentation and instructed offices of the Civil Affairs Directorate (CAD) to issue civil documentation according to Iraqi civil law without discriminating against families perceived to be ISIS-affiliated. However, NGOs and lawyers point out that intelligence and security actors do not feel bound by the judicial decision, and CAD offices continue requesting tabree'a and ikhbar documents and security clearance to issue civil documentation.[56]

The security screening process is not standardized across the country. Governorates have different rules, criteria for approval, and mechanisms of appeal, which results in a cumbersome process that leaves individuals vulnerable to exploitation.[57] Since mid-2020, the GOI and the security and intelligence agencies have sped up the security-vetting process in formal and informal IDP settlements as part of the camp closure campaign.[58] However, the security clearance documents issued by security and intelligence agencies to IDPs departing the camps are not always recognized by other security actors, meaning that IDPs returning to their areas of origin or seeking to resettle elsewhere are subjected to additional security screenings despite holding security clearance papers.[59]

The processes of obtaining new civil documentation in Iraq are sometimes interlinked, making the application process long and tedious. In order to obtain new documentation, for example, individuals are required to present other civil documents that they may be missing, as most families who lived under ISIS rule between 2014 and 2017 are missing some form of civil documents. ISIS routinely confiscated and destroyed civil and other state-issued documents, instead issuing their own documentation that is not recognized by the Iraqi state. Marriage certificates issued in ISIS-controlled territories, for example, are not recognized by the GOI. Many families lost their documents during the fighting or had them confiscated by security actors—either after fleeing ISIS-controlled areas or when they arrived at IDP camps.[60] Lacking security clearance prevents families from obtaining and/or renewing civil documentation. To date, it is estimated that 37,980 Iraqis living in IDP camps are missing some form of civil documentation.[61] The number of people missing civil documents outside

Paula Garcia/ CIVIC

November 2019, Nineveh province, Iraq: *Girls play in Khazer IDP camp.*

of the camps is estimated to be higher, especially given the recent camp closures. Previous research conducted by international organizations has warned of the high number of children missing civil documents.[62]

Because some documents are issued under the name of the male head of household, women whose husbands are missing or who died during the conflict face additional obstacles to obtaining humanitarian and governmental aid. In order to have these documents reissued with themselves named as the head of household, they need to terminate their marriages by submitting a request to the court and presenting the husband's death certificate. However, many women do not have a death certificate for their spouse.[63] Without the death certificate, women also cannot file complaints regarding their properties because they are under the husband's name. Moreover, children cannot inherit their father's property.64

Many children of families perceived to be ISIS-affiliated lack civil documentation to this date. Children born in ISIS-controlled areas were issued birth certificates and IDs by the ISIS bureaucracy, and these are considered invalid by the national authorities.65 Denial of papers impacts children's right to access education and healthcare.[66] A female IDP from Tal Afar who is perceived to be affiliated with ISIS because of her missing husband told CIVIC: "Three of my children cannot go to school because they do not have IDs."[67]

Female IDPs may be exposed to additional threats when trying to access civil documentation or undergoing the ikhbar process sometimes required to obtain civil documentation. Displaced women interviewed by CIVIC reported being afraid of visiting the offices of the civil authorities and security forces in charge of issuing security clearances and civil documents because of frequent harassment.[68] For example, a woman from Al-Ayadiyah, Tal Afar, living in an IDP camp told CIVIC, "To get a security clearance I would have to go to Tal Afar and Mosul and do tabree'a. I would have to go to the office of the istikhbarat [intelligence] but I heard of women going there alone and being treated badly by the officers there. They harass them and try to take advantage of them. I can't go alone there."[69] Humanitarian actors agreed that female heads of households who cannot rely on the support of male relatives and/or community leaders face higher risks of harassment and sexual exploitation.[70] The lack of female officers in intelligence and security agencies can contribute to feelings of vulnerability in women and a reluctance to go to the offices of security and intelligence actors.

Iraqi law stipulates that all Iraqi citizens have the right to have their citizenship recognized by the state and to obtain civil documentation accordingly.[71] Failing to provide this documentation amounts to a denial of legal identity, a right recognized in the Iraqi Constitution under Article 18. In line with their legal obligations, Iraqi authorities must ensure that CAD offices across the different Iraqi provinces strictly apply Iraqi law and do not discriminate against families because of their perceived affiliations. As prescribed in the Constitution and under international treaties signed by Iraq, the GOI must further ensure that single women and widows are not discriminated against when seeking civil documentation because of the alleged affiliation of their husbands, fathers, or brothers.[72] Moreover, women should be able to obtain a birth certificate for their children without the presence of the father, a certificate of his death, or a marriage certificate.[73] Additionally, both security forces and judicial authorities must establish effective reporting mechanisms for victims of abuse. The inclusion of female officers at police stations and CAD offices also has the potential to reduce harassment and make women feel safer when visiting.

VII. COMMUNITY REJECTION AND THE INABILITY TO RETURN HOME

Even if they are able to undergo tabree'a and/or ikhbar and obtain civil documentation, thousands of families across the country with perceived ISIS affiliation are being prevented from returning home by local authorities, security actors, and communities. While some of these families fled their areas during the conflict, others were expelled from their homes after pro-government forces retook their areas from ISIS. Under the orders of tribal and local authorities, they were forcibly relocated to camps because of their perceived affiliation with ISIS.[74]

The conflict against ISIS tore apart the lives of many Iraqi families. After seeing their properties destroyed or their family members killed at the hands of ISIS members, many victims are unwilling to let the families of ISIS affiliates return to their communities. An interviewee told CIVIC, "We had to leave our houses, our land, we lost everything to these people [ISIS]. It is not fair that now all of them come back and live in peace. They should suffer as we suffered."[75] Some also raise concerns that allowing the families of ISIS members to return could bring insecurity and allow for ISIS infiltration: "When ISIS took power and these men joined them, their families went with them. They benefited from it. Now that ISIS is defeated they are suffering. But if ISIS returns one day, or they ask for intelligence, these families would give it to them. It is not safe to allow them to return."[76]

> ***"Our sheikh [tribal leader] and the mukhtar told us that we can only return if we pay money and do tabree'a. But they also told us that, in any case, we wouldn't be treated like normal families and we will get no support from the authorities or the community."***
>
> **– Female head of household displaced in Ameriyat al-Fallujah IDP camp, November 2019**

Initially, some provincial and local authorities and security actors imposed an outright ban on the return of the families of alleged ISIS affiliates.[77] Although these official bans were withdrawn because they were against Iraqi law and the principle of individual responsibility, families with perceived affiliations still face other obstacles that prevent them from returning home—even without explicit or official stipulations against it. These obstacles range from threats and intimidation to tribal agreements against the return of entire communities.

In some cases, tribes have reached agreements that punish entire families for the crimes of their relatives, banish them from their area of origin, and even confiscate their properties. For instance, the Covenant of the People of Heet forbade the return of families "who lived with an ISIS member," establishing that "families whose members are suspected or accused of joining or cooperating with ISIS without evidence are barred from entering the city until their innocence is proven."[78] Blocking family members of alleged ISIS suspects from returning, as well as other forms of punishment being applied to them, constitutes a form of collective punishment closely linked to tribal practice and tribal customary law. According to tribal custom, when there is a "blood crime" between members of different tribes—meaning that a member of a tribe has killed a member of another tribe—the leaders of both tribes negotiate a settlement ("fasil") in order to avoid an escalation of violence and revenge

November 2019, Hassansham IDP Camp, Iraq: *A displaced man looks out at his village from the IDP camp where he has been living since 2014. Despite their proximity, IDPs from Hassansham have still not been allowed to return home.*

killings. Part of the settlement can include the expulsion of the perpetrator and his family from the community and from the tribe's lands—a form of forced exile ("jalwa") for a period of time.[79]

While tribal law and tribal agreements are a common dispute resolution mechanism recognized by society for seeking to solve conflicts and prevent the escalation of violence, they are being applied today on a mass scale to the families of alleged ISIS members and have produced an excessive number of disputes that traditional tribal justice systems are struggling to address. The outcomes of these agreements also sometimes contradict Iraqi civil and criminal law and constitute a form of collective punishment that violates individual rights.[80] Yet, in some instances, local governmental authorities and government-sanctioned community leaders (mukhtars) have participated in the negotiation of such agreements and signed the final resolutions.[81]

Some security actors, with the support of the local community, have also been actively involved in preventing the families of alleged ISIS affiliates from returning, despite the lack of any legal order to do so. Sunni Arab IDPs from Yathrib district in Salah al-Din told CIVIC that neighboring Shia Arab communities and the PMUs operating in the area were preventing them from returning to their villages and demanding payment for the alleged collaboration of some of their tribesmen with ISIS.[82] A female head of household from Tal Afar whose missing husband was accused of ISIS affiliation told CIVIC that, when trying to return to her hometown, she was stopped and harassed by PMU soldiers at a checkpoint. "They insulted me and my husband. They called me an ISIS wife and said that I should never attempt to go back to my village."[83]

"These people should not be allowed to return. We should respect the blood of the martyrs who lost their lives here in Anbar. [...] These people will never be good people. I am telling you, until this moment, they refuse to abandon their sons, they refuse to call their sons terrorists. The women are the same, they do not call their husbands terrorists. These people have no place among us, they should stay in the camps until the justice system takes care of them. If is me [sic], I will never take a part in bringing these killers back to the city. I know the families of the martyrs are hearing my words and they are waiting for the security forces to take their right and revenge."

–Speech given by Nasser al-Ghannam, Major General in the Iraqi Special Operations Forces, at a meeting with tribal and community leaders in Anbar when he was the Commander of the Anbar Operations Command[84]

Members of the Kurdish and Iraqi security forces, local authorities, and community leaders have publicly spoken out against the return of families perceived to be ISIS-affiliated to their areas of origin, and they have even demanded that these families be isolated and punished for the actions of their relatives.[85] This messaging from national and provincial authorities is further discouraging IDPs from returning, as it shows that state actors will not support them or guarantee their rights are respected.

In several cases, however, tribes are helping to facilitate safe returns, either by arranging the return of small numbers of families to their communities without risk of retaliation or by negotiating larger tribal agreements or "pacts of honor." Agreements such as the "Pact of Honor for the Tribes in Al-Ayadiyah" and the "People's Covenant of Anbar" recognize the primacy of the state's laws and institutions, as well as the Iraqi judiciary as the only institution responsible for establishing individual responsibilities and punishments. They also explicitly reject individual and collective retaliation and stipulate that no one has the right to criminalize any person unless the law does so. Nonetheless, both these agreements still require that the families declare their innocence, disavow relatives accused of terrorism (tabree'a), and file a lawsuit against them (ikhbar).[86]

Provincial and national authorities have also sometimes interceded to facilitate a negotiated solution for the return of these families. However, the outcomes have not always been satisfactory.[87] In Yathrib district in Salah al-Din, for example, Sunni Arab families from the Albu Heshma tribe have been accused by neighboring communities of joining ISIS and even of supporting Al-Qaeda attacks before 2014. The whole tribe has been collectively accused of ISIS affiliation and forbidden from returning to their lands. Provincial authorities and national institutions such as the Sunni Endowment have supported a negotiation and reconciliation process in which victims of ISIS attacks in neighboring communities have agreed to accept government compensation instead of the traditional "blood money" payment. However, families wishing to return are still obliged to pay 500,000 Iraqi dinars, an excessive economic burden to most.88 Moreover, families are being forced to make such payments despite the lack of criminal charges against them or any judicial decision compelling them to do so.

In order to prevent new cycles of violence from reemerging, the GOI needs a strong and long-term strategy of peace and reconciliation that provides justice and compensation for the victims of ISIS crimes, creates spaces for dialogue between the victims' families and those perceived to be ISIS-affiliated, protects perceived ISIS-affiliated families from violence, and promotes peaceful coexistence.

VIII. LOCAL ACTORS AND COMMUNITIES IMPEDING RETURN

Some IDP families and communities without any perceived links to ISIS are also being de facto banned from returning home by security actors, local authorities, and/or neighboring communities for a variety of reasons. The cases presented in this section highlight how some communities and security actors, empowered by the change in power dynamics after the defeat of ISIS, are now manipulating the return of displaced populations across Iraq. Whether their goal is to gain access to land and resources, strengthen their communities' power relative to neighboring communities, or change the demographic makeup of their area, these actors are having a profound impact on the return of IDPs to their areas of origin, as well as IDPs' ability to rebuild their lives after the conflict.

The military operations against ISIS and the subsequent occupation of retaken areas by different security actors have altered local dynamics in notable ways. Tribes and communities who initially supported ISIS or did not directly oppose its occupation were later collectively punished after ISIS's defeat. By contrast, communities who opposed ISIS and sided with the pro-government forces during the war have been empowered by the alliances they forged with civil authorities and security actors.

In some instances, the tribes and communities who first returned to their areas of origin joined and built strong relations with the security actors securing the area.[89] Whether local men created their own tribal PMU or joined a larger preexisting PMU, their participation in the security apparatus gave them an advantage compared to other communities.[90] Their actions strengthened relations with civilian authorities and increased their influence in decision-making around budget allocation, reconstruction, the reestablishment of services, and even the return of neighboring communities. However, the empowerment of these communities within the security apparatus has led to significant issues for some IDPs. In Saadiya subdistrict in Khanaqin, Diyala, for example, more than 3,000 families have not returned to their villages. Some have not returned due to the destruction, the lack of services, or the perception that the area is insecure. Many, however, have been prevented from returning by local security actors. In Al-Wand camp, IDPs told CIVIC that the PMUs controlling access to Saadiya district do not allow them to return to or access their villages.[91] Moreover, IDPs have described cases of harassment, physical violence, and illegal detention by the local PMUs.[92] These actions are deterring IDPs from returning.[93]

Local disputes and longstanding tensions have also been affected by shifting power dynamics in the wake of the war. In Muqdadiya, Diyala, for example, none of the 370 families from Al-Khaylania village have been able to come back due to a dispute between their clan of Sunni Arabs (Al-Khaylani clan) and the Beni Tamim clan from Al-Bazooul village (Shia Arabs). The Beni Tamim clan accuse the inhabitants of Al-Khaylania of joining ISIS and attacking their village in 2014. However, CIVIC interviewees indicated that their grievances predate ISIS, actually dating back to 2006.[94] "The mukhtar of Al-Bazooul had four of his sons killed by Al-Qaeda in 2006. He blames our clan for that and is demanding blood money," a civilian originally from Al-Khaylania shared with CIVIC. The Beni Tamim clan, which has notable influence on provincial politics and is part of the security apparatus in the area, have threatened to retaliate against the inhabitants of Al-Khaylania.[95] "He was leading one of the PMUs that retook our area from ISIS, and he ordered his troops to loot and burn our village. Now is threatening with killing us if we dare to return."[96] All the inhabitants of Al-Khaylania have security clearances and should therefore be able to return to their village freely, yet local power dynamics are blocking their safe return. Despite the intervention of members of the Iraqi parliament and provincial authorities, no agreement has been reached and the Al-Khaylania families continue to be displaced.[97]

October 2019, Balad, Salah al-Din, Iraq: *An unfinished building.*

Within the context of community tensions, the severity of security threats against potential returnees is exemplified by an incidence of violence on October 17, 2020. Twelve men who had recently returned to the area—some of them underaged—were kidnapped by unknown armed actors in Al-Farhatia village in Salah al-Din. Some of their bodies, all with gunshot wounds, were found nearby on the same day. Others remain missing. While the identity and affiliation of the assailants remains unknown, villagers blame the security actors operating in the area for the disappearances and executions.[98]

In some cases, IDPs are being blocked from returning to their areas of origin by security actors trying to alter the demographics of "disputed territories"—areas of Iraq where control is disputed by the GOI and the KRG. In the Rabee'a area in Tal Afar district, for example, 1,200 Sunni Arab families from various villages under the control of KRG security forces have still not been allowed to return home. Their Kurdish neighbors, by contrast, were able to return long ago.[99] Examples of similar phenomenon have occurred in the Jalawla area of Khanaqin district in Diyala and in Daquq district in Kirkuk.[100]

In many such cases, IDPs face difficult circumstances when trying to return to their areas of origin. For example, the area of Hassansham in the Nineveh plains, which is under the control of the KRG security forces, remains completely destroyed and desolate. The area contains eleven villages that, after a brief occupation by ISIS in 2014, were retaken by the Peshmerga forces.[101] To date, the KRG authorities have denied around 4,000 Sunni Arab IDPs permission to return to their villages.[102] Most of them languish in IDP camps barely 200 meters from their homes. "That's our village," said one the civilians interviewed in Hassansham while pointing to his nearby village. "Our houses are so close and still we cannot come back and we live in these tents. My heart aches seeing my children growing up in these conditions."[103] IDPs in these camps are also subjected to severe movement restrictions by the KRG security forces in charge of managing camp access. Permits to exit the

camps are approved on a case-by-case basis and are granted for just one day, making impossible for IDPs to hold any job outside the camp. Moreover, families are not allowed to farm their lands despite their proximity.[104] In spite of continuous demands from the UN and international NGOs to allow the return of these families—as well as promises made by KRG authorities to negotiate a solution with the Nineveh provincial authorities—no agreement has been implemented so far.[105]

Ethnic and sectarian tensions, which are inflamed by some security actors, are also preventing the return of IDP families to their areas of origin. This is the case, for example, in Tooz district in Salah al-Din province, where thousands of Kurdish, Arabs, and Sunni Turkmen families are being prevented from returning to Tooz Khurmato city and to villages in Suleiman Beg and Al-Amerli districts.[106] The Sunni Arab families who had fled during the military operations remained unable to return to their areas of origin in this district until late 2020 because they feared retaliation by the Shia Turkmen community and the PMUs controlling the area. Sunni Arab families interviewed by CIVIC stated that their belongings had been looted and their villages torched by local PMU forces.[107] They also explained that the local PMUs prevented them from accessing their areas of origin: "Nobody was able to return [to the village] after it was liberated, not even the local police officers could visit and check on their properties."[108] The PMUs in the area, which are mainly composed of local Shia Turkmen, exercise notable influence in the administration and security management of Tooz. To date, they are still preventing Sunni Arabs from returning to their areas of origin.[109] A Sunni Arab IDP told CIVIC, "I spoke to the mayor of Tooz city, the mayor of Amerli, even with members of the Salah al-Din Provincial council. They said that indeed we were allowed to return by the authorities, but that the neighboring Shia communities would not allow it to happen."[110] Meanwhile, Sunni Kurds in this district were also reluctant to return to Tooz Khurmato city due to the violence they endured after the withdrawal of the Peshmerga and the deployment of PMUs in October 2017.[111] Still today, at least 18 Sunni Arab and Sunni Turkmen villages in Tooz district remain depopulated. In other villages, only a few families have returned.[112]

One of the most extreme cases of demographic change has unfolded in Sinjar district and northern Al-Baaj, where the Sunni Arab population has been collectively blamed for taking part in or facilitating the 2014 attacks against the Yazidi population. Since the area was completely retaken from ISIS in 2017, few Sunni Arab families have been allowed to return.[113]

The de facto ban on some communities returning to their areas of origin is leaving many families in a situation of extreme vulnerability and prolonged suffering after years of conflict. They are, essentially, abandoned in limbo and unable to rebuild their lives. In addition, their inability to return to their areas of origin is jeopardizing the stabilization and economic recovery of conflict-affected areas, and it has the potential to increase and entrench communal grievances.

The GOI and the KRG must facilitate the return of IDPs who wish to go back to their areas of origin and facilitate resettlement in other parts of the country for those segments of the displaced population who are unwilling to return due to fears of being stigmatized or becoming victims of violence.[114] The return of IDPs to their areas of origin should only be impeded under extreme circumstances in which the security of families is endangered, as in cases of explosive contamination. In these cases, the government must hasten the clearance of the area and the reestablishment of essential services and infrastructure to facilitate the return of IDP families. Moreover, the authorities have the duty to intervene in cases where security actors and communities are blocking the return of IDPs, and to protect these families from physical violence by security forces or by others in the community. This includes sponsoring reconciliation processes between communities, preventing security actors from blocking returns, and ensuring adequate conditions that guarantee returns are safe and voluntary. Prolonging the situation of displacement increases the vulnerability of IDP families and prolongs their suffering. The government has the responsibility to address protracted displacement in a way that upholds the rights of IDPs and prevents the entrenchment of protection and livelihood concerns.

IX. CONCLUSION

Four years after major combat operations ended against ISIS, over one million Iraqis remain displaced, unable or unwilling to return home and rebuild their lives after years of conflict.

The collective punishment of entire communities and families for the crimes allegedly committed by some of their members is not only against Iraqi and international law, it fuels a mindset of revenge and punishment. A whole generation of children whose families are perceived to be affiliated with ISIS are growing up paperless, lacking the minimum documents recognizing their Iraqi citizenship and legal rights and unable to join formal education programs or access adequate healthcare and social services. This is only increasing their stigmatization and marginalization, putting them at risk of recruitment by extremist organizations.

The Iraqi authorities have the ultimate responsibility to address citizens' needs and provide durable solutions for the remaining displaced population, as well as to protect those communities that choose to return. These durable solutions must include the reconstruction of public infrastructure, the clearance of explosives, the provision of compensation for the loss of lives and properties, and the creation of livelihood opportunities. Significantly, they must also include reconciliation and peacebuilding initiatives that address social tensions and community grievances, promote peaceful solutions to disputes, and ensure that Iraqi IDPs can safely return to their areas of origin.

Iraq's displacement crisis needs to be addressed as a priority, as ensuring a better life for citizens who have suffered much during and after the conflict will be a key determinant of Iraq's future stability.

ENDNOTES

1 According to the International Organization for Migration (IOM), 46,998 individuals (9,480 households) left formal IDP camps between October 2020 and January 2021. Less than half of them—24,698 individuals (4,898 households)—returned to their areas of origin. During the same period, IOM recorded 2,838 individuals arriving at critical shelters. Source: Displacement Tracking Matrix, IOM.

2 The 2010 Inter-Agency Standing Committee (IASC)'s "Framework on Durable Solutions for Internally Displaced Persons" identifies a durable solution to displacement as when IDPs "no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement." See United Nations General Assembly, "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin; Addendum: Framework on Durable Solutions for Internally Displaced Persons," A/HRC/13/21/Add.4, February 9, 2010, 1, www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/13/21/Add.4.

3 See Principled Returns Framework, developed by humanitarian actors and endorsed by the GOI.

4 CIVIC conducted 67 interviews with civilians and community leaders and 3 interviews with government officials between October 2019 and September 2020, aiming to collect data for this report and for our advocacy and community engagement activities. In addition, this report contains data from previous research projects carried out by CIVIC in 2019 and 2020, including: 15 interviews with civilians and community leaders and 5 interviews with government officials from Kirkuk, Nineveh, and Dohuk province; 11 interviews with members of security forces and armed actors operating in Nineveh and Kirkuk governorates; and an FGD with 7 women from Hawija city in Kirkuk governorate. See our previous reports: CIVIC, "Caught in the Middle: The Impact of Security and Political Fragmentation on Civilian Protection in Sinjar," October 2020, https://civiliansinconflict.org/publications/research/caught-in-the-middle/; and CIVIC, "'We Just Want Someone to Protect Us': Civilian Protection Challenges in Kirkuk," December 2019, https://civiliansinconflict.org/publications/policy/civilian-protection-challenges-in-kirkuk/.

5 During the first five months of 2014, approximately 480,000 people fled their homes, mostly from within Anbar governorate. Between June and July 2014, with increased fighting between government forces and ISIS in Salah al-Din and Nineveh, the number of IDPs reached 1,709,78 individuals. See: IOM, "Iraq's displacement crisis 2014–2017," November 8, 2018, https://iraq.iom.int/publications/iom-iraq-releases-new-%E2%80%9Ciraq-displacement-crisis-2014-17%E2%80%9D-report.

6 See IOM Displacement Tracking Matrix, Returns Working Group, and Social Inquiry, "Reasons to Remain: Categorizing Protracted Displacement in Iraq," November 2018, https://iraq.iom.int/files/publications/Categorizing_Protracted_Displacement_in_Iraq_2018-11_IOM_RWG_SI.pdf.

7 Informal settlements are often unfinished or abandoned buildings and construction sites where IDPs arrived in 2014 after fleeing from the ISIS advance or from the fighting that ensued when pro-government forces were retaking the occupied areas. While some NGOs provided humanitarian assistance, the facilities in these settlements and the living conditions are, in general, quite poor.

8 IOM, "Reasons to Remain: Categorizing Protracted Displacement in Iraq."

9 See CIVIC's previous reports, "Caught in the Middle: The Impact of Security and Political Fragmentation on Civilian Protection in Sinjar" and "'We Just Want Someone to Protect Us': Civilian Protection Challenges in Kirkuk."

10 The government announced its intention to close all camps under Baghdad control by December 2020 and to close those in the KRI by 2021. See "Iraq's decision to shut down IDP camps too hasty, NGOs say," Al Jazeera, November 16, 2020, https://www.aljazeera.com/news/2020/11/16/iraqs-decision-to-shut-down-idp-camps-is-too-rushed-ngos-say.

11 CCCM and protection clusters, "Camp Departure Follow Up Survey, Round 31," January 21, 2021.

12 CIVIC interviews with staff from NGO operating in IDP camps across Nineveh, November 2019.

13 NGOs reported that IDPs have suffered verbal harassment by the ISF personnel involved in the movement during the departure process.

14 CIVIC interview with a staff member of a humanitarian agency, January 2021.

15 This instance included an initial security screening that resulted in the issuance of security clearance by the Baghdad Operations Command in the area of displacement, followed by security screenings by the Anbar Operations Command at the Al Soqor checkpoint in Fallujah district, the Jazeera Operations Command at the Mohammedi checkpoint in Baghdadi in Heet district, the Baghdad Operations Command at the Haditha district checkpoint, and local security forces at the Kysan checkpoint at the entrance of Al-Qaim district.

16 CIVIC observations while attending meetings of humanitarian actors held between July and October 2019. See also, the Principled Returns Framework endorsed by the GOI in September 2018.

17 CIVIC interviews with NGOs operating in Ameriyat al-Fallujah IDP camp and in Anbar province, November 2019. Also, CIVIC observations at a meeting between humanitarian actors, June 2019.

18 CIVIC interviews with NGOs operating in Ameriyat al-Fallujah IDP camp in Anbar province, November 2019.

19 CIVIC interview with a female head of household from Hussey village, Ameriyat al-Fallujah IDP camp, November 2019.

20 CIVIC interview with a female head of household from Shaqlawiya village, Ameriyat al-Fallujah IDP camp, November 2019.

21 CIVIC interview with a male head of household from Qarma village, Ameriyat al-Fallujah IDP camp, November 2019.

22 CIVIC observations during the participation in a meeting with humanitarian actors in Erbil, September 2019.

23 CIVIC interview with a female IDP in Ameriyat Al-Fallujah camp, November 2019; CIVIC interview with a staff member of an NGO working in both Ameriyat Al-Fallujah camp and Habbaniyah Tourist City IDP camp, November 2019; CIVIC interview with a member of a humanitarian agency monitoring the protection issues related to the displacement crisis across Iraq, January 2021.

24 CIVIC interviews with humanitarian actors conducted in Salah al-Din and Anbar in November 2019, and phone interviews conducted in November and December 2020. These issues were also raised in other meetings organized by humanitarian actors that CIVIC attended between November 2019 and December 2020.

25 CIVIC interview with humanitarian actors in Erbil, September 2019.

26 CIVIC interviews with a member of a humanitarian NGO, January 2021. The issue was also raised during a meeting among different humanitarian actors in January 2021.

27 CIVIC interview with an IDP secondarily displaced in Mosul city after being pressured to leave Hamam al-Alil camp due to the 2020 wave of camp closures, conducted by phone in January 2021, as well as previous interviews with humanitarian actors working in IDP camps and/or monitoring the displacement crisis from October to December 2019 and November to December 2020.

28 CIVIC interview with a civilian who has recently settled in Mosul city after the closure of the Hamam al-Alil camp, January 2021.
29 CIVIC interviews with staff members of two humanitarian agencies providing assistance across Iraq, conducted in October 2020 and January 2021.
30 CIVIC interviews with two staff members of NGOs operating in Anbar, conducted in January and February 2021, and with a humanitarian actor monitoring the displacement crisis.
31 A 2020 IOM report showed a certain correlation between involuntary returns and re-displacement. Locations in which at least some households returned to the area involuntarily were more likely to experience secondary displacement. However, residential destruction appeared to have a higher impact. Communal tensions and poor perceptions of security due to the insufficient presence of security actors in the area had moderate effects. Source: IOM, "Re-displaced: An Exploration of Displacement After Attempted Return in Iraq," Return Index Thematic Series Briefing #3, February 2020, http://iraqdtm.iom.int/images/ReturnIndex/20203143631558_iom_returnindex_thematic_seriesFeb2020.pdf.
32 The PMUs controlling the area, mainly Asa'ib Ahl al-Haq, did not allow the IDP families to return under the pretext of the area being unfit for living due to destruction, the lack of services, and the presence of explosive ordinance.
33 CIVIC interviews with a staff member of an NGO providing humanitarian assistance in Salah al-Din province, conducted in Tikrit in October 2019; CIVIC interview with a staff member from a humanitarian agency monitoring the return of IDPs to their areas of origin, November 2020.
34 CIVIC interview with a humanitarian actor supporting the return of IDPs to their areas of origin, January 2021.
35 CIVIC interviews with two IDP families living in secondary displacement in Mosul city after being pressured to leave Hamam al-Alil camp during the 2020 wave of camp closures, conducted by phone in January 2021.
36 IOM, DTM Emergency Tracking—Movement of Camp IDPs, January 11–17, 2021.
37 See CIVIC, "Caught in the Middle: The Impact of Security and Political Fragmentation on Civilian Protection in Sinjar."
38 CIVIC observations while attending a meeting of humanitarian actors discussing the camp closures and departure of IDPs, January 2021.
39 See Article 44 of the 2005 Iraqi Constitution, which recognizes that "each Iraqi has freedom of movement, travel, and residency inside and outside Iraq." See the Constitution of the Republic of Iraq, December 28, 2005, in English and Arabic: http://gjpi.org/library/primary/iraqi-constitution/. See also, UN Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), presented to the Commission on Human Rights in 1998, https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html.
40 Principle 28.1 states, "Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons." UN Guiding Principles on Internal Displacement.
41 See UN Guiding Principles on Internal Displacement; "Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), UN Sub-Commission on the Promotion and Protection of Human Rights, June 2005" (E/CN.4/Sub.2/2005/17), https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html. See also, "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)," Geneva, June 8, 1977, https://www.ohchr.org/en/professionalinterest/pages/protocolii.aspx.
42 See the 2005 Iraqi Constitution, Articles 23 and 44, as well as the International Covenant on Civil and Political Rights (ICCPR).
43 "Iraq: National Policy on Displacement," Government of Iraq Ministry of Displacement and Migration, July 2008, https://www.refworld.org/docid/5a26b2264.html.
44 See 2005 Iraqi Constitution, Article 30.
45 See Principled Returns Framework drafted by the Humanitarian Country Team and endorsed by the GOI in January 2018.
46 "Iraq government employees face prosecution for working under ISIL," Al-Jazeera, July 9, 2019, https://www.aljazeera.com/news/2019/7/9/iraq-government-employees-face-prosecution-for-working-under-isil.
47 Husham Al-Hashimi, "ISIS in Iraq: The Challenge of Reintegrating 'ISIS Families,'" Newlines Institute for Strategy and Policy, July 7, 2020, https://cgpolicy.org/articles/isis-in-iraq-the-challenge-of-reintegrating-isis-families/.
48 On several occasions, local authorities and security forces have gone a step further by issuing documents explicitly declaring these families to be "ISIS families." In November 2018, when relocating some IDP families with perceived affiliation with ISIS to Qayyarah Airstrip camp in Nineveh and Al-Karama camp in Salah al-Din, the local police presented letters to camp management stating them to be "family members of ISIS terrorist cell." CIVIC interview with a staff member of an NGO providing assistance in IDP camps throughout different Iraqi provinces, October 2019.
49 One form of security clearance is the so-called "safe stand" (salamat al-mawqaf), which includes the names of all family members in a household, certifying they are clear from any links to ISIS. This form of security clearance was cancelled in Nineveh in July 2020, but it is still being processed in Anbar and Salah al-Din governorates. Another form of security clearance document is the "absence of 'wantedness'" ('adam matlubiyya), which is issued to an individual by a judicial authority certifying the person is not wanted. See Melisande Genat, "Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS," IOM, 2020.
50 Several civil documents are necessary to access different services in Iraq, including the civil identity document (ID), the nationality card, the housing card, and the public distribution system (PDS) card. PDS cards are issued to the whole household, and changing the household's members would require a number of other civil documents. Although a civil ID is not necessary for normal medical visits, it is required for surgeries and other major procedures. Some women have experienced problems giving birth at public hospital facilities because they lacked civil IDs and/or marriage certificates. See "Barriers from birth: Undocumented children in Iraq sentenced to a life on the margins," Norwegian Refugee Council (NRC), April 2019, https://www.nrc.no/resources/reports/barriers-from-birth/
51 NRC, "Barriers from birth".
52 A lawyer explained to CIVIC the process of undergoing tabree'a/ikhbar in Nineveh: the relative of an ISIS suspect must give a formal statement before the mukhtar of his/her area of origin as well as the district's investigation court, testifying in front of two witnesses that their relative was affiliated with ISIS. The judge then refers the case to the local police, and the person must

testify in front of the local police—again in front of two witnesses—providing information about their relative's ISIS activities and whereabouts. The person must repeat the same statement at the Investigation Court, which then refers the case to the Tel Keif Counterterrorism Court. This Court would open an investigation under the Iraqi counterterrorism law and confirm that the person is in their security database of suspects. If they are in the database, the Counterterrorism Court would instruct the Investigation Court to issue a tabree'a declaration paper for the family and an arrest warrant against the individual. If the individual is not in the Counterterrorism Court's database but the accusation confirms their information on the subject, then the suspect will be added to the database and a warrant will be sent to all intelligence actors across the country. Source: CIVIC interview with a lawyer working for an NGO in Nineveh, October 2020.

53 For more details on tabree'a, see Genat, "Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS."

54 Ikhbar, meaning "notification of offence," is in the Iraqi Criminal Procedure Code 23 of 1971, the Iraqi Penal Code 111 of 1969, and the Anti-Terrorism Law of 2005. Today, under the 2005 Anti-terrorism Law, individuals related to a suspect alleged to be ISIS-affiliated are demanded to do ikhbar in front of an investigative judge. The law exonerates the individual notifying authorities from any criminal responsibility for past actions related to the offence. Article 5 ("Waiver of Punishment, Legal Excuses and Extenuating Legal Circumstances") stipulates that: "1) Any one, who provides to the competent authorities before a crime is discovered or during its planning, information that contributes to the arrest of the criminals or prevents the execution of the operation, shall be pardoned." See Genat, "Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS."

55 See Genat, "Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS."

56 Based on that decision, the Nineveh provincial CAD instructed all the CAD offices at the subdistrict level to adhere to the ruling. Source: CIVIC interview with a lawyer providing legal assistance to IDPs in Nineveh, October 2019; CIVIC interview with a staff member of an NGO, November 2020.

57 CIVIC interviews with staff members from NGOs providing legal assistance to IDPs and returnees in Anbar and Salah al-Din and with civilians in these provinces, conducted in person and via phone between November 2019 and September 2020.

58 CIVIC interview with a civilian former resident of Hamam al-Alil, conducted by phone, January 2021; CIVIC interviews with humanitarian actors monitoring the displacement crisis and supporting the displaced population, conducted by phone, December 2020 and January 2021.

59 CIVIC interviews with staff members from NGOs providing legal assistance to IDPs and returnees in Anbar and Salah al-Din and with civilians in these provinces, conducted in person and via phone between November 2019 and January 2021.

60 CIVIC interviews with civilians in Laylan camp, August 2019. See also, "Iraq: Families of Alleged ISIS Members Denied IDs," Human Rights Watch, February 25, 2018, https://www.hrw.org/news/2018/02/25/iraq-families-alleged-isis-members-denied-ids.

61 See IOM, "Integrated Location Assessment," July–August 2020, http://iraqdtm.iom.int/ILA5; and IOM, "Master List Report 119," November–December 2020, http://iraqdtm.iom.int/images/MasterList/20211284641795_DTM_119_Report_November_December_2020.pdf.

62 In 2019, the Norwegian Refugee Council (NRC) estimated that 45,000 Iraqi children were missing their birth certificates and that one of every four children in IDP camps was missing one form of civil documentation. See NRC, "Barriers from birth."

63 CIVIC interviews with two lawyers working for humanitarian organizations providing legal assistance to IDPs, conducted via phone, November 2019 and October 2020. See also, NRC, "Barriers from birth."

64 "Iraq: Families of Alleged ISIS Members Denied IDs."

65 See "Iraq: Families of Alleged ISIS Members Denied IDs."

66 Schools require IDs from the child and their parents to be enrolled. Although the Ministry of Education issued a directive in 2018 allowing the registration of undocumented children, the NRC reported that one in five households who are living outside of camps and have children without civil documentation face obstacles to registering them in the school system. See NRC, "Barriers from birth."

67 CIVIC interview with a female head of household originally from Tal Afar district, Hassansham IDP camp, November 2019.

68 CIVIC interview with female IDPs whose husbands were allegedly affiliated with ISIS and were killed during the war, Hassansham IDP camp in Nineveh, December 2019, and Laylan IDP camp in Kirkuk province, August 2019. An NGO worker corroborated that women are often pressured to give sexual favors to the officers in order to have their requests accepted. Source: CIVIC interview with a staff member from an NGO working in Mosul, September 2020.

69 CIVIC interview with a female IDP whose husband was allegedly affiliated with ISIS and was killed during the war, Hassansham IDP camp, December 2019.

70 CIVIC interviews with a lawyer working for a humanitarian organization providing legal assistance to IDPs in Nineveh, conducted via phone, November 2019; CIVIC interviews with several staff members of humanitarian actors implementing protection programs in Nineveh and Salah al-Din, conducted between October 2019 and January 2021.

71 Note that Iraqi law does not preclude criminals, included those tried for terrorism, from having civil documentation. There is even less provision for denying their families and relatives such documents. See, Iraq Constitution of 2005; Personal Status Law 188 of 1959; Nationality Status Law 65 of 1972; National Card Law 3 of 2016; and Iraqi Nationality Law 26 of 2006.

72 The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) states in its General Recommendation No. 30 that governments should ensure women affected by conflict have "equal rights to obtain documents necessary for the exercise of their legal rights and the right to have such documentation issued in their own names, and ensure the prompt issuance or replacement of documents without imposing unreasonable conditions."

73 The Birth and Death Registration Law stipulates that birth certificates can only be issued if the father is present and there is a marriage certificate. Children born outside of a legalized marriage cannot be registered.

74 For instance, tribal sheikhs in the Qayyara area decided that the wives and children of alleged ISIS supporters would be sent to IDP camps in Nineveh, one of them being Jeddah camp. See, Erica Gaston and Mario Schulz, "At the Tip of the Spear: Armed Groups' Impact on Displacement and Return in Post-ISIL Iraq," Global Public Policy Institute (GPPI), February 2019, https://www.gppi.net/2019/02/18/at-the-tip-of-the-spear. See also, "Families with ISIS relatives forced into camps," Human Rights Watch, February 4, 2018, https://www.hrw.org/news/2018/02/04/families-isis-relatives-forced-camps; and "Iraq: Displacement, Detention of Suspected 'ISIS Families,'" Human Rights Watch, March 5, 2017, https://www.hrw.org/news/2017/03/05/iraq-displacement-detention-suspected-isis-families.

75 CIVIC interview with a civilian from Sinjar district in Nineveh province, conducted in person in Dohuk, February 2020.

76 CIVIC interview with a tribal leader from Rabee'a in Tal Afar district in Nineveh province, conducted in person in Dohuk, February 2020.
77 This was the case in Salah al-Din, when the Provincial Council passed a decree in 2016 stipulating that ISIS affiliates and collaborators had no right to return to the governorate and that the immediate relatives of ISIS members were to be expelled and prevented from returning for a period of ten years to life. See "Iraq: Displacement, Detention of Suspected 'ISIS Families.'"
78 The Covenant of the People of Heet, in Anbar.
79 This settlement is normally financial ("diya"), and the guilty party would end up paying what is popularly called "blood money." The agreement to make a payment (diya) does not necessarily mean that the tribe of the offender admits guilt. However, by accepting the payment, the tribe of the victim gives up their right to seek revenge. Once the settlement is agreed and paid, it should end the dispute and put an end to the cycle of violence. However, some families perceived to be ISIS-affiliated have experienced harassment and violence after returning home despite the existence of an agreement. Source: CIVIC interview with a tribal leader in Yathrib, Salah al-Din, November 2019; Haley Bobseine, "Tribal justice in a fragile Iraq," The Century Foundation, November 7, 2019, https://tcf.org/content/report/tribal-justice-fragile-iraq/; Genat, "Tribal Justice Mechanisms and Durable Solutions for Families with a Perceived Affiliation to ISIS," IOM, 2020.
80 Tribal justice is, by definition, informal and based on custom. Therefore, it is not standardized and not legally recognized by the Iraqi state. Moreover, the power dynamics between the tribes preclude the system from being fair and impartial, as some more powerful tribes and tribal leaders hold more leverage over the negotiation process. Subsequently, they can exert more influence on state officials. Notably, however, the local police and the judiciary sometimes refrain from intervening in a dispute until the tribes reach an agreement. See, Bobseine, "Tribal justice in a fragile Iraq."
81 In 2018, local authorities, tribal and community leaders, and commanders of local security actors in al-Baaj reached an agreement against the return of the families of ISIS members, instructing that "no sheikh or mukhtar shall stamp [documents belonging] to a person who has a son, brother, or father that is an ISIS member." Source: CIVIC interview with a Sunni Arab tribal leader from the Qaerrawan and Al-Baaj areas in West Nineveh, conducted by phone, April 2020. See also: "Iraq: Local Forces Banish ISIS Suspects' Families," April 26, 2018, Human Rights Watch, https://www.hrw.org/news/2018/04/26/iraq-local-forces-banish-isis-suspects-families. At a tribal meeting in Ramadi city that occurred in 2019 in the presence of the city's mayor, it was decided that family members of alleged ISIS members were to remain in camps, banned from returning to the city for an indefinite period of time. Source: CIVIC interview with a staff member of an NGO operating in Iraq, conducted by phone, October 2019. The issue was also raised during a protection meeting between humanitarian partners in Erbil in November 2019.
82 CIVIC interviews with a civilian and a tribal leader from Yathrib district in Salah al-din, November 2019.
83 CIVIC interview with female head of household from Al-Ayadiyah subdistrict in Tal Afar, conducted by phone, January 2021.
84 Nasser al-Ghannam, Major General in the Iraqi Special Operations Forces, at a meeting with tribal and community leaders in Anbar when he was the Commander of the Anbar Operations Command, video uploaded to Facebook on July 9, 2019, https://www.facebook.com/iraforces/videos/274753610526577/.
85 Families perceived to have affiliations with ISIS are under scrutiny by security and intelligence agencies in Iraq. Iraqi officials have blamed a recent spike in ISIS attacks on the return of so-called "ISIS families" to their areas of origin. However, the link is not clear and should be further analyzed, as it risks stigmatizing these families even more. See, Al-Hashimi, "ISIS in Iraq." Local authorities and members of the security forces in Kirkuk and Diyala have also expressed their conviction that ISIS cells in these provinces are being aided by a part of the local population that still sympathizes with ISIS extremist ideology and who have family links with ISIS members. As one interviewee stated, "They come down [from the Hamreen mountains] in the night to see their families who live in these villages and get food and supplies." CIVIC interview with a local police officer from Daquq, Kirkuk city, August 2019.
86 The "Pact of Honor for the Tribes in Al-Ayadiyah" was signed by more than 90 tribal and community leaders from Al-Ayadiyah subdistrict in Tal Afar, Nineveh Province, on August 9, 2019. It prevents "the return of any person who has been implicated in terrorist acts and his family members of the first degree, unless declaring their innocence before the courts provided that they are not supporters of terrorist organizations." The "People's Covenant of Anbar," signed in July 2016 by 38 community leaders from Anbar province, establishes that the families of ISIS members "can return safely to their areas after declaring that they renounce these members and their actions, file a lawsuit against them, and take an oath on that."
87 In some conflict-affected areas, tribal negotiations might be jeopardized by the particular power dynamics between tribes, political and security actors, and local authorities. For example, IDPs from Al-Khaylania town in Diyala are prevented from returning home by neighboring communities and security actors operating in the area because they are accused of supporting Al-Qaeda and ISIS activities in the area. In a tribal reconciliation negotiation sponsored by a member of the Iraqi Council of Representatives, the Al-Tamimi agreed on a payment (diya) to settle the dispute. However, after the settlement price was agreed to, the Al-Tamimi stepped back, asking for an increase—allegedly under the influence of security actors in the area. To this date, no agreement has been reached. Source: CIVIC interviews with a community leader from Al-Khaylania, conducted in Al-Wand IDP camp, November 2019; CIVIC interview with a staff member of a humanitarian actor operating in Diyala, interviewed by phone, November 2019.
88 Some tribes are refusing to pay "blood money," as they see it as admitting their guilt. The Shia community from Yathrib agreed to drop their demand for blood money and accept a compensation from provincial and national authorities instead. Of the nine million Iraqi dinars demanded, the Sunni Endowment has agreed to pay seven million, and the local government will pay the other two. CIVIC interview with a member of an NGO working on protection issues in Salah al-Din, conducted by phone, October 2019; CIVIC interview with a Sheikh from the Albu Heshma tribe, conducted in person in Yathrib, November 2019. See also: Mac Skelton and Osama Ghaziri, "Relationships between local peace mechanisms in Iraq and other governance structures: Bridging the local with the national," Chemonics, April 2020.
89 In Diyala and other governorates, IDPs wishing to return to their areas of origin in 2017–2018 were asked by the PMUs present in the area to enroll in the local PMU forces as a condition of being able to return. Source: CIVIC interview with a staff member of an NGO operating in Diyala governorate, conducted in Kalar city, November 2019; CIVIC interview with a security analyst, conducted by phone, November 2019.
90 Since 2014, security actors such as the Badr Brigades encouraged the creation of local PMU groups affiliated with them. See, Gaston and Schulz, "At the Tip of the Spear. Members of the Zargost tribe (Shia Arabs) joined the Badr PMU, for example, and participated in the liberation of the area from ISIS.
91 CIVIC interviews with civilian IDPs from Saadiya displaced in Al-Wand camp, Khanaqin, November 2019.
92 For example, an IDP told CIVIC that his brother had been kidnapped by local PMUs—despite having a security clearance—after

going to check on the status of his house. The man explained that his brother had been kept in an illegal detention center and subjected to torture. Another IDP told CIVIC that women have been harassed and expelled from the village after trying to collect some belongings from their properties. Source: CIVIC interviews with civilian IDPs from two villages in Saadiya subdistrict displaced in Al-Wand camp, Khanaqin, November 2019.

93 Despite the closure of Al-Wand camp at the end of 2020, returns to Saadiya have not increased. See: IOM, Displacement Tracking Matrix.

94 CIVIC interviews with one civilian and one community leader from Al-Khaylania conducted in Al-Wand IDP camp, November 2019. A staff member from an NGO operating in Diyala (interviewed by phone, November 2019) and a security analyst monitoring security developments in the governorate (interviewed in Erbil, August 2020) also explained that the origin of this clan dispute preceded the 2014 ISIS expansion.

95 IDPs interviewed by CIVIC mentioned speeches by the mukhtar of Al-Bazooul on social media in which he threatened to kill any member of the Al-Khaylania tribe if they dared to return. A staff member of a humanitarian organization told CIVIC about threats written on several buildings in Al-Khaylania and neighboring villages threatening the Al-Khaylania villagers. Source: CIVIC interviews with one civilian and one community leader from Al-Khaylania, conducted in Al-Wand IDP camp, November 2019; CIVIC interview with a staff member of a humanitarian actor operating in Diyala, interviewed by phone, November 2019; CIVIC interview with a security analyst monitoring security developments in the area, November 2019.

96 CIVIC interview with a civilian from Al-Khaylania, Al-Wand IDP camp, November 2019.

97 Community representatives from Al-Khaylania visited the Muqdadiya District office in 2017 to hand over copies of the IDs of those IDPs who wished to return and request their approval. District authorities denied the request, arguing that the IDPs would need to settle the dispute with the Beni Tamim clan in Al-Bazooul in order to return. Source: CIVIC interviews with a community leader from Al-Khaylania village, conducted in Al-Wand IDP camp, November 2019; CIVIC interview with a staff member of a humanitarian actor operating in Diyala, interviewed by phone, November 2019.

98 "Iraq: No justice for enforced disappearances," Human Rights Watch, November 16, 2020, https://www.hrw.org/news/2020/11/16/iraq-no-justice-enforced-disappearances

99 "Kurdistan Region of Iraq: Arabs Blocked from Returning," Human Rights Watch, July 19, 2020, https://www.hrw.org/news/2020/07/19/kurdistan-region-iraq-arabs-blocked-returning.

100 For example, Sunni Arabs from Jalawla were not allowed to return to their villages after the expulsion of ISIS by the KRG security forces in 2015 and could only do so after the withdrawal of the KRG forces and the deployment of Iraqi forces in 2017. Testimony from residents blames the KRG security forces for the destruction of Arab properties in the area. Source: CIVIC interviews with a tribal leader and a civilian from the Jalawla area of the Khanaqin district in Diyala, November 2019; CIVIC interview with an analyst monitoring security and political developments in Diyala, conducted by phone, October 2019. See also, "Iraq: Banished and dispossessed: Forced displacement and deliberate destruction in northern Iraq," Amnesty International, January 20, 2016, https://www.amnesty.org/en/documents/mde14/3229/2016/en/; CIVIC, "'We Just want Someone to Protect us': Civilian Protection Challenges in Kirkuk," December 2019, https://civiliansinconflict.org/publications/policy/civilian-protection-challenges-in-kirkuk/.

101 CIVIC interview with IDPs from Hassansham area in Nineveh, Hassansham and Khazer IDP camps, November 2019.

102 CIVIC interview with a staff member of a humanitarian actor monitoring the displacement and return of IDPs, September 2020.

103 CIVIC interview with an IDP from Hassansham area in Nineveh, Hassansham IDP camp, November 2019. Notably, Kurdish pastoralist groups have been allowed to pasture their cattle in the unoccupied villages. This is frustrating IDPs even more, as one of the reasons given by KRG authorities for why IDP families should not return to their villages is that they were destroyed and contaminated with explosive ordinance.

104 CIVIC interviews with IDPs from Hassansham area conducted in the IDP camps of Hassansham and Khazer, November 2019; CIVIC interview with a staff member from an NGO operating in Nineveh and Erbil, October 2019.

105 According to UN staff and NGOs interviewed by CIVIC, KRG authorities want to include the agreement for the return of these IDPs in a broader discussion on the status and control of the disputed territories. Source: CIVIC interviews with UN staff and humanitarian actors, conducted in person in November 2019 and by phone in September and October 2020.

106 In June 2014, ISIS forces—supported by some local Sunni Arabs and Turkmen—took over vast areas of south and western Tooz, including Amerli and Suleiman Beg subdistricts. ISF forces backed by PMUs and local forces held the frontline until October 2014, when a combined operation that included the ISF, PMUs, and KRG forces pushed ISIS out of most of Tooz district. From that moment and until the withdrawal of the Peshmerga in October 2017, the control of the district was divided between KRG security forces and PMUs. However, with the withdrawal of the KRG forces, thousands of Kurdish residents fled the area, fearing sectarian violence. Violence ensued in Tooz Khurmato city, with clashes between the PMUs and armed citizens, the destruction of property, and the displacement of the remaining Kurdish population. The extreme deterioration of security in the area led to Prime Minister Haider Al-Abadi ordering the withdrawal of the PMUs and the deployment of the Emergency Response Division (ERD) in January 2018.

107 CIVIC interviews with civilians from Tooz district living in Kirkuk city, November 2019.

108 CIVIC interview with a civilian from Amerli subdistrict in Tooz, Kirkuk city, November 2019.

109 Numerous reports have highlighted the abusive behavior of Shia Turkmen PMUs in the area as a matter of concern for the stabilization of the district and the return of IDPs. See Gaston and Schulz, "At the Tip of the Spear"; and "After Liberation Came Destruction: Iraqi Militias and the Aftermath of Amerli," Human Rights Watch, March 18, 2015, https://www.hrw.org/report/2015/03/18/after-liberation-came-destruction/iraqi-militias-and-aftermath-amerli.

110 CIVIC interview with a mukhtar from a village in Amerli subdistrict in Tooz, Kirkuk city, November 2019.

111 The withdrawal of the KRG security forces in October 2017 and the violence that ensued led to the displacement of approximately 30,000 Sunni Kurds from Tooz district and the destruction and looting of many properties owned by the Kurdish population. See "Nearly 30,000 Kurds displaced from city near Kirkuk: aid groups," Reuters, October 25, 2017, https://www.reuters.com/article/us-mideast-crisis-iraq-kurds-tuz/nearly-30000-kurds-displaced- from-city-near-kirkuk-aid-groups-idUSKBN1CU1QG.

112 Iraq Returns Working Group, "Areas of Origin having Witnessed No Return," December 2020.

113 See CIVIC, "Caught in the Middle: The Impact of Security and Political Fragmentation on Civilian Protection in Sinjar," October 2020, https://civiliansinconflict.org/publications/research/caught-in-the-middle/.

114 See United Nations General Assembly, "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin; Addendum: Framework on Durable Solutions for Internally Displaced Persons," 1.

Paula Garcia/ CIVIC

November 2019, Ramadi, Anbar, Iraq: *A building destroyed during the fight against ISIS has a warning sign indicating it might be contaminated with explosive hazards. Known as Kilo 8, this unfinished apartment compound is an informal IDP settlement. Adults and children living there must be aware of the areas that are contaminated by explosives and take precautions.*

CENTER FOR
CIVILIANS IN CONFLICT
RECOGNIZE. PREVENT. PROTECT. AMEND.

T +1 202 558 6958
E comms@civiliansinconflict.org
civiliansinconflict.org