

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	976
Land:	Irak
Kilde:	UNHCR
Titel:	UNHCR position on Returns to Iraq
Udgivet:	14. november 2016
Optaget på baggrundsmaterialet:	21. november 2016



14 November 2016

UNHCR POSITION ON RETURNS TO IRAQ

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Introduction

1. This position supersedes UNHCR's 2014 Position on Returns to Iraq.¹
2. This position focuses on risks faced by civilians as a result of the ongoing non-international armed conflict between the Iraqi Security Forces (ISF) and associated forces on the one hand,² and the so-called "Islamic State of Iraq and Al-Sham" (ISIS) on the other hand.³
3. In 2014, Iraq experienced a rapid expansion of ISIS into many parts of northern and central Iraq, resulting in renewed escalation of conflict and violence.⁴ Since 2015, and with support from a broad international

¹ UN High Commissioner for Refugees (UNHCR), *UNHCR Position on Returns to Iraq*, 27 October 2014, <http://www.refworld.org/docid/544e4b3c4.html>.

² "Associated forces" include militia and tribal forces (Shi'ite, Sunni and others), Popular Mobilization Units (PMUs), and the military forces of the Kurdistan Region of Iraq (*Peshmerga*).

³ The self-proclaimed "Islamic State of Iraq and Al-Sham" (ISIS) (Arabic: *Ad-Dawlah Al-'Islāmiyyah fī Al Iraq wa Al-Sham*), is also (formerly) known as the "Islamic State of Iraq" (ISI) or the "Islamic State of Iraq and the Levant" (ISIL) and also referred to as "Islamic State" (IS) or, by its Arabic acronym, "Daesh".

coalition, the ISF and associated forces have made significant gains in retaking territory from ISIS in Al-Anbar, Babel, Diyala, Erbil, Ninewa, and Salah Al-Din Governorates.⁵ On 17 October 2016, Iraqi Prime Minister Al-Abadi officially announced the start of the military offensive to retake Mosul, Iraq's second-largest city, which had been under ISIS control since June 2014.⁶

4. As a result of renewed conflict and violence, tens of thousands of civilians have been killed or wounded, over 3.18 million persons have reportedly become displaced inside the country and over 10 million persons are reported to be in need of humanitarian assistance.⁷ ISIS' 2014/2015 advances and subsequent military operations against ISIS have caused large-scale displacement, with many more Iraqis at risk of displacement as a result of the ongoing Mosul offensive.⁸
5. The security situation in many parts of central and northern Iraq continues to be highly volatile and unpredictable due to ongoing military offensives and counter-offensives.⁹ Parts of northern and central Iraq remain under *de facto* control of ISIS, which is reported to continue to commit grave and widespread human rights abuses against the population in these areas.¹⁰ During military operations, civilians are used by ISIS as "human shields"; they are also at great risk from crossfire, snipers and bombardments.¹¹ Those fleeing are at risk of punishment at the hands of ISIS.¹² They also face risks along hazardous escape routes, including from crossfire, explosive remnants of war (ERW) and improvised explosive devices (IED).¹³ Others reportedly die from dehydration when forced to take arduous journeys in order to escape from ISIS-held areas.¹⁴ For those fleeing ISIS-held areas in northern and central Iraq, access to relatively safer areas is restricted in other parts of the country as a result of stringent entry and residency restrictions, including, among others, sponsorship requirements; such restrictions are often based on discriminatory criteria such as perceived association with ISIS on account of a person's ethnic, religious, and/or tribal background or area of origin.¹⁵
6. Populations who had remained in areas under ISIS control are regularly perceived as having supported ISIS, and, as a result, have reportedly been targeted by various actors for reprisal acts.¹⁶ Areas from which ISIS has been dislodged by the ISF and associated forces reportedly remain at risk of ISIS infiltration, counter-

⁴ Iraq has been named the third least peaceful country in the 2016 Global Peace Index, after Syria and South Sudan; Institute for Economics and Peace, *Global Peace Index 2016*, June 2016, <http://bit.ly/1UCZDV1>, p. 11.

⁵ UN Security Council (UNSC), *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, S/2016/897, <http://www.refworld.org/docid/5821ca0f4.html> (hereafter: UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>), para. 14; BBC, *IS 'Loses more than a Quarter of Its Territory' in Syria and Iraq*, 9 October 2016, <http://bbc.in/2e45mdP>; IHS Conflict Monitor, *Islamic State Caliphate Shrinks a Further 12 Percent in 2016, IHS Says*, 10 July 2016, <http://bit.ly/2e5abTt>.

⁶ Al Jazeera, *Iraq: Haider Al-Abadi Launches Mosul Operation*, 17 October 2016, <http://aje.io/3jy9>.

⁷ See below "Internal and External Displacement" and "Humanitarian Situation".

⁸ See below "Internal and External Displacement".

⁹ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 15.

¹⁰ Institute for the Study of War (ISW), *Iraq Control of Terrain: October 7, 2016*, 7 October 2016, <http://bit.ly/2dhYCYd>. See below "Violations of International Humanitarian and Human Rights Law".

¹¹ Amnesty International, *Iraq: Fears for Safety of Civilians Caught in Crossfire and Used by IS as Human Shields*, 27 October 2016, <http://www.refworld.org/docid/581c92474.html>; Office for the Coordination of Humanitarian Affairs (OCHA), *During the Mosul Operation, Nothing Is more Important than the Protection of Civilians*, 21 September 2016, <http://bit.ly/2duw3sO>; Global Centre for the Responsibility to Protect (Global Centre R2P), *R2P Monitor*, Issue 29, 15 September 2016, <http://bit.ly/2cJaAK4>, p. 4; Human Rights Watch (HRW), *Iraq: ISIS Rule Marked by Executions, Cruelty*, 10 July 2016, <http://www.refworld.org/docid/57836a324.html>; Amnesty International, *Escape from Fallujah*, 28 May 2016, <http://bit.ly/2ejzLoT>; Atlantic Council, *Retaking Mosul: ISIS and Human Shields*, 16 March 2016, <http://bit.ly/1PonMMA>; UN Assistance Mission for Iraq (UNAMI), *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html> (hereafter: UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>), pp. 14, 23.

¹² See below "Treatment of Civilians Fleeing ISIS-Held Areas to Other Areas of Iraq".

¹³ OCHA, *Humanitarian Bulletin Iraq, July – August 2016*, 29 August 2016, <http://bit.ly/2duUdAQ>, p. 2; UNHCR, *Iraq: Flash Update*, 27 August 2016, <http://bit.ly/2dUNwdp>, p. 2; UNHCR, *Thousands more Iraqis Displaced due to Upsurge in Fighting Around Mosul*, 14 June 2016, <http://bit.ly/2enybW>.

¹⁴ Save The Children, *Children Dying of Thirst, Killed by Landmines in Flight from Mosul Offensive*, 13 October 2016, <http://bit.ly/2dkB3d7>; UNSC, *Fourth Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 5 July 2016, S/2016/592, <http://www.refworld.org/docid/5784de404.html> (hereafter: UNSC, *4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 5 July 2016, <http://www.refworld.org/docid/5784de404.html>), para. 37; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to Iraq*, 5 April 2016, A/HRC/32/35/Add.1, <http://www.refworld.org/docid/575fb7e14.html> (hereafter: UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>), para. 40.

¹⁵ See below "Treatment of Civilians Fleeing ISIS-Held Areas to Other Areas of Iraq".

¹⁶ See below "Treatment of Civilians in Areas Formerly under Control of ISIS".

offensives and terrorist attacks.¹⁷ The Iraqi Government is reported to face challenges to establish full and effective authority and the capacity of the state and its institutions to enforce the law and protect civilians remains weak.¹⁸ Tensions and violence have also been reported as different actors compete for power in areas reclaimed from ISIS, particularly in areas disputed between the Central Government and the Kurdistan Regional Government (KRG), whose status remains to be solved in accordance with Article 140 of the Iraqi Constitution (“Disputed Internal Border” Areas).¹⁹ Furthermore, areas retaken from ISIS have reportedly often suffered extensive destruction and damage to homes, water, sewage and electricity systems, hospitals, schools and government facilities.²⁰ Reconstruction efforts are ongoing, but are reported to be often hampered by continued insecurity, large-scale contamination with mines and IEDs, and lack of funding.²¹

7. ISIS’ advances in northern and central Iraq in 2014 and into 2015 and the ensuing security vacuum in other parts of the country have reportedly resulted in the empowerment of militias and tribes, a rise in criminality, and an overall weakening of state authority and the rule of law, including in the capital Baghdad and the Southern Governorates.²²

Violations and Abuses of International Human Rights and International Humanitarian Law

8. Widespread human rights abuses and violations of international humanitarian law greatly impact on the lives of civilians beyond displacement and casualty figures. UN human rights bodies and human rights organizations have documented that all parties to the non-international armed conflict in Iraq are committing

¹⁷ “The security situation in areas freed from ISIL continues to be challenging owing to terrorist, sectarian, intercommunal and criminal violence”; UN Security Council, *Third Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, S/2016/396, <http://www.refworld.org/docid/5731a1a14.html> (hereafter: UNSC, 3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)), 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 20. See also, Middle East Monitor, *Daesh Retakes Territory in Iraq*, 8 October 2016, <http://bit.ly/2dDoah2>; The Guardian, *Iraq Militants Launch Deadly Attacks Around Tikrit*, 24 September 2016, <http://bit.ly/2dTlhr9>; Middle East Eye, *Defeating the Islamic State Creates a Whole New Set of Dangers*, 22 June 2016, <https://shar.es/1EgccU>; Agence France-Presse (AFP), *ISIS Attack in Iraq Kills 15 Members of Security Forces*, 17 June 2016, <http://ara.tv/5pxqm>; Washington Post, *Under Strain, Islamic State Takes Its Battle to the Streets of Baghdad*, 18 May 2016, <http://wpo.st/3y542>; Minority Rights Group International (MRGI), *Iraq’s Displacement Crisis: Security and Protection*, March 2016, <http://www.refworld.org/docid/573592d24.html> (hereafter: MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>), p. 22.

¹⁸ “In the aftermath of Islamic State’s departure, with a lack of judges and state structures to determine violations of law or punishment, people have turned to tribal law, a system of codes that works in tandem – or overrides – the state judiciary”; Los Angeles Times, *In Iraq, Punishing Family Ties to Islamic State and Compensating Victims of the Violence*, 9 October 2016, <http://fw.to/GRpniPT>. “Armed groups are today acting with impunity as the rule of law has collapsed in many areas. Due to the displacement crisis, governorate authorities such as provincial councils, governors, mayors and other institutions are either operating from a distance or have ceased operating altogether. This can be seen to different degrees in the governorates of Anbar, Diyala, Ninewa and Salahaddin”; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 6. See also, United States Institute for Peace (USIP), *Iraq: Recapturing Mosul is only the Beginning*, 17 October 2016, <http://bit.ly/2e5rcOK>; Middle East Institute, *The Next Challenge: Governing Liberated Cities after ISIS*, 28 June 2016, <http://bit.ly/2dJ8l9L>.

¹⁹ Washington Post, *Battle to Banish Islamic State from Mosul Could Become a Mess*, 12 October 2016, <http://wpo.st/01f52>; Associated Press, *Mosul Fight Is Already Redrawing the Map of Northern Iraq*, 27 August 2016, <http://apne.ws/2bUrUca>; Al-Monitor, *Why Tuz Khormato Clashes Were more than just Local Skirmishes*, 5 May 2016, <http://almon.co/2niv>; Stratfor, *Iraq: The Fight Within the Fight Against the Islamic State*, 25 April 2016, <http://bit.ly/2ekDbDT>; Washington Post, *Fighting Erupts in Iraq, and the Islamic State Isn’t Part of It*, 24 April 2016, <http://wpo.st/YAsW1>; UN Security Council, *Second Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, S/2016/77, <http://www.refworld.org/docid/56af0c454.html> (hereafter: UNSC, 2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)), 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 18; HRW, *Iraq: Ethnic Fighting Endangers Civilians*, 13 January 2016, <http://www.refworld.org/docid/5696125e4.html>; Ekurd Daily, *Clashes Erupted between Yazidi Fighters and KDP Peshmerga in Iraq’s Sinjar*, 26 November 2015, <http://bit.ly/1KZLzkL>.

²⁰ OCHA, *Humanitarian Bulletin Iraq, July – August 2016*, 29 August 2016, <http://bit.ly/2duUdAQ>, p. 2; ABC, *Drone Footage Reveals Destruction in Iraq’s Battle Against IS*, 5 July 2016, <http://ab.co/2d5QngQ>; Associated Press, *Iraq Routed IS from Ramadi at a High Cost: A City Destroyed*, 5 May 2016, <http://apne.ws/1YavCPW>; Al Jazeera, *UN: Destruction of Ramadi Worse than Anywhere in Iraq*, 4 March 2016, <http://aje.io/ms22>; Wall Street Journal, *Iraq Officials Face Monumental Task of Rebuilding Ramadi*, 3 January 2016, <http://on.wsj.com/1R5PyDE>; UNITAR/UNOSAT, *Damage Assessment of Sinjar, Sinjar District, Nineveh Province, Iraq*, 24 December 2015, <http://bit.ly/2dh4rEv>; International Business Times, *Inside Sinjar: Photos of Shattered Town Reveal Enormous Cost of Liberating It from ISIS*, 17 November 2015, <http://bit.ly/2dRkZCI>; KRG/Ministry of Interior/Joint Crisis Coordination Centre, *Shingal City Rapid Damage Assessment*, November 2015, <http://bit.ly/1OKtLiA>.

²¹ Musings on Iraq, *Returns Begin to Iraq’s Fallujah*, 29 September 2016, <http://bit.ly/2dDdm3R>; Musings on Iraq, *Plight of Displaced in Iraq’s Anbar Province*, 11 August 2016, <http://bit.ly/2denBL6>; Financial Times, *Iraq’s Ability to Rebuild Is Threatened on Three Fronts*, 3 April 2016, <http://on.ft.com/2dMpFtE>.

²² IHS Jane’s 360, *Spate of IED Attacks in Basra Highlights Security Deterioration amid Iraqi Government Inability to Disarm Tribes and Gangs*, 23 August 2016, <http://bit.ly/2fPZFk0>; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 6; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 25; Military Times, *Fears in Iraqi Government, Army over Shiite Militias’ Power*, 21 March 2016, <http://bit.ly/2e4PrMY>; Iraqi News, *Tribal Conflict Renewed Armed Clashes North of Basra*, 16 February 2016, <http://bit.ly/1QTTiN7>; Reuters, *Iraqi Force Enters Southern Oil City to Disarm Tribal Fighters*, 15 January 2016, <http://reut.rs/1UUhx7p>; Associated Press, *Crime Has Soared in Iraqi City of Basra as the Army Has Left to Fight ISIS*, 10 January 2016, <http://ind.pn/1RP4Qv3>.

violations of international humanitarian law and gross violations and abuses of international human rights law.²³

9. Reports by the UN and human rights organizations implicate ISIS in attacks against the civilian population, murder (including execution without due process), abduction, torture, rape and other forms of sexual violence, sexual slavery, forced religious conversion and the conscription of children. These acts may amount to war crimes, crimes against humanity, and, in the case of certain communities, including the Yazidi religious community, possibly genocide.²⁴ The expansion of ISIS into areas traditionally inhabited by religious and ethnic minority groups, including Mosul and large parts of the Ninewa Plains, is reported to have resulted in systematic and widespread abuses and the unprecedented flight of hundreds of thousands of people.²⁵ Reports indicate that ISIS targeted, and continues to target, members of ethnic and religious minority communities as part of a wider policy that aims at systematically suppressing, expelling or destroying many of these communities in areas under its control.²⁶ Yazidis, Christians, Kaka'is, Kurds, Sabaeen-Mandaeans, Shi'ites, Turkmen and Shabaks reportedly suffered serious ill-treatment at the hands of ISIS, including execution, kidnapping, forced conversion, rape, enslavement, forced marriage, forced abortion and forced displacement.²⁷ Most members of ethnic and religious minority groups in areas under ISIS control have reportedly either been killed, abducted or displaced.²⁸ Several thousand women and children, mainly Yazidis, reportedly remain in ISIS captivity at the time of writing.²⁹
10. ISIS is reported to systematically target those considered to be affiliated or collaborating with the Iraqi Government, the ISF or associated forces.³⁰ Persons opposing, or perceived to be opposing ISIS, or infringing on ISIS rules, are reported to be at risk of severe punishment meted out by self-appointed *Shari'a* courts without due process.³¹ As ISIS has come under increased military pressure, it has reportedly also abducted

²³ HRW, *Iraq: Key Concerns for Impending Mosul Battle*, 6 October 2016, <http://www.refworld.org/docid/57f654446.html>; UNSC, 4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, paras 34-46; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 1-2; Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. i, ii, 8, 20, 31.

²⁴ UNAMI, *A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL*, August 2016, <http://www.refworld.org/docid/57b848814.html>, pp. 4, 5, 7, 18; UNSC, 4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, para. 36; UN Human Rights Council, “*They Came to Destroy*”: *ISIS Crimes Against the Yazidis*, 15 June 2016, A/HRC/32/CRP.2, <http://www.refworld.org/docid/57679c324.html> (hereafter: UN Human Rights Council, *ISIS Crimes Against the Yazidis*, 15 June 2016, <http://www.refworld.org/docid/57679c324.html>), para. 202; HRW, *Iraq: ISIS Car Bombings are Crimes Against Humanity*, 11 May 2016, <http://www.refworld.org/docid/573430cf4.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. i, 8, 32.

²⁵ MRGI, *No Way Home: Iraq's Minorities on the Verge of Disappearance*, July 2016, <http://www.refworld.org/docid/578351d04.html>, p. 5; UN Committee on the Elimination of Racial Discrimination (CERD), *Concluding Observations on the Combined 15th to 21st Periodic Reports of Iraq: Committee on the Elimination of Racial Discrimination*, 22 September 2014, CERD/C/IRQ/CO/15-21, <http://www.refworld.org/docid/56e7b6824.html>, Section D.d.

²⁶ UNAMI, *A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL*, August 2016, <http://www.refworld.org/docid/57b848814.html>, p. 5; MRGI, *No Way Home: Iraq's Minorities on the Verge of Disappearance*, July 2016, <http://www.refworld.org/docid/578351d04.html>; UN Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of Abuses Committed by the So-Called Islamic State in Iraq and the Levant and Associated Groups*, 13 March 2015, A/HRC/28/18, <http://www.refworld.org/docid/550ad5814.html>, paras 16-28.

²⁷ US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 61; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. i-ii, 14-19; UN General Assembly, *Technical Assistance Provided to Assist in the Promotion and Protection of Human Rights in Iraq: Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, A/HRC/30/66, <http://www.refworld.org/docid/55f7f4c74.html> (hereafter: UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, <http://www.refworld.org/docid/55f7f4c74.html>), para. 48.

²⁸ UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 19.

²⁹ UNAMI, *A Call for Accountability and Protection: Yazidi Survivors of Atrocities Committed by ISIL*, August 2016, <http://www.refworld.org/docid/57b848814.html>, p. 7; UN Human Rights Council, *ISIS Crimes Against the Yazidis*, 15 June 2016, <http://www.refworld.org/docid/57679c324.html>, para. 205.

³⁰ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 44; NPR, *As Assault on Mosul Looms, Resistance Grows — and ISIS Grows more Brutal*, 15 October 2015, <https://n.pr/2e9ozaf>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 11; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 – 30 April 2015*, 13 July 2015, <http://www.refworld.org/docid/55a4b83c4.html>, pp. i, 11.

³¹ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 44; Freedom House, *Freedom in the World 2016 - Iraq*, 20 June 2016, <http://www.refworld.org/docid/576be00ac.html>; HRW, *World Report 2016 - Iraq*, 27 January 2016, <http://www.refworld.org/docid/56bd99386.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 11.

and executed former members of the ISF and men and boys unwilling to fight on behalf of the group.³² There are also reports that ISIS has been threatening relatives of those they suspect to be supporting the ISF.³³ The enforcement of summary justice reportedly includes, *inter alia*, executions by shooting, beheading, stoning, burning, drowning, electrocution and throwing off tall buildings, as well as flogging, crucifixion and amputation of limbs.³⁴ According to reports, ISIS is holding large numbers of people captive while torture and ill-treatment are said to be widely used in ISIS facilities.³⁵

11. ISIS reportedly claims responsibility for numerous and regular attacks against military and civilian targets in Baghdad³⁶ and other areas under government control, including by employing car bombs, suicide attacks, roadside bombs, mortars and grenades.³⁷ ISIS in some instances has reportedly fired rockets with chlorine and mustard gas on civilians and security forces personnel.³⁸ While some attacks reportedly target security personnel, others appear deliberately aimed at civilians, including in mosques, markets, restaurants, playgrounds, often in Shi'ite-majority neighbourhoods or towns.³⁹ In light of territorial losses, ISIS has reportedly increasingly reverted to attacks against civilians in areas held by the government or the KRG.⁴⁰
12. The UN and human rights organizations have also documented possible violations of international humanitarian and human rights law committed by the ISF and associated forces. Independent observers have

³² Office of the High Commissioner for Human Rights (OHCHR), *Zeid Urges Focus on Victims' Rights, Given "Numbing" Extent of Civilian Suffering in Iraq*, 11 November 2016, <https://shar.es/1Iy59i>; HRW, *Iraq: Feared ISIS Use of 'Human Shields,' Executions*, 4 November 2016, <http://www.refworld.org/docid/5820826b4.html>; OHCHR, *Battle for Mosul: ISIL Forces Thousands of Civilians from Their Homes and Executes Hundreds*, 28 October 2016, <http://www.refworld.org/docid/582084b84.html>; UN News Centre, *UN Refugee Agency Begins Delivering Supplies to Families Escaping Besieged Fallujah*, 27 May 2016, <http://www.refworld.org/docid/574bea4140b.html>; Iraqi News, *ISIS Arrests 200 People for Refusing to Join Battles, 25 ISIS Fighters Executed*, 5 May 2016, <http://bit.ly/1STIJTf>.

³³ OHCHR, *Press Briefing Notes on Iraq, Syria and Saudi Arabia / Yemen*, 1 November 2016, <https://shar.es/1I2Nxx>.

³⁴ HRW, *Iraq: ISIS Rule Marked by Executions, Cruelty*, 10 July 2016, <http://www.refworld.org/docid/57836a324.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 12; UN Human Rights Council, *Act now to Prevent Industrial Scale Human Rights Violations by ISIL – UN Expert Calls on the Security Council*, 22 June 2015, <http://bit.ly/1MO2x5z>.

³⁵ OHCHR, *Zeid Urges Focus on Victims' Rights, Given "Numbing" Extent of Civilian Suffering in Iraq*, 11 November 2016, <https://shar.es/1Iy59i>; HRW, *Iraq: ISIS Rule Marked by Executions, Cruelty*, 10 July 2016, <http://www.refworld.org/docid/57836a324.html>; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 8, 25; The New York Times, *ISIS Captives Say They Faced Blade as Rescue Came*, 27 October 2015, <http://nyti.ms/1LX9yRO>.

³⁶ In spite of heavy security measures taken by the government to prevent ISIS infiltration, Baghdad, both the city and the surrounding governorate, remains the centre of regular mass casualty attacks, often, but not exclusively, launched against Shi'ite civilians. However, such attacks affect civilians of all backgrounds given that there is hardly any area of Baghdad that has not evidenced this type of violence; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 4, 25; The National, *Decoding the Changing Nature of ISIL's Insurgency*, 7 March 2016, <http://bit.ly/1nvzBc>; UNSC, *2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 21; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 29.

³⁷ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, paras 42, 45. For major attacks since July 2016, see e.g., BBC, *Iraq Suicide Attacks: Ambulances Used in Tikrit and Samarra*, 6 November 2016, <http://bbc.in/2fQfGWY>; PBS, *Baghdad Bombs Kill 17 as Iraq Fights to Regain Mosul from ISIS*, 30 October 2016, <http://to.pbs.org/2e5CxcgG>; Reuters, *Islamic State Attacks Kirkuk as Iraqi Forces Push on Mosul*, 21 October 2016, <http://reut.rs/2edN3DX>; Reuters, *Suicide Bombing, Shootouts Kill Around 55 in Iraq: Police*, 15 October 2016, <http://reut.rs/2ehMULm>; Associated Press, *Attacks in Iraq Kill at least 16*, 4 October 2016, <https://shar.es/1EcBqd>; Associated Press, *Iraq: ISIS Bombings in Baghdad Kill at least 17 Civilians*, 27 September 2016, <http://www.cbc.ca/1.3780289>; Reuters, *Eighteen Killed in Islamic State Attack North of Iraq's Tikrit*, 24 September 2016, <http://reut.rs/2d7YvOW>; Reuters, *Islamic State Twin Suicide Bombings at Baghdad Mall Kill 12*, 10 September 2016, <http://reut.rs/2cjTnJd>; BBC, *Car Bombing Targets Baghdad Shoppers*, 6 September 2016, <http://bbc.in/2cFZBmn>; Al-Jazeera, *Attack Kills 18 People near Karbala in Iraq*, 29 August 2016, <http://aje.io/swgb>; BBC, *Iraq Car Bomb Kills 17 in Khalis, in Attack Claimed by IS*, 25 July 2016, <http://bbc.in/2aF8tDG>; Associated Press, *ISIS Claims Responsibility for Baghdad Suicide Blast, at least 14 Killed*, 24 July 2016, <http://fxn.ws/2a9FZVn>; CNN, *21 Killed in Baghdad Suicide Blast, Weeks after Deadliest in Years*, 21 July 2016, <http://cnn.it/2a27PQP>; BBC, *Iraq Shrine Attack: IS Kills Dozens in Balad*, 8 July 2016, <http://bbc.in/29mdRtj>; The Independent, *Baghdad Bombing: Death Toll Rises to Nearly 300 in ISIS Car Bombing*, 8 July 2016, <http://ind.pn/29u7h8o>.

³⁸ UNSC, *4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, para. 38; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 46; Vice News, *Inside Taza, the Iraqi Town Gassed by the Islamic State*, 16 March 2016, <http://bit.ly/29BzLec>.

³⁹ Global Centre R2P, *R2P Monitor*, Issue 29, 15 September 2016, <http://bit.ly/2cJaAK4>, p. 5; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 4.

⁴⁰ For example, on 21 October 2016, ISIS reportedly launched major operations in Kirkuk City and Dibis town (Kirkuk Governorate) to draw attention away from Mosul. The attack reportedly led to around 100 deaths and over 200 wounded; Musings on Iraq, *5,198 Dead and Wounded in Iraq in Oct 2016*, 2 November 2016, <http://bit.ly/2fHvA5P>; New York Times, *Seeking Clues to ISIS Strategy in Corpses and Cellphones Left in Kirkuk*, 29 October 2016, <http://nyti.ms/2dYcqU7>; ISW, *The Campaign for Mosul: ISIS Counterattacks in Kirkuk*, October 21, 2016, 21 October 2016, <http://bit.ly/2eDeJwN>. See also, Reuters, *Suicide Bombers in Ambulances Kill 21 People in Iraq: Officials*, 6 November 2016, <http://reut.rs/2eBjODm>; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 15; Associated Press, *Threatened in Mosul, Islamic State Uses Alternative Tactics*, 25 October 2015, <http://fxn.ws/2faRdez>; AFP, *Push for Iraq's Mosul Faces Myriad Challenges*, 23 September 2016, <http://bit.ly/2dgr5FW>.

noted that at times military operations, including airstrikes and shelling of suspected ISIS targets, may have violated the principles of distinction and proportionality, and the obligation to take precautions to protect civilians from the effects of violence.⁴¹

13. Elements of the ISF and associated forces have also been implicated in abuses against Sunni Arab and Sunni Turkmen civilians, including fleeing civilians, internally displaced persons (IDPs) and returnees, on account of their perceived or actual support or collaboration with ISIS. Reported abuses include arbitrary arrest and abduction, forced disappearance, physical abuse, extra-judicial killing, and forced displacement. In areas retaken from ISIS, the looting and deliberate burning and destruction of homes, shops and mosques, has been reported.⁴² The ISF reportedly also carry out arrests of women for alleged terrorist activities by their male family members.⁴³
14. The situation of women and girls has severely deteriorated as a result of the current conflict.⁴⁴ In ISIS-controlled areas, abduction, sexual slavery, rape, forced marriage, forced abortion, and killings have been reported, affecting women and girls belonging to religious and ethnic minority groups, including in particular Yazidi women and girls.⁴⁵ The UN Security Council has condemned the use of sexual violence by ISIS as a “*tactic of war*”.⁴⁶ Women and girls in ISIS-held areas are largely excluded from participating in public life, are not allowed to leave the house without the company of a male guardian, and are forced to adhere to a strict dress and moral code. Infringements reportedly result in severe punishments, including fines, beatings for the woman or her male guardian, torture and execution.⁴⁷ Women, and especially educated and professional women such as doctors, lawyers and election candidates, have reportedly been targeted by ISIS for arrest, torture and execution.⁴⁸

⁴¹ Government of the United States of America, *Iraq and Syria Civilian Casualty Assessments*, 9 November 2016, <http://bit.ly/2fMy1A3>; OHCHR, *Press Briefing Notes on Iraq*, 4 November 2016, <https://shar.es/1lcfYo>; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 48; Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 23-26; MRGI, *Civilian Deaths in the Anti-ISIS Bombing Campaigns 2014–2015*, November 2015, <http://www.refworld.org/docid/57fb90e04.html>. For reported civilian casualties, see Airwars, *Civilian and ‘Friendly Fire’ Casualties*, accessed 13 November 2016, <https://airwars.org/civilian-casualty-claims/>.

⁴² “The recapture of territory from IS has been accompanied by revenge attacks against Sunni communities, often perceived as having collectively supported or collaborated with IS. PMU militias, and in some instances security forces, have killed, forcibly disappeared and tortured hundreds of Sunni men with utter impunity, in apparent acts of revenge for the heinous crimes committed by IS, and have used such crimes as a pretext to forcibly displace Sunni communities or prevent Sunni IDPs who had fled conflict from returning home”; Amnesty International, *‘Punished for Daesh’s Crimes’ – Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html> (hereafter: Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>), p. 17. See below “Treatment of Civilians Fleeing ISIS-Held Areas to Other Areas of Iraq”, “Treatment of Civilians in Areas Formerly under Control of ISIS” and “Treatment of Civilians from Previously or Currently ISIS-Held Areas in Areas under Control of the Central Government or the KRG”.

⁴³ Women who are unable or unwilling to provide information about their male relatives are reportedly held for “covering up terrorist activities”; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq: Committee Against Torture*, 7 September 2015, CAT/C/IRQ/CO/1, <http://www.refworld.org/docid/57a9c1a24.html> (hereafter: UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>), para. 15; MRGI, *No Place to Turn: Violence Against Women in the Iraq Conflict*, February 2015, <http://www.refworld.org/docid/55b610224.html> (hereafter: MRGI, *Violence Against Women in the Iraq Conflict*, February 2015, <http://www.refworld.org/docid/55b610224.html>), p. 23; HRW, “No One is Safe” - *The Abuse of Women in Iraq’s Criminal Justice System*, 6 February 2014, <http://www.refworld.org/docid/52f4d10a4.html>, pp. 7, 19-20.

⁴⁴ “Women are threatened by all sides of the conflict: by the armed groups which threaten, kill, and rape them; by the male-dominated security and police forces which fail to protect them and are often complicit in violence against them; and by criminal groups which take advantage of their desperate circumstances”; MRGI, *Violence Against Women in the Iraq Conflict*, February 2015, <http://www.refworld.org/docid/55b610224.html>, p. 5.

⁴⁵ The UN Committee Against Torture said that ISIS “instituted a pattern of sexual violence, slavery, abduction and human trafficking targeted at women and girls belonging to religious and ethnic minorities”; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 13. See also, UN Human Rights Council, *ISIS Crimes Against the Yazidis*, 15 June 2016, <http://www.refworld.org/docid/57679c324.html>, paras 42-75; US Department of State, *2016 Trafficking in Persons Report - Iraq*, 30 June 2016, <http://www.refworld.org/docid/577f95f5e.html>; HRW, *Iraq: Women Suffer under ISIS*, 5 April 2016, <http://www.refworld.org/docid/5704bb144.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 17-18.

⁴⁶ UN News Centre, *Security Council Condemns Use of Sexual Violence as ‘Tactic of War’ in Iraq and Syria*, 28 August 2015, <http://www.refworld.org/docid/55e4017840c.html>.

⁴⁷ HRW, *Iraq: ISIS Rule Marked by Executions, Cruelty*, 10 July 2016, <http://www.refworld.org/docid/57836a324.html>; HRW, *Iraq: Women Suffer under ISIS*, 5 April 2016, <http://www.refworld.org/docid/5704bb144.html>; Freedom House, *Freedom in the World 2016 - Iraq*, 20 June 2016, <http://www.refworld.org/docid/576be00ac.html>; UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, <http://www.refworld.org/docid/55f7f4c74.html>, para. 31; MRGI, *Violence Against Women in the Iraq Conflict*, February 2015, <http://www.refworld.org/docid/55b610224.html>, p. 16.

⁴⁸ NINA, *Sources Within Nineveh: Daash Executed more than 800 Women since Its Control on Mosul*, 26 December 2015, <http://bit.ly/1VEJaXV>; Kvinna till Kvinna, *Violence Against Women in Iraq*, 21 December 2015, <http://bit.ly/1TFIwrv>, p. 1; UNAMI, *Acting UN Envoy Strongly Condemns Killing by ISIL of Women Parliamentary Candidates in Mosul*, 22 August 2015, <https://shar.es/1vyJLy>; UN General Assembly, *Report of the United*

15. Iraq is considered one of the most dangerous places in the world for children,⁴⁹ with killing and maiming being the most reported forms of violence against children.⁵⁰ ISIS is reportedly responsible for widespread abuses against children, including abduction, physical abuse, sexual violence, recruitment, corporal punishment, and execution.⁵¹ Children are also reported to be recruited and used in support and combat functions by anti-ISIS armed groups, including the Popular Mobilization Units (PMUs), Sunni tribal groups, the Kurdish Worker's Party and other Kurdish armed groups, as well as Turkmen and Yazidi self-defence groups.⁵² Children are also wounded or killed as a result of military operations, and are reported to be disproportionately affected by the deteriorating humanitarian conditions.⁵³ According to the UN Children's Fund (UNICEF), at least 3.6 million children in Iraq, or one in five, are at serious risk of death, injury, sexual violence, abduction and recruitment by armed groups.⁵⁴ According to Save the Children, the assault on the city of Mosul threatens to put more than 600,000 children in the line of fire unless safe routes and other protection measures are put in place.⁵⁵
16. A large and reportedly increasing number of children are reportedly arbitrarily arrested on terrorism-related charges and detained *incommunicado* in detention facilities, police stations and rehabilitation centres of the Iraqi Government and the KRG authorities, respectively, at times for prolonged periods.⁵⁶ Children are reportedly also detained *in lieu* of relatives suspected of involvement in acts of terrorism.⁵⁷
17. In areas in Iraq under the *de facto* control of ISIS, the group reportedly implements their strict interpretations of *Shari'a* law, according to which consensual same-sex sexual acts between men constitute a contravention of the laws and are punishable by death.⁵⁸ The upsurge in violence and associated strengthening of non-state armed actors has reportedly also compounded the vulnerability of persons of diverse sexual orientations and/or gender identities in other parts of Iraq, with such individuals, including children,⁵⁹ reportedly often

Nations High Commissioner for Human Rights, 27 July 2015, <http://www.refworld.org/docid/55f7f4c74.html>, para. 32; MRGI, *Violence Against Women in the Iraq Conflict*, February 2015, <http://www.refworld.org/docid/55b610224.html>, p. 17.

⁴⁹ UN Children's Fund (UNICEF), *Iraq Crisis: 3.6 Million Children now at Risk from Increasing Violence*, 30 June 2016, <http://uni.cf/29bp84U>.

⁵⁰ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 51; UN Secretary-General (UNSG), *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html> (hereafter: UNSG, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, <http://www.refworld.org/docid/575535f04.html>), para. 61.

⁵¹ US Department of State, *2016 Trafficking in Persons Report - Iraq*, 30 June 2016, <http://www.refworld.org/docid/577f95f5e.html>; UN Human Rights Council, *ISIS Crimes Against the Yazidis*, 15 June 2016, <http://www.refworld.org/docid/57679c324.html>, paras 90-97; UNICEF, *A Heavy Price for Children: Violence Destroys Childhoods in Iraq*, June 2016, <http://www.refworld.org/docid/577665304.html> (hereafter: UNICEF, *Violence Destroys Childhoods in Iraq*, June 2016, <http://www.refworld.org/docid/577665304.html>), p. 5; UNSG, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, <http://www.refworld.org/docid/575535f04.html>, paras 59, 65; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 13, 14, 18-19.

⁵² HRW, *Iraq: Militias Recruiting Children*, 30 August 2016, <http://www.refworld.org/docid/57c57bdb4.html>; US Department of State, *2016 Trafficking in Persons Report - Iraq*, 30 June 2016, <http://www.refworld.org/docid/577f95f5e.html>; UNSG, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, <http://www.refworld.org/docid/575535f04.html>, para. 59; UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Iraq*, 9 November 2015, S/2015/852, <http://www.refworld.org/docid/565fe2094.html>, paras 35, 37.

⁵³ An estimated 4.7 million children, or about a third of all children in Iraq, are believed to be in need of humanitarian assistance; UNICEF, *Violence Destroys Childhoods in Iraq*, June 2016, <http://www.refworld.org/docid/577665304.html>, p. 5.

⁵⁴ This represents an increase of 1.3 million children since early 2015; UNICEF, *Violence Destroys Childhoods in Iraq*, June 2016, <http://www.refworld.org/docid/577665304.html>, p. 5.

⁵⁵ Save the Children, *Impending Mosul Assault Puts 600,000 Children in Line of Fire*, 6 October 2016, <http://bit.ly/2dep4Bg>.

⁵⁶ HRW, *Abuses Against Children Detained as National Security Threats*, 28 July 2016, <http://www.refworld.org/docid/57a9af7c4.html>; UNSG, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, <http://www.refworld.org/docid/575535f04.html>, para. 60; US Department of State, *2015 Country Reports - Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 59; UN Committee on the Rights of the Child (CRC), *Concluding Observations on the Combined Second to Fourth Periodic Reports of Iraq*, 3 March 2015, CRC/C/IRQ/CO/2-4, <http://www.refworld.org/docid/562de4494.html>, para. 86.

⁵⁷ Children have reportedly been charged by the central authorities with "covering up terrorist activities"; HRW, *Abuses Against Children Detained as National Security Threats*, 28 July 2016, <http://www.refworld.org/docid/57a9af7c4.html>.

⁵⁸ Punishments for men who are accused of same-sex sexual acts reportedly include burning alive, beheading, stoning, shooting or throwing the culprits from tall buildings; OutRight Action International, *Timeline of Publicized Executions for Alleged Sodomy by the Islamic State Militias*, 9 September 2016, <http://bit.ly/1TkMgK7>; The Washington Institute, *The Islamic State's Views on Homosexuality*, 14 June 2016, <http://bit.ly/28PyQFJ>; UNSC, *2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 49; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>; Middle East Media Research Institute (MEMRI), *ISIS Campaign of Executing Homosexuals - by Stoning, Shooting, Throwing off Roofs, Public Torture: In Accordance with Shari'a Law as Explained by Influential Mainstream Islamic Preachers, Scholars on Leading Arab Media Outlets, Including Al-Jazeera, Hamas's Al-Aqsa TV*, 10 March 2015, <http://bit.ly/1xcVH2O>.

⁵⁹ Haaretz, *Website Offers Sanctuary for Iraq's Hounded LGBT Community*, 28 September 2015, <http://bit.ly/1jALD2L>; CRC, *Concluding Observations on the Combined Second to Fourth Periodic Reports of Iraq*, 3 March 2015, CRC/C/IRQ/CO/2-4, <http://www.refworld.org/docid/562de4494.html>, para. 27.

subjected to multiple forms of abuses at the hands of different state and non-state actors, including their immediate and extended families, wider society, state authorities, as well as a range of armed groups.⁶⁰

Treatment of Civilians Fleeing ISIS-Held Areas to Other Areas of Iraq

18. Human rights organizations and observers have expressed grave concerns about the treatment of civilians fleeing from Mosul and other ISIS-held areas as the ISF and associated forces advance towards retaking territory.⁶¹ According to reports, ISIS has shot at or captured and executed civilians attempting to escape from areas under its control; others fall victim to IEDs planted by ISIS along escape routes.⁶² Reports describe that ISIS has forcibly relocated thousands of civilians to strategic locations in and around Mosul where they are at great risk of being used as human shields.⁶³
19. Men and teenage boys as young as 14 fleeing from ISIS-held areas are regularly separated from their families and required to undergo strict security vetting by the ISF and associated forces at security screening sites, which are located at mustering points near frontlines, at checkpoints, in makeshift facilities such as schools or factories, or in dedicated reception or transit centres. The screening processes reportedly often lack judicial oversight.⁶⁴ Screening sites offer very limited shelter, shading, food, water, hygiene and sanitation and healthcare,⁶⁵ and are often located close to the frontlines.⁶⁶ While some are released within days, others

⁶⁰ “Attacks on (...) lesbian, gay, bisexual, transgender and intersex individuals have taken place as a form of ‘moral cleansing’ by armed groups”; UNSG, *Conflict-Related Sexual Violence: Report of the Secretary-General*, 23 March 2015, S/2015/203, <http://www.refworld.org/docid/5536100a4.html>, para. 30. See also, Washington Blade, *Militants Use Social Media to Lure, Kill Gay Iraqi Men*, 24 September 2016, <http://bit.ly/2dEOMSv>; Caabu, *Caabu Hosts Meeting with Amir Ashour, Founder of Iraq’s First LGBTQ+ Movement IraQueer*, 28 June 2016, <http://bit.ly/29eT5vL>.

⁶¹ Amnesty International, *Iraq: Fears for Safety of Civilians During Battle for Mosul*, 17 October 2016, <http://bit.ly/2dxlMZQ>; Norwegian Refugee Council (NRC), *Mosul Offensive Launched: 1.2 Million Iraqis now in Grave Danger*, 17 October 2016, <http://bit.ly/2dXP6JT>; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O’Brien - Statement on Iraq*, 16 October 2016, <http://bit.ly/2edLSQc>; HRW, *Iraq: Key Concerns for Impending Mosul Battle*, 6 October 2016, <http://www.refworld.org/docid/57f654446.html>; Education for Peace in Iraq Center (EPIC), *Forgotten Front Line in Hawija*, 30 September 2016, <http://bit.ly/2e43ble>; Global Centre R2P, *R2P Monitor*, Issue 29, 15 September 2016, <http://bit.ly/2cJaAK4>, p. 5.

⁶² Al Arabiya, *ISIS Bomb Kills 12 Iraq Civilians, Including Children, Fleeing Hawijah*, 6 November 2016, <http://ara.tv/v8hgk>; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 44; HRW, *Iraq: ISIS Endangering Civilians in Mosul and Hawija*, 23 October 2016, <http://www.refworld.org/docid/582084b84.html>; The Guardian, *Mosul Civilians Brace for Assault as Iraq Forces Bid to Retake ISIS Stronghold*, 15 October 2016, <http://bit.ly/2eerJOi>; UNHCR, *Mosul Offensive Triggers Growing Displacement in Iraq*, 21 September 2016, <http://www.refworld.org/docid/57e2b29219.html>; Iraqi Observatory for Human Rights, *Iraqi Government Still Silent on Hawija Humanitarian Crisis*, 19 September 2016, <http://bit.ly/2d9cDs9>; AFP, *IS Kills People Trying to Flee Iraq Town: Officials*, 5 August 2016, <http://bit.ly/2dUmp6b>; Amnesty International, *Escape from Fallujah*, 28 May 2016, <http://bit.ly/2ejzLoT>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 9, 20.

⁶³ OHCHR, *Zeid Urges Focus on Victims’ Rights, Given “Numbing” Extent of Civilian Suffering in Iraq*, 11 November 2016, <https://shar.es/1Iy59i>; HRW, *Iraq: Feared ISIS Use of ‘Human Shields,’ Executions*, 4 November 2016, <http://www.refworld.org/docid/5820826b4.html>; OHCHR, *Press Briefing Notes on Iraq*, 4 November 2016, <https://shar.es/1IcfY0>; UN Secretary-General, *Statement by Adama Dieng, Special Adviser of the Secretary-General on the Prevention of Genocide, on the Situation in and Around Mosul (Iraq)*, 1 November 2016, <http://bit.ly/2fyur1q>; OHCHR, *Battle for Mosul: ISIL Forces Thousands of Civilians from Their Homes and Executes Hundreds*, 28 October 2016, <http://www.refworld.org/docid/582084b84.html>.

⁶⁴ “Security screening is in principle a reasonable and justifiable measure to ensure safety and security of populations including those displaced, however, the management of the security screening process poses a range of protection concerns and risks to IDPs which includes disappearances, family separations, lengthy detentions and exploitation and abuse”; UNHCR, *Mosul Weekly Protection Update*, 29 October - 4 November, 2016, 4 November 2016, <http://bit.ly/2fsroV1>. “The men and boys fleeing from ISIS-held territory into the KRG are being detained for indefinite periods even after they pass an initial security check for possible ties to ISIS by KRG security forces. They are denied access to lawyers and detained, sometimes for weeks, even if they are not individually suspected of a crime, while KRG authorities conduct further security screenings on them. The only legal basis for detention under national law is individualized suspicion of having committed a crime recognized in the penal code, and individuals should only be detained under criminal justice system rules”; HRW, *KRG: Men, Boys Fleeing Fighting Arbitrarily Detained*, 27 October 2016, <http://www.refworld.org/docid/582083564.html>. See also, IRIN, *Screening for Islamic State in Iraq: An Inexact Science*, 10 November 2016, <http://www.refworld.org/docid/582973ed4.html>; HRW, *Iraq: 37 Men Fleeing Fighting Detained*, 10 November 2016, <http://www.refworld.org/docid/5825fb8f4.html>; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 32-36; OCHA, *Humanitarian Bulletin Iraq, July – August 2016*, 29 August 2016, <http://bit.ly/2duUdAQ>, p. 2; Amnesty International, *Iraq: Hundreds of Thousands more Risk Displacement Sparking Fresh Humanitarian Crisis*, 16 August 2016, <http://www.refworld.org/docid/57b86e874.html>; OCHA, *Mosul Flash Appeal*, 20 July 2016, <http://bit.ly/2d9dZTy>, pp. 2, 3; NRC/Internal Displacement Monitoring Centre (IDMC), *In Search of Safety*, July 2016, <http://www.refworld.org/docid/582098104.html>, pp. 8, 11.

⁶⁵ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 8, 33, 35-36; OCHA, *Humanitarian Bulletin Iraq, July – August 2016*, 29 August 2016, <http://bit.ly/2duUdAQ>, p. 2; UNHCR, *Iraq: Flash Update*, 8 August 2016, <http://bit.ly/2dN3K5K>, p. 2; NRC/IDMC, *In Search of Safety in Iraq*, July 2016, <http://www.refworld.org/docid/582098104.html>, p. 11.

⁶⁶ For example, on 18 August 2016, a fertiliser plant north of Baiji used as a screening site was reportedly hit by mortars, killing 14 and injuring 35 people, including over 20 IDPs. Although the site was temporarily closed following the incident, at the time of writing it remains in use; UNHCR information, November 2016; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016,

reportedly remain detained for weeks or months before eventually being released or transferred into the custody of relevant security agencies.⁶⁷

20. The UN and human rights organizations have documented extensive abuses committed by elements of the PMUs, and in some cases the ISF, against fleeing civilians, particularly Sunni Arab men and boys, who are broadly perceived as supporting ISIS, irrespective of the existence or absence of evidence linking an individual to ISIS. Reported abuses include arbitrary arrest, abduction, physical abuse, enforced disappearance, summary killing and mutilation of corpses,⁶⁸ including, for example, during military operations to retake the town of Fallujah (Al-Anbar) and surrounding areas from ISIS in May/June 2016. Hundreds of men and boys reportedly remain missing after having been taken into custody by forces affiliated with the PMUs.⁶⁹ The media also reported arson and looting after forces affiliated to the PMUs entered Fallujah.⁷⁰ Despite public announcements by the Iraqi authorities on the accountability of those involved in abuses against civilians, it often remains unclear if investigations have been conducted or prosecutions initiated.⁷¹
21. In the face of large-scale displacement of people from conflict areas into relatively safer areas of the country since 2014, and the corresponding high levels of humanitarian needs in many of these areas, local authorities have increasingly introduced stringent entry and residency restrictions, including, among others, sponsorship requirements.⁷² Access and residency requirements vary between governorates and at times between (sub-)

<http://www.refworld.org/docid/5821ca0f4.html>, para. 57. See also, NRC/IDMC, *In Search of Safety in Iraq*, July 2016, <http://www.refworld.org/docid/582098104.html>, p. 11.

⁶⁷ According to HRW, men and boys fleeing from Mosul and Hawija (Kirkuk) into areas controlled by the KRG are reportedly arbitrarily detained by Kurdish security forces for indefinite periods even after passing through initial security checks; HRW, *KRG: Men, Boys Fleeing Fighting Arbitrarily Detained*, 27 October 2016, <http://www.refworld.org/docid/582083564.html>. See also, HRW, *Iraq: 37 Men Fleeing Fighting Detained*, 10 November 2016, <http://www.refworld.org/docid/5825fb8f4.html>; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 8, 33, 36. On the treatment of detainees under the Anti-Terrorism Law, see below para. 28.

⁶⁸ Amnesty International, *Investigate Reports Iraqi Forces Tortured and Killed Villagers near Mosul in 'Cold Blood'*, 10 November 2016, <http://www.refworld.org/docid/5825cd834.html>; HRW, *Iraq: 37 Men Fleeing Fighting Detained*, 10 November 2016, <http://www.refworld.org/docid/5825fb8f4.html>; Associated Press, *Iraqis Dispense what They Call Justice for Alleged Militants*, 26 October 2016, <http://apne.ws/2fQhjnq>; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>; HRW, *Iraq: Ban Abusive Militias from Mosul Operation*, 30 July 2016, <http://www.refworld.org/docid/57a05c064.html>; Amnesty International, *Iraq: Authorities Must Rein in Forces amid Allegations of Torture and Deaths in Custody*, 8 June 2016, <http://www.refworld.org/docid/57590c6c4.html>; UNSC, *2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 51.

⁶⁹ Exact numbers of men and boys who remain missing and/or were killed are reportedly unclear and HRW cautions that “[S]ince the Fallujah operation, al-Abadi’s government has refused to make public any information on the number of people killed and detained during and after the operation despite numerous requests from Human Rights Watch”; HRW, *Iraq: Key Concerns for Impending Mosul Battle*, 6 October 2016, <http://www.refworld.org/docid/57f654446.html>. See also, Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>; HRW, *Iraq: Fallujah Abuses Inquiry Mired in Secrecy*, 7 July 2016, <http://www.refworld.org/docid/577e2e304.html>. Nevertheless, the UN and human rights organizations have reported the numbers to be in the hundreds. A committee formed by the Governor of Al-Anbar and the Al-Anbar Provincial Council on 9 June 2016 found that 49 people had been killed and 634 men remained missing after fleeing hostilities in Fallujah and handing themselves over to the custody of the PMUs. The committee also found that those detained suffered widespread torture; UN News, *Iraq: Security Reform, State Control of Armed Groups Priorities at ‘Critical Junction,’ UN Envoy Says*, 15 July 2016, <http://www.refworld.org/docid/578cd2b440c.html>; UNSC, *4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, para. 39; OHCHR, *Zeid Condemns ISIL Atrocities in Iraq, Urges Release of Hundreds Abducted after Fleeing Fallujah*, 5 July 2016, <https://shar.es/1ZOEzW>. See also, Reuters, *Special Report: Massacre Reports Show U.S. Inability to Curb Iraq Militias*, 23 August 2016, <http://reut.rs/2bDkQTE>; Al Jazeera, *Fallujah Civilians: ‘Militias Take Turns to Torture Us’*, 16 June 2016, <http://aje.io/34ph>.

⁷⁰ Reuters, *Iraq’s Shi’ite Militiamen Stir Unease in Sunni Falluja*, 3 July 2016, <http://reut.rs/29gTmAp>; Associated Press, *Homes Burned, Looted in Iraqi City after Defeat of Militants*, 27 June 2016, <http://apne.ws/2e7UcoF>.

⁷¹ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 46; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 7-8, 24-25, 27; HRW, *Iraq: Key Concerns for Impending Mosul Battle*, 6 October 2016, <http://www.refworld.org/docid/57f654446.html>; HRW, *Iraq: Fallujah Abuses Inquiry Mired in Secrecy*, 7 July 2016, <http://www.refworld.org/docid/577e2e304.html>; Amnesty International, *Iraq: Authorities Must Rein in Forces amid Allegations of Torture and Deaths in Custody*, 8 June 2016, <http://www.refworld.org/docid/57590c6c4.html>.

⁷² “The Special Rapporteur received disturbing reports of internally displaced persons facing restrictions to their movement and being barred entry to safe locations on the basis of their ethnic or religious identity or place of origin. (...) Some governorates have refused access to internally displaced persons or only allowed them to transit”; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 40. “Entry procedures are decided on the governorate level, therefore IDPs seeking refuge in another governorate than the one they originate from risk being held up at checkpoints or denied access as governorate policies change. Over the past 18 months all host governorates have responded sporadically to the movement of people across their borders”; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 19. “Access to safety for IDPs continues to be a challenge across Iraq. Access to many of Iraq’s governorates remains contingent upon sponsorship and many families cannot cross checkpoints and remain stuck at governorate borders”; UNHCR, *Iraq: UNHCR IDP Operational Update, 1-30 November 2015*, 30 November 2015, <http://bit.ly/1kIlhMB>, p.

districts within in the same governorate. At the time of writing, local authorities in several areas are reported to maintain near-complete entry bans for persons fleeing from conflict areas, including Baghdad, Babel and Kerbala Governorates. Most other governorates allow the entry/residency of IDPs under increasingly stringent conditions, with requirements varying from area to area, but frequently involving the need for sponsorship, registration with local authorities and security clearance from various security agencies.⁷³ These regulations mostly affect Sunni Arabs and Sunni Turkmen fleeing from ISIS-held areas who are considered a security threat and who are reportedly often denied access to and residency in areas of relative safety on the basis of broad and discriminatory criteria.⁷⁴ Access restrictions applied at checkpoints are reportedly not always clearly defined and/or implementation can vary or be subject to sudden changes depending mostly on the security situation. Sponsorship requirements in Iraq are generally not grounded in law nor are they officially announced. They are subject to frequent, often arbitrary changes, thereby negatively affecting IDPs' freedom of movement and ability to access areas of relative safety. The implementation of the sponsorship requirements varies from checkpoint to checkpoint, and from officer to officer. Even if an individual satisfies all the stated sponsorship requirements, access to an area of relative safety is not guaranteed and even persons with serious medical issues have been denied access. Particularly, ethnic and sectarian considerations may determine whether access is granted or denied. Sponsorship requirements and the lack of clarity in relation to their scope and applicable procedures likely expose IDPs to exploitation and abuse, including sexual and gender-based violence, as some sponsors may ask for money or "services" in order to stand guarantee for a person.⁷⁵ Reports show that persons seeking safety can get stranded with no access to basic services as entry checkpoints are closed or because they are denied access to certain areas.⁷⁶

22. Increasingly, IDPs are prevented from accessing urban areas and are relocated, at times involuntarily, into camps where restrictions on their freedom of movement are imposed in a manner disproportionate to any legitimate concern, including those related to security.⁷⁷ As a result, those fleeing are often forced to remain

2. See also, NRC/IDMC, *In Search of Safety in Iraq*, July 2016, <http://www.refworld.org/docid/582098104.html>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 20.

⁷³ UNHCR information, November 2016. For information on access and residency requirements in Baghdad, as applicable to Sunni Arabs from previously or currently ISIS-held areas, see UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>, pp. 11-12. Additional COI on access and residency requirements in different areas of Iraq will be made available on Refworld, www.refworld.org.

⁷⁴ "While members of all of Iraq's ethnic and religious communities are among those displaced, movement restrictions are imposed almost exclusively on Sunni Arab IDPs by the Iraqi security forces and PMU militias in central Iraq and by Kurdish authorities in the KR-I and the disputed territories in the north of the country. (...) [Such restrictions] are imposed on Sunni Arab IDPs in general, who appear to be collectively regarded as potentially linked to or supportive of IS"; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, p. 55. See also, US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 38; OHCHR, *Iraq and the International Community Must Boost Protection of the Internally Displaced as Crisis Deepens – UN Expert*, 19 May 2015, <https://shar.es/1Y48hM>.

⁷⁵ UNHCR information, November 2016. "Checkpoint procedures are often reactive in that they tend to become more restrictive during new waves of displacement following an incident. One week the documentation of just one family member may be sufficient for a family to be granted entry, while the next week an entire family may be denied entry if only one person lacks identification. An added complication is that vetting procedures can also differ between varying checkpoint officers. Accordingly for IDPs, entry can be subject to sheer luck"; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 19. See also, UNHCR, *Mosul Weekly Protection Update*, 29 October - 4 November, 2016, 4 November 2016, <http://bit.ly/2fsroVl>; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 38.

⁷⁶ UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 58; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 41, 43.

⁷⁷ As a result of movement restrictions, IDPs' access to basic services and economic opportunities is severely curtailed. "In particular, Arab Sunni IDPs face arbitrary and discriminatory restrictions to their freedom of movement in both central Iraq and the Kurdistan Region of Iraq. To be able to move out of camps into cities, they have to go through a myriad of bureaucratic procedures, which vary from governorate to governorate and appear to change at the whim of officials and armed men at checkpoints. Many need special permission simply to leave the camp for essential medical treatment"; Amnesty International, *Iraqis who Fled IS Rule Face Harrowing Future*, 19 August 2016, <http://www.refworld.org/docid/57b867294.html>. See also, UNHCR, *Mosul Weekly Protection Update*, 29 October - 4 November, 2016, 4 November 2016, <http://bit.ly/2fsroVl>; Amnesty International, *Iraq: Fears for Safety of Civilians Caught in Crossfire and Used by IS as Human Shields*, 27 October 2016, <http://www.refworld.org/docid/581c92474.html>; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 8-9, 59; UNHCR, *Iraq: Weekly Flash Update on Recent Events*, 2 June 2016, <http://bit.ly/2el3ngo>, p. 2; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 55; IRIN, *Iraqis Flee Islamic State only to Find Themselves Detained*, 27 April 2016, <http://www.refworld.org/docid/5731837a4.html>; UNHCR, *UNHCR Concerned at Restrictions on Displaced Iraqis in Camps*, 11 March 2016, <http://www.refworld.org/docid/56e66c924.html>.

in or near conflict areas.⁷⁸ Sunni Arab families have reportedly also been forcibly relocated by Kurdish security forces from their original towns and villages, purportedly for their own safety as they are located in close proximity to the frontlines.⁷⁹

Treatment of Civilians in Areas Formerly under Control of ISIS

23. In areas retaken from ISIS, forces affiliated with the PMUs, tribal groups and Kurdish security forces have reportedly engaged in widespread reprisal acts against Sunni Arab and Turkmen inhabitants and returnees on account of their real or perceived support for or affiliation with ISIS.⁸⁰ Reported abuses include arbitrary arrest and abduction, forced disappearance, extra-judicial killing, forced displacement and the looting and deliberate burning and destruction of homes, shops and mosques, and, in some cases, the deliberate destruction of whole villages.⁸¹ In Sinjar District (Ninewa), Yazidi self-defence groups have reportedly also been implicated in retaliatory attacks against Sunni Arab civilians, including women and children.⁸²
24. Areas retaken from ISIS reportedly see instances of inter- and intra-tribal violence as some Sunni Arab tribes, or parts of them, may have sided with ISIS while others stayed on the side-lines or fought against the group.⁸³ Members of Sunni Arab families or tribes known or perceived to have cooperated with ISIS have reportedly been subjected to extra-judicial forms of justice by tribes or families opposing ISIS.⁸⁴

⁷⁸ UNSC, 4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, paras 49-50; UNSC, 2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 64.

⁷⁹ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, p. 61; UNHCR, *Iraq: Mosul Situation Flash Update*, 11 October 2016, <http://bit.ly/2dkj0sz>; UNHCR, *Iraq: Weekly Flash Update on Recent Events*, 9 June 2016, <http://bit.ly/2eigAvO>; UNHCR, *UNHCR Concerned at Restrictions on Displaced Iraqis in Camps*, 11 March 2016, <http://www.refworld.org/docid/56e66c924.html>.

⁸⁰ Amnesty International researchers “interviewed local officials and eyewitnesses including villagers who described how members of the Sab’awi Tribal Mobilization militia (Hashd al-‘Ashairi) carried out punitive revenge attacks. Residents suspected of having ties to IS were beaten with metal rods and given electric shocks. Some were tied to the bonnets of vehicles and paraded through the streets or placed in cages”; Amnesty International, *Iraq: Tribal Militia Tortured Detainees in Revenge Attacks During Mosul Offensive*, 2 November 2016, <http://www.refworld.org/docid/582084064.html>. “Peshmerga forces from the Kurdistan Regional Government (KRG) and Kurdish militias in northern Iraq have bulldozed, blown up and burned down thousands of homes in an apparent effort to uproot Arab communities in revenge for their perceived support for the so-called Islamic State (IS)”; Amnesty International, *Northern Iraq: Satellite Images Back Up Evidence of Deliberate Mass Destruction in Peshmerga-Controlled Arab Villages*, 20 January 2016, <http://bit.ly/2dUayOT>. “After ISF and PMUs reclaimed areas of Baiji, Salah al-Din, from ISIL, on 18-19 October [2015], PMUs allegedly destroyed and burned public and private properties. (...) PMUs allegedly continued to burn houses of residents believed to be associated with ISIL. (...) PMUs allegedly consider all the residents of the sub-district as associated with ISIL”; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 26-27. See also, OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 7, and below “IDP Returns and Returns from Abroad”.

⁸¹ “More than 1,000 detainees, including some as young as 15, are being held without charge in horrendous conditions at makeshift holding centres in Anbar governorate, west of Baghdad (...). The detainees were plucked off the streets or taken from their homes when Iraqi forces recaptured their home towns, suspected of having collaborated with the armed group calling itself Islamic State (IS), often merely because they had remained in towns and villages under IS rule”; Amnesty International, *Iraq: More than 1,000 Detained in Shocking Conditions at Anbar Counter-Terrorism Centres*, 3 May 2016, <http://www.refworld.org/docid/582099c54.html>. “Reports indicate that Iraqi security forces, Kurdish security forces and their respective affiliated militias have been responsible for looting and destruction of property belonging to the Sunni Arab communities, forced evictions, abductions, illegal detention and, in some cases, extra-judicial killings”; OHCHR, *Latest Press Briefing: Iraq / Discrimination and Violence*, 4 December 2015, <https://shar.es/1G10WJ>. See also, HRW, *Iraq: Ban Abusive Militias from Mosul Operation*, 30 July 2016, <http://www.refworld.org/docid/57a05c064.html>; Amnesty International, *Banished and Dispossessed: Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html> (hereafter: Amnesty International, *Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html>); UN News Centre, *ISIL May Have Committed Genocide, War Crimes in Iraq, Says UN Human Rights Report*, 20 March 2015, <http://www.refworld.org/docid/550c12104.html>; UNSC, 2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 51; HRW, *Ruinous Aftermath: Militia Abuses Following Iraq's Recapture of Tikrit*, 20 September 2015, <http://www.refworld.org/docid/55ffdbd64.html>; HRW, *After Liberation Came Destruction: Iraqi Militias and the Aftermath of Amerli*, 18 March 2015, <http://www.refworld.org/docid/550c33b84.html>.

⁸² UNSC, 2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015), 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 54; Amnesty International, *Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html>, pp. 21-30; OHCHR, *Latest Press Briefing: Iraq / Discrimination and Violence*, 4 December 2015, <https://shar.es/1G10WJ>; Niqash, *Demolition, Arson, Bloodshed: Yazidi Militias Admit Deliberate Destruction of Arab Villages in Iraq*, 30 July 2015, www.niqash.org/+qnppn.

⁸³ New York Times, *A War of Brothers in Iraq: 'I Will Kill Him with My Own Hands'*, 18 June 2016, <http://nyti.ms/1WUui6I>; Carnegie Middle East Center, *The Sunni Predicament in Iraq*, 3 March 2016, <http://ceip.org/1nJaN7R>; Niqash, *As Extremists Withdraw in Salahaddin, Iraq's Tribes Demand Justice*, 22 October 2015, www.niqash.org/+05803; ISW, *Iraq Situation Report: July 28-30*, 30 July 2015, <http://bit.ly/1Y459Ec>; Niqash, *Iraq's Tribes not United on Extremists – and Bloody Tribal Justice Will Likely Prevail*, 6 November 2014, www.niqash.org/+j5ob0.

⁸⁴ Tribes commonly resolve disputes in line with tribal customs. Typically, tribes would first seek a resolution through arbitration and the payment of financial compensation – “blood money” – to the family of the victim (“*fasl*” or “*diyya*”) in cases of murder, physical harm and damage or loss of property. The injured party in turn gives up the right to retribution. Only where tribes fail to resolve disputes between them by peaceful means do such conflicts turn into blood feuds, which may give rise to long cycles of retaliatory violence and revenge. According to reports, these traditional forms of

25. According to reports, local authorities, security forces and tribes in several areas ordered the eviction and expulsion of whole families from their home areas on account of their or other family members' real or perceived ISIS affiliation.⁸⁵ Furthermore, individuals, families or tribes suspected of having been affiliated with ISIS have been prevented from returning to their areas of origin.⁸⁶ In some instances, Kurdish security forces and forces affiliated with the PMU have also been accused of deliberately destroying Sunni Arab and Sunni Turkmen villages in reprisal acts and/or to prevent returns in order to consolidate control over an area.⁸⁷ For example, the entire population of the Sunni Arab town of Jurf Al-Sakhr (Babel Governorate, estimated population of 70,000 to 80,000) has reportedly been barred from returning by the ISF and forces affiliated with the PMUs. Militiamen were also reportedly seen burning down homes in the town after it was retaken from ISIS in late October 2014.⁸⁸ Local authorities and tribes have reportedly also banned the return of families or tribes identified as having been associated with ISIS.⁸⁹

Treatment of Civilians from Previously or Currently ISIS-Held Areas in Areas under Control of the Central Government or the KRG

26. The displacement of large numbers of Sunni Arab IDPs has reportedly led to increasing intercommunal tensions in the areas where they are hosted⁹⁰ and growing suspicion vis-à-vis these IDPs, who are regularly

justice have come under severe strain in light of the widespread and serious crimes committed by individuals affiliated with ISIS. According to Lise Grande, the UN Humanitarian Coordinator for Iraq, "Many of the tribal mechanisms that are used by communities to manage social tensions and promote reconciliation are overwhelmed." As a result, parties may turn to violent retribution against those considered to have sided with ISIS; Los Angeles Times, *In Iraq, Punishing Family Ties to Islamic State and Compensating Victims of the Violence*, 9 October 2016, <http://fw.to/GRpniPT>. On the different steps of tribal dispute resolution, see Haider Ala Hamoudi, Wasfi H. Al-Sharaa and Aqeel Al-Dahhan, *The Resolution of Disputes in State and Tribal Law in the South of Iraq: Toward a Cooperative Model of Pluralism*, University of Pittsburgh, Legal Studies Research Paper Series, Working Paper No. 2015-09, 30 March 2015, <http://bit.ly/2fHBmVT>; Middle East Institute, *Tribal Law and Reconciliation in the New Iraq*, The Middle East Journal, Volume 65, Winter 2011, <http://bit.ly/1Ot7eTM>, pp. 14-17.

⁸⁵ In September 2016, local authorities in Heet district (Al-Anbar Governorate) reportedly ordered families suspected of being affiliated with ISIS to leave the district within 72 hours. The houses of those who did not leave were reportedly attacked while homes of those who left were reportedly destroyed or given to families of ISIS victims as compensation. Evicted families have reportedly relocated within Al-Anbar Governorate, including to Al-Qa'im District, which remains under ISIS control, while some, fearing retribution if they remained in Iraq, have reportedly crossed into Syria; UNHCR information, November 2016; UNHCR, *Iraq: Flash Update*, 1 September 2016, <http://bit.ly/2dG2GkQ>, p. 2. "For example, on 26 July [2016], the Babil Provincial Council adopted a decision to demolish the homes of persons convicted of being members of ISIL and forcibly evict their family members from the governorate. On 30 August, the Salah al-Din Provincial Council adopted a decision to forcibly evict all families of persons suspected of association with ISIL from the governorate for 10 years and prevent those outside the governorate from returning if a family member was involved with ISIL"; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 47. See also, Los Angeles Times, *In Iraq, Punishing Family Ties to Islamic State and Compensating Victims of the Violence*, 9 October 2016, <http://fw.to/GRpniPT>; Iraqi Observatory for Human Rights, *Displaced Persons in Salah Al-Din Faced with Forcible Transfer or Prevented from Returning to Their Cities*, 2 October 2016, <http://bit.ly/2dwtof1>; The New Arab, *Iraqi Militias Accused of Displacing Citizens in IS-Liberated Town*, 13 August 2016, <http://bit.ly/2dTegTW>; Niqash, *As Extremists Withdraw in Salahaddin, Iraq's Tribes Demand Justice*, 22 October 2015, www.niqash.org/+05803; Niqash, *'My Son Ran Away to the Islamic State, Now I'm Living in Hell'*, 10 September 2015, www.niqash.org/+akof0.

⁸⁶ In some cases, whole villages and towns are under suspicion of ISIS-affiliation; Amnesty International, *Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html>, pp. 6-7. See also, Niqash, *Anbar's Iraqi Policemen: Between ISIS and a Hard Place*, 1 November 2016, <http://bit.ly/2eNT6tX>; US Department of State, *2015 Report on International Religious Freedom - Iraq*, 10 August 2016, <http://www.refworld.org/docid/57add86b59.html>; Al-Monitor, *Displaced Iraqis still Wait to Return Home*, 24 June 2015, <http://almon.co/2ghm>.

⁸⁷ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 9, 17, 18, 58-59, 61; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 48; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 48, 49; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 22; Amnesty International, *Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html>, p. 5; HRW, *Iraqi Kurdistan: Arabs Displaced, Cordoned Off, Detained*, 26 February 2015, <http://www.refworld.org/docid/54f046494.html>. See also above "Treatment of Civilians in Areas Formerly under Control of ISIS".

⁸⁸ The town of Jurf Al-Sakhr (renamed to Jurf Al-Nasr following its liberation) was under ISIS control between June and late October 2014. See, Musings on Iraq, *More Returns Leads to Slight Decline in Displaced in Iraq*, 20 September 2016, <http://bit.ly/2e32daD>; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 12; Musings on Iraq, *The Clearing of Iraq's Jurf Al-Sakhr, Babil and Its Impact*, 15 January 2015, <http://bit.ly/2dZueUk>; Reuters, *Special Report: Inside Iraq's 'Killing Zones'*, 17 December 2014, <http://reut.rs/1uS4Knd>; New York Times, *Sunnis Fear Permanent Displacement from Iraqi Town*, 5 December 2014, <http://nyti.ms/1G1r6ux>.

⁸⁹ For example, "[N]ear Tikrit, re-captured by the ISF from ISIS, the Jubiris of Alam who resisted ISIS are attempting to prevent the return of other Sunnis from Albu Ajil tribe to their homes on accusations of collaboration with ISIS"; ISW, *Iraq Situation Report: July 28-30*, 30 July 2015, <http://bit.ly/1Y459Ec>. See also, Niqash, *'My Son Ran Away to the Islamic State, Now I'm Living in Hell'*, 10 September 2015, www.niqash.org/+akof0; Al-Monitor, *Displaced Iraqis still Wait to Return Home*, 24 June 2015, <http://almon.co/2ghm>.

⁹⁰ ACAPS, *Thematic Report: Displacement in KR-I, Iraq*, 24 August 2016, <http://bit.ly/2e9P52l>, pp. 3, 4-5; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 25; OCHA, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAI>, p. 29.

suspected of being affiliated or sympathizing with ISIS.⁹¹ According to reports, some politicians and security officials have repeatedly asserted that ISIS fighters were among the IDPs and/or that there was a correlation between the influx of IDPs and the increase in security incidents, thereby contributing to the strengthening of pre-existing negative perceptions of IDPs.⁹² Incidents of harassment, threats, kidnappings, arbitrary arrests, evictions and killings of Sunni Arab IDPs at the hands of both state and non-state actors have been reported from Al-Anbar, Baghdad, Babel, Diyala, Kirkuk and elsewhere.⁹³ In Baghdad, Sunni IDPs have reportedly also been pressured to move out of Shi'ite and Sunni-Shi'ite mixed neighbourhoods.⁹⁴ IDP camps have been the target of attacks.⁹⁵ Men and boys aged 15 years and above have reportedly also been pressured to join tribal groups to fight ISIS in order not to be perceived as ISIS supporters.⁹⁶

27. In the Kurdistan Region of Iraq (KR-I) and areas under *de facto* control of the KRG, Kurdish security forces have been accused of arbitrarily arresting and detaining Sunni Arab IDPs suspected of ISIS affiliation, at times for prolonged periods of time and often without appearing before a judge. Detainees' families are often not informed of their whereabouts.⁹⁷ Instances of torture and ill-treatment of detainees have been reported.⁹⁸ Once released from detention, they have reportedly been forced to leave the region, in some cases along with

⁹¹ "(...) IDPs from Anbar suffer harassment and discrimination based on their Sunni identity (and hence *prima facie* suspicion of ISIS affiliation/support)"; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 11. "But the newcomers have fled the bloodshed in Anbar only to be met with suspicion and hostility. (...) The displaced complain of harassment by security forces and powerful Shiite militias who worry that the people reaching Baghdad may have ties to the Sunni extremists in the Islamic State"; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>. See also, UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 – 30 April 2015*, 13 July 2015, <http://www.refworld.org/docid/55a4b83c4.html>, p. 8.

⁹² New York Times, *ISIS Fighters in Iraq Attack Kirkuk, Diverting Attention from Mosul*, 21 October 2016, <http://nyti.ms/2eqkDSh>; Newsweek, *ISIS Cell Attacks Northern Iraq's Kirkuk as U.S.-Backed Forces Continue Push for Mosul*, 21 October 2016, <http://bit.ly/2fsD5Lo>; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 44; IRIN, *UN Watchdog Blasts Iraq over IDP Treatment*, 19 May 2015, <http://www.refworld.org/docid/555f1a6e4.html>; Associated Press, *Baghdad Officials Blame Sunni Displaced for Wave of Bombings*, 2 May 2015, <http://bit.ly/1UriuYk>; Al-Monitor, *Anbar's Displaced Sunnis not Safe from Sectarianism*, 1 May 2015, <http://bit.ly/1pXVxj4>.

⁹³ "Amnesty International has documented cases of torture of IDPs apprehended by PMU militias at checkpoints and screening facilities, and kept in unofficial places of detention, as well as torture and other ill-treatment committed in facilities controlled by the Ministries of Defence and Interior in the governorates of Anbar, Baghdad, Diyala and Salah al-Din. (...) Testimonies suggest that torture is used to compel suspects to 'confess' or provide information on IS and other armed groups and to degrade and punish detainees for crimes committed by IS"; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, p. 8. "IDPs are often unlawfully held, in many cases for months at a time, without trial or access to justice. (...) Of most concern is the widespread use of physical abuse, reported by IDPs in detention and witnesses. Detainees are punished with electric shocks, or hung by their arms or feet and beaten, showered with boiling water and deprived of meals. Many who are accused of ISIS affiliation have been imprisoned for months, or over a year, without trial. Families who are permitted to visit detainees have seen evidence of torture (...)"; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 20. See also pp. 11-12, 15 of the same report. See also, The Atlantic, *The Hell after ISIS*, May 2016, <http://theatlantic.com/1NaRaLC>; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 13; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 45, 47; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, pp. 20, 21, 22, 28, 31; Refugees International, *Displaced in Iraq: Little Aid and Few Options*, 2 November 2015, <http://www.refworld.org/docid/563868d14.html>; HRW, *Iraq: Curbs Put War's Displaced at Risk*, 30 May 2015, <http://www.refworld.org/docid/556d6a344.html>.

⁹⁴ "They [IDPs from Al-Anbar in Baghdad] are routinely suspected of having ISIS sympathies simply because of their place of origin, and some spoke of having been pushed out by local residents in Shia areas. Thus, they were now experiencing their second displacement," Refugees International, *Displaced in Iraq: Little Aid and Few Options*, 2 November 2015, <http://www.refworld.org/docid/563868d14.html>, p. 7. See also, UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 11 December 2014 – 30 April 2015*, 13 July 2015, <http://www.refworld.org/docid/55a4b83c4.html>; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>; The Atlantic, *The Hell after ISIS*, May 2016, <http://theatlantic.com/1NaRaLC>.

⁹⁵ For example, Al Salam IDP camp in Baghdad has been targeted on three occasions within three months, resulting in casualties among the IDP community; UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 16; UNAMI, *Attack on Al Salam Camp for Displaced Families*, 27 July 2016, <http://bit.ly/2annlbp>; UNHCR, *UNHCR Statement on Attack on Al Salam Camp for Displaced Families*, 5 July 2016, <http://bit.ly/2aTJqNa>.

⁹⁶ Many IDPs from Hawija (Kirkuk) are reported to have joined tribal forces in an attempt to show that they are not in fact ISIS supporters, contrary to general perceptions relating to the population of Hawija, a district that has been under ISIS control since June 2014. There are reports of boys younger than 15 also having joined; UNHCR information, November 2016. See also, OCHA, *Everything Possible Must Be Done to Stop Child Recruitment and Uphold International Humanitarian Law in Iraq*, 31 August 2016, <http://bit.ly/2ejX564>.

⁹⁷ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 38-40, 42-43. See also, US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 16, 18, 20; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 45, 66; HRW, *Iraqi Kurdistan: Arabs Displaced, Cordoned Off, Detained*, 26 February 2015, <http://www.refworld.org/docid/54f046494.html>.

⁹⁸ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 8, 47-48; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 8, 9; HRW, *Iraqi Kurdistan: Arabs Displaced, Cordoned Off, Detained*, 26 February 2015, <http://www.refworld.org/docid/54f046494.html>.

their family members, raising concerns of persons being sent back to conflict areas.⁹⁹ Others have reportedly been handed over to Central Government authorities despite concerns over the widespread use of torture in government detention facilities.¹⁰⁰

28. The large number of IDPs displaced across Iraq and the widespread and broad perception that Sunni Arabs are affiliated or sympathize with ISIS has reportedly also led to an increase in arrests of non-displaced Sunni Arabs and Sunni Turkmen living in Baghdad and other government-controlled areas under the Anti-Terrorism Law of 2005 (Law No. 13 for 2005).¹⁰¹ Reports find that those arrested under the Anti-Terrorism Law are often held in prolonged pre-trial detention and without access to a lawyer, medical assistance, or their families.¹⁰² Detention conditions are reported to be particularly harsh for detainees held under the Anti-Terrorism Law.¹⁰³ The use of torture and other forms of ill-treatment, mostly used to elicit a confession, is reported to be pervasive, mostly during arrest and pre-trial detention in facilities of the Ministry of Interior and the Ministry of Defence.¹⁰⁴ Detention reportedly sometimes occurs at informal sites where detainees, including children, are likely to be at even greater risk.¹⁰⁵ Deaths of Sunni men in custody as a result of torture have been reported.¹⁰⁶ The conditions in detention facilities and prisons are described as “*harsh and life-threatening*” due to food shortages, overcrowding, insufficient access to sanitation facilities and medical care, as well as widespread use of torture and other forms of ill-treatment.¹⁰⁷ The criminal justice system reportedly remains deeply flawed with regular violations of defendants’ right to a fair trial, in particular for defendants charged under the Anti-Terrorism Law.¹⁰⁸ Defendants are reportedly regularly convicted on the

⁹⁹ UNHCR information, November 2016. See also, NINA, *Peshmerga Deports 15 Arab Families Because of Bomb Explosion*, 6 September 2016, <http://bit.ly/2ev4SwJ>.

¹⁰⁰ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 47-48.

¹⁰¹ The UN and human rights organizations have expressed concern about the law’s broad definition of terrorism and the fact that the death penalty is mandatory for a wide range of activities defined as “terrorist acts”; UN Human Rights Committee, *Concluding Observations on the Fifth Periodic Report of Iraq*, 6 November 2015, CCPR/CO/IRQ/5, <http://www.refworld.org/docid/5669387c4.html> (hereafter: UN Human Rights Committee, *Concluding Observations on the 5th Periodic Report of Iraq*, 6 November 2015, <http://www.refworld.org/docid/5669387c4.html>), paras 9, 27; UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, <http://www.refworld.org/docid/55f7f4c74.html>, para. 78.

¹⁰² “Detainees, **particularly terrorism suspects**, were held incommunicado for weeks or months following arrest, often in conditions amounting to enforced disappearance and in secret prisons controlled by the Ministries of the Interior and Defence that were not open to inspection by the Office of the Public Prosecution or any monitoring bodies” (emphasis added); Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>. See also, US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 16-18; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 20; UN Human Rights Committee, *Concluding Observations on the 5th Periodic Report of Iraq*, 6 November 2015, <http://www.refworld.org/docid/5669387c4.html>, para. 33; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 14; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 2, 13.

¹⁰³ According to the US Department of State, detainees held under the Anti-Terrorism Law are kept separately from other prisoners and “were more likely to remain in Interior Ministry facilities in harsher conditions”; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 10.

¹⁰⁴ “The Human Rights Ministry confirmed that allegations of torture and systematic abuses were pervasive within prisons and detention centers. International human rights organizations documented credible cases of torture and abuse in facilities of the Ministry of Interior and to a lesser extent in detention facilities of the Ministries of Justice and Defense (...);” US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 8. See also pp. 3, 9, 15 and 25 of the same report and Amnesty International, *Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 15; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 13, 24-25.

¹⁰⁵ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in Iraq*, 9 November 2015, S/2015/852, <http://www.refworld.org/docid/565fe2094.html>, para. 39; UN Human Rights Committee, *Concluding Observations on the 5th Periodic Report of Iraq*, 6 November 2015, <http://www.refworld.org/docid/5669387c4.html>, para. 33; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 16; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, <http://www.refworld.org/docid/5667dd314.htm>, pp. 5, 7, 9.

¹⁰⁶ US Department of State, *2015 Report on International Religious Freedom - Iraq*, 10 August 2016, <http://www.refworld.org/docid/57add86b59.html>; UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 19.

¹⁰⁷ US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 9-10. See also, HRW, “*No One is Safe*” - *The Abuse of Women in Iraq’s Criminal Justice System*, 6 February 2014, <http://www.refworld.org/docid/52f4d10a4.html>, pp. 67-71. As a result of the takeover of prison facilities by ISIS, NGOs reported that the remaining prisons faced severe overcrowding; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 10.

¹⁰⁸ “The criminal justice system remains critically flawed in Iraq. Trials, particularly of defendants facing charges under the anti-terrorism law and possible death sentences, can be grossly unfair, with courts often admitting torture-tainted evidence, including when defendants recant their ‘confessions’ in court”; Amnesty International, *Iraq: Executions Will not Deter Further Deadly Attacks*, 5 July 2016, <http://www.refworld.org/docid/577fc3e24.html>. See also, US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 18; UN Human Rights Committee, *Concluding Observations on the 5th Periodic Report*

basis of disputed confessions, including for long periods of imprisonment or capital punishment.¹⁰⁹ In spite of repeated calls for a moratorium on all death sentences and executions by the UN and human rights organizations over due process and fair trial concerns, the death penalty is reportedly extensively used, with most of the death sentences reportedly imposed under the Anti-Terrorism Law.¹¹⁰ The UN Committee against Torture described “*a consistent pattern whereby alleged terrorists and other high-security suspects, including minors, are arrested without any warrant, detained incommunicado or held in secret detention centres for extended periods of time, during which they are severely tortured in order to extract confessions.*”¹¹¹ For example, on 21 August 2016, the Ministry of Justice announced that 36 persons convicted in relation to the killing of some 1,700 military cadets at Speicher military camp near Tikrit (Salah Al-Din) had been executed by hanging. The trials, which lasted only a few hours, have been widely described as falling short of due process and fair trial standards, with verdicts reportedly based on “confessions” extracted under torture.¹¹² The death penalty is mandatory for a wide range of activities defined as terrorist acts and those sentenced to death under the law have no right to seek clemency or pardon as required under international human rights law.¹¹³

29. Since 2014, there has reportedly been a renewed surge in targeted violence against Sunni Arabs in Baghdad and other government-controlled areas of Iraq, with Sunni Arabs exposed to death threats, house demolitions and forced expulsion,¹¹⁴ abduction/disappearance, and extra-judicial execution.¹¹⁵ Sunni civilians, including IDPs, have reportedly been targeted by the ISF and forces affiliated with the PMUs for killings and the destruction of homes, shops and mosques in apparent acts of reprisal following ISIS attacks aimed at Shi’ite civilians.¹¹⁶ Since 2014, Palestinian refugees in Baghdad have increasingly been subjected to targeted attacks

of Iraq, 6 November 2015, <http://www.refworld.org/docid/5669387c4.html>, para. 35; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, <http://www.refworld.org/docid/5667dd314.htm>, pp. 10-12.

¹⁰⁹ According to reports, judges regularly fail to order an investigation into torture allegations raised by defendants before the court; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 16; Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; HRW, *World Report 2016 - Iraq*, 27 January 2016, <http://www.refworld.org/docid/56bd99386.html>; UN Human Rights Committee, *Concluding Observations on the 5th Periodic Report of Iraq*, 6 November 2015, <http://www.refworld.org/docid/5669387c4.html>, para. 29; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, p. 24, FN 146.

¹¹⁰ “Trials, particularly of defendants facing terrorism charges and possible death sentences, were systematically unfair with courts often admitting torture-tainted ‘confessions’ as evidence”; Amnesty International, *Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>. See also, UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 49; UN News Centre, *UN Rights Chief Expresses Concern about Iraq’s Fast-Tracking of Executions*, 1 August 2016, <http://www.refworld.org/docid/57a0385840c.html>; Amnesty International, *Iraq: Shocking Surge in 2016 Death Sentences Tops 90 as ‘Terror’ Trial Closes*, 18 February 2016, <http://www.refworld.org/docid/56cc23b74.html>.

¹¹¹ UN Committee Against Torture, *Concluding Observations on the Initial Report of Iraq*, 7 September 2015, <http://www.refworld.org/docid/57a9c1a24.html>, para. 16.

¹¹² Amnesty International, *Iraq: Executions Will not Eliminate Security Threats*, 22 August 2016, <http://www.refworld.org/docid/57bd533e4.html>; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 51; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, pp. 19-20; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, Footnote 40; HRW, *Iraq: Set Aside Verdict in Massacre of Cadets*, 15 July 2015, <http://www.refworld.org/docid/55acfac74.html>.

¹¹³ The ICCPR, Article 6, para. 4, requires that anyone sentenced to death has the right to seek clemency or pardon or commutation of the sentence. See *Constitution of the Republic of Iraq*, 15 October 2005, <http://www.refworld.org/docid/454f50804.html>, Article 73(1).

¹¹⁴ For example, in response to the 21 October 2016 ISIS attack against Kirkuk, homes in four Arab-majority villages (Qara Tapa, Whed Huzairan, Qutans and Qushqai) have been demolished, resulting in the displacement of over 1,100 families; UNHCR information, November 2016. See also, HRW, *Marked With An ‘X’ - Iraqi Kurdish Forces’ Destruction of Villages, Homes in Conflict with ISIS*, 13 November 2016, <http://www.refworld.org/docid/582979404.html>; Amnesty International, *Iraq: ‘Where Are We Supposed to Go?’ Destruction and Forced Displacement in Kirkuk*, 7 November 2016, <http://www.refworld.org/docid/5820812db.html>, pp. 10-13.

¹¹⁵ “Iraq has been engulfed in a deadly spiral of violence since the IS overran large parts of the country a year ago. The heinous crimes of the IS have been met by growing sectarian attacks by Shi’a militias, who are taking revenge for IS crimes by targeting Sunni Arabs”; Amnesty International, *A Deadly Spiral of Sectarian Violence - A Year on from IS Onslaught on Iraq*, 10 June 2015, <http://www.refworld.org/docid/557a90684.html>. See also, HRW, *KRG: Kurdish Forces Ejecting Arabs in Kirkuk*, 3 November 2016, <http://www.refworld.org/docid/581c95834.html>; Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 28-31; UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>, pp. 4-10; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 22.

¹¹⁶ For example, ISIS attacks against Shi’ite targets in the town of Al-Muqadadiyah (Diyala) on January and February 2016 reportedly resulted in reprisal attacks against Sunnis, including killings and the burning of homes, shops and mosques; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 20; Amnesty International, *Iraq: Militia War Crimes in Muqadadiya Highlight Authorities’ Persistent Failures to Hold Them to Account*, 5 February 2016, <http://www.refworld.org/docid/580606624.html>; HRW, *Iraq: Possible War Crimes by Shia Militia*, 31 January 2016, <http://www.refworld.org/docid/56b11e5d12d7.html>. On the so-called “Barwana massacre” of 26 January 2015, in which the ISF and the PMUs

based on nationality and perceived affiliation with ISIS, including harassment, threats, arbitrary arrest and prolonged detention under the Anti-Terrorism Law, physical abuse, kidnapping, extortion, killings as well as house-to-house searches at the hands of both state and non-state actors.¹¹⁷

30. As areas are retaken from ISIS, IDPs, particularly Sunni Arabs, reportedly face mounting pressure if not outright coercion from local authorities to return to their areas of origin.¹¹⁸ Reported means of pressure employed include, *inter alia*, notifications with deadlines to leave, harassment, forcible evictions, confiscation of identification documents, arrests for lack of legal documentation or under the Anti-Terrorism Law, and increasingly, destruction of homes and immediate forced returns to areas of origin or forced relocation to IDP camps.¹¹⁹ Such returns carry a high risk of secondary displacement.¹²⁰

Civilian Casualties

31. The impact of the ongoing conflict and other acts of violence against civilians is severe and extensive.¹²¹ Iraq has never been free of conflict-related violence since the invasion in 2003, with death tolls spiking during the height of the 2006-2007 sectarian conflict. The country experienced a relative reduction in levels of violence

reportedly summarily executed at least 56 Sunni Muslims in Barwana (Diyala), allegedly in revenge for the killings of ISF and PMU members in the previous days, see Amnesty International, *Iraq: Barwana Massacre - Botched Investigation, Families Waiting for Justice*, 10 June 2015, <http://www.refworld.org/docid/5667dc924.html>; HRW, *Iraq: Militias Escalate Abuses, Possibly War Crimes*, 15 February 2015, <http://www.refworld.org/docid/54e48d334.html>. See also MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, pp. 11, 13, 22.

¹¹⁷ UNHCR information, November 2016. See also, US Department of State, *2015 Country Report – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 42; Al Karama Foundation, *Iraq: Enforced Disappearance of Palestinian Refugee in Baghdad since 8 July 2015*, 27 November 2015, <http://bit.ly/2frXpwB>; Landinfo (in Norwegian), *Respons Irak: Palestinerne i Bagdad*, June 2015, http://landinfo.no/asset/3158/1/3158_1.pdf, pp. 2-3.

¹¹⁸ The use of coercive measures against IDPs has been reported mainly from Kirkuk, but also Babel, Baghdad, and Kerbala; UNHCR information, November 2016. See also, UNHCR, *Mosul Weekly Protection Update, 29 October - 4 November, 2016*, 4 November 2016, <http://bit.ly/2fsroVI>; Al-Monitor, *Iraq's Karbala Votes for Return of Displaced People*, 22 July 2016, <http://bit.ly/2a0iQ50>; UNHCR, *Iraq Factsheet*, September 2016, <http://bit.ly/2dNYG43>; UNHCR, *Iraq: Flash Update*, 15 August 2016, <http://www.refworld.org/docid/57b70b3fa.html>, p. 2; UNHCR, *Iraq Flash Update*, 21 July 2016, <http://www.refworld.org/docid/579217304.html>, p. 2; US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 62; OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 16.

¹¹⁹ For example in Kirkuk, Arab IDPs have repeatedly been pressured to return, both from urban areas and from IDP camps. At the beginning of September 2016, Kirkuk authorities began a large-scale campaign of forced returns, which by the end of October 2016 had led to the large-scale confiscation of documents and expulsion of hundreds of displaced families. By the end of September 2016, high-level advocacy led to the temporary suspension of forced returns for IDPs from some areas (Fallujah and parts of Salah al-Din), while IDPs from other areas continued to be coerced to leave. Between 1 September and 12 October 2016, over 2,600 IDP families reportedly were forced to return to Diyala, Salah Al-Din, Al-Anbar and Ninewa Governorates, including to areas such as Haji Ali and Qayyarah (Ninewa Governorate), which had only recently been retaken from ISIS. In response to the 21 October 2016 ISIS attack against Kirkuk, local authorities ordered all IDPs who have been living outside camps in Kirkuk to vacate their residences and to return to their home areas. Those who would not comply would be forced out, and their homes would be demolished. Between 22 and 29 October 2016, all IDPs in non-camp locations, but primarily those residing in Kurdish-majority neighbourhoods, were ordered to leave Kirkuk, of whom more than 6,400 people have departed. Similarly, following an increase in security incidents in Kirkuk, Sa'adiya, and Khanaqin (Diyala), on 24 October 2016, the Mayor of Khanaqin issued a directive ordering around 10,000 IDPs living in villages around Khanaqin City to either relocate to camps or to return to their places of origin. On 26 October 2016, the Khanaqin Security Council ordered the *mukhtars* (community leaders) to collect lists of all IDPs residing in villages around Khanaqin, stating that IDPs who have permission to return to their areas of origin are no longer permitted to reside in Khanaqin District. At the time of writing, the order has not been enforced; however, 25 families have relocated to camps; UNHCR information, November 2016. See also, HRW, *Marked With An "X" - Iraqi Kurdish Forces' Destruction of Villages, Homes in Conflict with ISIS*, 13 November 2016, <http://www.refworld.org/docid/582979404.html>; Amnesty International, *Iraq: 'Where Are We Supposed to Go?' Destruction and Forced Displacement in Kirkuk*, 7 November 2016, <http://www.refworld.org/docid/5820812db.html>; HRW, KRG: *Kurdish Forces Ejecting Arabs in Kirkuk*, 3 November 2016, <http://www.refworld.org/docid/581c95834.html>; UNHCR, *Iraq: Situation Flash Update*, 26 October 2016, <http://bit.ly/2e5C8er>; OHCHR, *Press Briefing Note on Iraq and South Sudan*, 25 October 2016, <https://shar.es/11qtVn>. Following an attack reportedly carried out by ISIS on 28 August 2016 at a wedding ceremony in Ain Al-Tamer (Kerbala), IDPs from Al-Anbar faced pressure to return to their areas of origin. By mid-October 2016, over 265 displaced families had left Ain Al-Tamer and Kerbala City fearing detention and retaliatory attacks. Authorities in Babylon have also notified an unknown number of IDPs to return to their areas of origin; UNHCR information, November 2016. See also, OCHA, *Humanitarian Bulletin Iraq, September 2016*, 15 October 2016, <http://bit.ly/2e8Oyz7>, p. 4; Iraqi Observatory for Human Rights, *Asayish Forces Ask Displaced People from Al-Anbar and Salah al-Din to Leave Kirkuk*, 11 October 2016, <http://bit.ly/2ej3fOB>; UNHCR, *Iraq: Mosul Situation Flash Update*, 4 October 2016, <http://bit.ly/2dxaS5S>; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 15.

¹²⁰ For example, following increased pressure and actions (forcible eviction, confiscation of ID cards) by Kirkuk authorities to force IDPs to return to their areas of origin in Diyala, 322 families returned to their area of origin in Al-Udhaim (Diyala) where they had to stay out in the open or take shelter in unfinished buildings, as their original houses were destroyed. In their current location, they lack access to basic services including food, water, adequate shelter, sanitation, and health care. Many families had their documents confiscated during the process of eviction, further compounding their vulnerability. The area is reportedly also contaminated with IED and ERWs; UNHCR information, November 2016. See also, HRW, KRG: *Kurdish Forces Ejecting Arabs in Kirkuk*, 3 November 2016, <http://www.refworld.org/docid/581c95834.html>; UNHCR, *Iraq: Situation Flash Update*, 31 October 2016 <http://bit.ly/2e5rILw>.

¹²¹ UNSC, *4th Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 5 July 2016, <http://www.refworld.org/docid/5784de404.html>, para. 34.

between 2010 and 2012.¹²² By all accounts civilian casualty figures have risen again since mid-2013 compared to previous years,¹²³ and civilian casualties in 2014 and 2015 represent the highest totals since the height of sectarian conflict in 2006-2007.¹²⁴ In 2016, casualty figures have remained at a high level.¹²⁵ Based on statistics provided by the UN Assistance Mission for Iraq (UNAMI), Baghdad Governorate was consistently the worst affected governorate in terms of casualty figures every month in 2014, 2015 and 2016.¹²⁶ Baghdad is followed, although not always in the same order, by Al-Anbar, Diyala, Ninewa, Kirkuk, Salah Al-Din and Babel Governorates.¹²⁷ Prior to the start of the military offensive to retake Mosul, the UN Humanitarian Coordinator for Iraq warned that the humanitarian consequences of the military campaign against ISIS in Mosul would be “devastating” and that “mass casualties among civilians are likely.”¹²⁸

32. The escalation in violence since 2014, and the attendant humanitarian crisis have also reportedly generated additional deaths as a result of a lack of access to food, water and medical care.¹²⁹

Internal and External Displacement

33. For the past two years, Iraq has been facing a major displacement crisis. Currently, more than 3.18 million persons, or nearly one in 10 of the Iraqi population, have been forced to flee their homes in several waves of mass displacement, and multiple smaller ones since January 2014,¹³⁰ primarily from Al-Anbar, Ninewa, Salah Al-Din, as well as Diyala, Baghdad, Kirkuk and Babel Governorates.¹³¹ In some instances, entire communities have been displaced.¹³² An additional 1.1 million people remain displaced from earlier conflict

¹²² See, e.g. figures from Iraq Body Count (IBC), which records violent deaths from cross-checked media reports, supplementing it with hospital, morgue, NGO and official figures or records: IBC, *Database*, accessed 13 November 2016, <https://www.iraqbodycount.org/database/>.

¹²³ In 2013, IBC recorded 9,851 civilian deaths, UNAMI 7,818, and the Iraqi government 5,298 deaths; IBC, *Database*, accessed 7 November 2016, <https://www.iraqbodycount.org/database/>; UNAMI, *UN Casualty Figures for December, 2013 Deadliest since 2008 in Iraq*, 2 January 2014, <http://www.refworld.org/docid/58209b0b4.html>; Iraq Government Casualty Figures, compiled by AFP, accessed 7 November 2016, <http://bit.ly/22EFvbp>. See also, Musings on Iraq, *2013 Ends with Deaths and Violence Going Up in Iraq*, 8 January 2014, <http://bit.ly/1o8bC3E>.

¹²⁴ There are several data sets on casualties in Iraq based on different methodologies, and the totals recorded by each vary considerably. None of these figures can be considered fully accurate in light of the difficulties to compile reliable data under the current security conditions and all sources stress that these are to be considered “minimum” figures. In 2015, UNAMI documented an “absolute minimum” of 7,515 civilian deaths and over 14,800 injured (note that figures for Al-Anbar are not included for all months). IBC recorded a total of 17,500 civilian deaths in 2015 while “Musings on Iraq” counted over 17,300 civilians killed and over 18,000 civilians wounded in 2015. The Government of Iraq did not release civilian casualty figures for 2015; IBC, *Database*, accessed 13 November 2015, <https://www.iraqbodycount.org/database/>; UNAMI, *UN Casualty Figures for the Month of December 2015*, 1 January 2016, <http://bit.ly/1TsK5rI>; Musings on Iraq, *Over 51,000 Casualties in Iraq in 2015*, 24 February 2016, <http://bit.ly/1RxLAi2>. For ISF and police casualty figures as released by the Iraqi government, see Musings on Iraq, *New Casualty Report from Iraq’s Government*, 23 December 2015, <http://bit.ly/1pJD1L3>. In 2014, UNAMI documented an “absolute minimum” of 12,282 civilian deaths and over 23,000 civilians wounded. IBC documented the death of nearly 20,200 civilians, representing double the figure for 2013, which itself was roughly double the figure recorded for 2012. The Iraqi Government announced over 12,500 civilian fatalities (without police) and more than 18,000 wounded, the highest number since 2007. The Blog “Musings on Iraq” recorded an even higher number with 17,098 civilian deaths and 26,590 wounded; IBC, *Database*, accessed 13 November 2016, <https://www.iraqbodycount.org/database/>; UNAMI, *UN Casualty Figures for December; 2014 Deadliest since 2008 in Iraq*, 4 January 2015, <http://bit.ly/14stgGA>; Iraq Government Casualty Figures, compiled by AFP, accessed 13 November 2016, <http://bit.ly/22EFvbp>; Musings on Iraq, *2014 Deadliest Year in Iraq since Civil War Period*, 6 January 2015; Musings on Iraq, *Charts on Violence in Iraq 2014 Part II - Dead and Wounded by Group*, 6 January 2015, <http://bit.ly/1Rz971O>.

¹²⁵ According to UNAMI, “an absolute minimum” of 5,566 civilians have been killed and 10,392 have been wounded between January and October 2016 (noting that figures for Al-Anbar are not available for all months). IBC has recorded over 13,700 civilian casualties between January and October 2016 (preliminary figures). Musings on Iraq documented over 18,000 civilian and non-civilian deaths during this period; UNAMI, *UN Casualty Figures for Iraq for the Month of October 2016*, 1 November 2016, <http://www.refworld.org/docid/58209b754.html>; IBC, *Database*, accessed 13 November 2016, <https://www.iraqbodycount.org/database/>. For monthly civilian casualty figures from Musings on Iraq, see monthly *Violence in Iraq* reports, available at: <http://musingsoniraq.blogspot.com/>.

¹²⁶ Casualty figures for Baghdad largely remained at the same elevated level throughout 2014 (3,702 dead and 8,375 wounded), 2015 (3,727 dead, 9,272 wounded) and between January and October 2016 (2,871 dead, 7,725 wounded); see monthly UNAMI casualty figures, available at: UNAMI, *Civilian Casualties*, accessed 13 November 2016, <http://bit.ly/1NpHRqT>.

¹²⁷ Noting that figures for Al-Anbar are not available for every month; UNAMI, *Civilian Casualties*, <http://bit.ly/1NpHRqT>. Musings on Iraq identified the same governorates as accounting for the highest monthly casualties, however, the order varies from month to month. See monthly security reports for 2015 and 2016 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>.

¹²⁸ UN Iraq, *Humanitarian Partners Warn that Time Is Running Out: USD 284 Million Is Urgently Needed to Prepare for the Mosul Humanitarian Operation*, 20 July 2016, <http://bit.ly/2dgUAFj>. In parallel with the ongoing Mosul offensive, IBC casualty figures have recorded a spike with at least 2,300 civilians killed in October 2016, surpassing monthly casualty figures of every month in 2015 and 2016; IBC, *Database*, accessed 13 November 2016, <https://www.iraqbodycount.org/database/>.

¹²⁹ UNAMI, *UN Casualty Figures for the Month of September 2016*, 1 October 2016, <http://bit.ly/2dB9ZKO>.

¹³⁰ International Organization for Migration (IOM), *Iraq DTM - IDPs*, accessed 13 November 2016, <http://iraqdtm.iom.int/IDPsML.aspx>.

¹³¹ A total of 75 per cent of the displaced population have fled from two governorates only, namely Al-Anbar and Ninewa; IOM, *Displacement Tracking Matrix - DTM Round 56 - October*, 26 October 2016, <http://bit.ly/2faF3mK>, p. 4.

¹³² OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 15.

in 2006-2007.¹³³ As the centre of the conflict moved from one area to another in Iraq, many individuals have been displaced multiple times.¹³⁴ In terms of total numbers, Iraq hosts the third highest population of IDPs in the world.¹³⁵ Currently, IDPs are displaced across 106 districts and to 3,735 distinct locations in Iraq, with Al-Anbar, Baghdad, Dohuk, Erbil and Kirkuk Governorates hosting the largest numbers of IDPs.¹³⁶ Ongoing military offensives to retake remaining territory from ISIS are accompanied by large-scale new displacement. Between March and October 2016, over 300,000 Iraqis have reportedly been displaced, mostly from the Governorates of Al-Anbar, Ninewa, Salah Al-Din and Kirkuk.¹³⁷

34. The military offensive to retake Mosul and surrounding areas could lead, in a worst-case scenario, to the displacement of more than one million people.¹³⁸ At the time of writing, over 54,000 individuals, around half of them children, are reported to have been displaced from Mosul District and surrounding areas since the beginning of the offensive on 17 October 2016, with further displacement anticipated as anti-ISIS forces move into densely-populated urban and peri-urban areas. The vast majority of newly-displaced IDPs are in Ninewa Governorate.¹³⁹ According to estimates, up to 1.5 million people remain trapped in Mosul and its outskirts.¹⁴⁰
35. Conflict and human rights violations have also forced Iraqis to flee abroad in search of safety and protection. UNHCR offices in the region have noted increased arrivals as well as registration of Iraqis already present in the country since summer 2014, with Turkey, Jordan, Lebanon, Syria, Egypt, Iran and the GCC hosting over 240,000 Iraqi refugees as at September 2016.¹⁴¹ In addition, an estimated 9,000 Iraqis, who currently reside in Newroz, Roj and Al-Hol Camps as well as in urban locations of Hassakeh Governorate in north-eastern Syria, have not yet been formally registered by UNHCR, including due to safety-related access restrictions.¹⁴² In Europe, applications from Iraqi asylum-seekers have steeply increased since 2014 compared to previous years.¹⁴³

IDP Returns and Returns from Abroad

36. Amidst new and protracted displacement, spontaneous returns to areas retaken from ISIS are taking place despite conditions not being suitable for returns in safety and dignity.¹⁴⁴ As at 27 October 2016, more than

¹³³ OCHA, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAI>, p. 6. For an overview of displacement trends pre-2014, see UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 6.

¹³⁴ UNHCR, *Iraq's Displacement Crisis - UNHCR Preparing for Worse to Come*, 23 August 2016, <http://bit.ly/2bgq0Rx>; UNICEF, *Violence Destroys Childhoods in Iraq*, June 2016, <http://www.refworld.org/docid/577665304.html>, p. 5; UNSC, *2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 65.

¹³⁵ UNSC, *First Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 October 2015, <http://www.refworld.org/docid/563719d14.html>, para. 79.

¹³⁶ The five Governorates of Al-Anbar, Baghdad, Dohuk, Erbil and Kirkuk host over two million IDPs, or two-thirds of the total IDP population; IOM, *DTM Round 57 IDPs*, 27 October 2016, <http://iraqdtm.iom.int/Downloads.aspx>.

¹³⁷ Including from Baiji and Shirqat (Salah Al-Din), Qayyarah (Ninewa), Fallujah, Hit and Ramadi (Al-Anbar) as well as Hawija (Kirkuk); IOM, *Displacement Tracking Matrix - DTM Round 56 - October*, 26 October 2016, <http://bit.ly/2faF3mK>, p. 7.

¹³⁸ UNHCR, *Mosul Offensive Triggers Growing Displacement in Iraq*, 21 September 2016, <http://bit.ly/2frRqre>; OCHA, *Mosul Humanitarian Crisis*, 1 November 2016, <http://bit.ly/2fa0KCq>.

¹³⁹ IOM, *Iraq DTM Emergency Tracking*, accessed 13 November 2016, <http://iraqdtm.iom.int/EmergencyTracking.aspx>; OCHA, *Iraq: People Currently Displaced by Mosul Military Operations (as of 12 November 2016)*, 12 November 2016, <http://bit.ly/2foEP1N>; UNHCR, *As Mosul Displacement Continues, UNHCR Steps Up Assistance*, 11 November 2016, <http://bit.ly/2eTOPYw>; UNICEF, *UNICEF Iraq Mosul Response Flash Update No.1*, 17-31 October 2016, 31 October 2016, <http://bit.ly/2fhZ3k8>.

¹⁴⁰ Amnesty International, *Iraq: Fears for Safety of Civilians Caught in Crossfire and Used by IS as Human Shields*, 27 October 2016, <http://www.refworld.org/docid/581c92474.html>; UN, *Fears for 1.5 Million People in ISIL-Held Mosul, Iraq*, 17 October 2016, <http://bit.ly/2f527iC>.

¹⁴¹ As of 31 October 2016, 239,077 Iraqis have been registered in the region, including 125,368 in Turkey, 60,133 in Jordan, 24,977 in Syria, 18,445 in Lebanon, 7,199 in Egypt, 2,322 in the GCC and 633 in Iran; UNHCR registration data, 31 October 2016.

¹⁴² UNHCR information, November 2016.

¹⁴³ The number of Iraqi asylum applicants in the EU 28 Member States has steadily increased over the last few years, i.e. 10,740 applicants in 2013, 21,310 applicants in 2014, and 121,535 applicants in 2015. In 2015, Iraq represented the number three country of origin of asylum-seekers in the EU. In the first six months of 2016, 69,300 asylum applications from Iraqis have been submitted; Eurostat, *Number of First Time Asylum Seekers Slightly up to Almost 306 000 in the Second Quarter of 2016*, 22 September 2016, <http://bit.ly/2cTzOUo>; Eurostat, *Number of First Time Asylum Seekers down to Fewer than 290 000 in the First Quarter of 2016*, 16 June 2016, <http://bit.ly/1rt1zIe>; Eurostat, *Record Number of over 1.2 Million First Time Asylum Seekers Registered in 2015*, 4 March 2016, <http://bit.ly/1oUlAGC>; Eurostat, *Asylum Statistics - Table 1: Countries of Origin of (non-EU) Asylum Seekers in the EU-28 Member States, 2013 and 2014*, page last modified on 8 May 2015, <http://bit.ly/1HAUHJn>.

¹⁴⁴ UNHCR does not promote or facilitate voluntary returns of IDPs in view of the continued absence of conditions conducive to return in many locations. UNHCR advocates that any spontaneous returns of IDPs should be voluntary, safe, non-discriminatory and sustainable. UNHCR and implementing partners provide support to spontaneous IDP returnees whenever humanitarian access is possible; the provision of such support does not imply an assessment on the part of UNHCR that conditions are conducive for return.

one million persons were recorded to have returned to their sub-district of origin mainly in Salah Al-Din, Al-Anbar, Ninewa and Diyala Governorates.¹⁴⁵

37. ISIS has reportedly routinely mined and booby-trapped homes, public places and roads in areas from which it has retreated, and as a result casualties among returnees have been reported.¹⁴⁶ Returnees are often faced with destruction, damage or secondary occupation of homes,¹⁴⁷ damaged or non-existent basic infrastructure, slow restoration of basic services and lack of livelihood opportunities.¹⁴⁸ Protection monitoring in IDP camps indicates that a substantial number of IDP families prefer not to return to their areas of origin until services such as water, electricity, schools and medical facilities are restored. IDPs also expressed concerns over threats to security they would face upon return, including by ISIS,¹⁴⁹ or the ISF and associated forces.¹⁵⁰
38. Returnees must undergo security screening and obtain approval to return from various local actors in return areas, including the military force controlling the area, local authorities and tribes.¹⁵¹ In some areas, returns have been delayed by local actors who assert that the areas first need to be fully secured and demined and services re-established.¹⁵² However, returns have reportedly also been prevented on the basis of discriminatory criteria, including on account of IDPs' ethnic/religious profile and/or perceived political opinion.¹⁵³
39. At the same time, local authorities reportedly increasingly encourage, pressure or force IDPs to return to their places of origin.¹⁵⁴ Government employees and security personnel among IDPs have reportedly also been

¹⁴⁵ IOM's Displacement Tracking Monitoring (DTM) considers as returnees all those individuals previously displaced who return to their sub-district of origin, irrespective of whether they have returned to their former residence or to another shelter type; IOM, *Iraq DTM – Returnees*, accessed 13 November 2016, <http://iraqdtm.iom.int/ReturneeML.aspx>; IOM, *A Million Iraqis Return Home: IOM Displacement Tracking Matrix*, October 2016, <http://bit.ly/2f4RYCU>, p. 4.

¹⁴⁶ “Nearly all areas that have come under Government control require clearance of explosive devices, mines and explosive remnants of war to be safe for returns”; OCHA, *Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 10. See also, UNHCR, *Iraq: Flash Update*, 27 August 2016, <http://bit.ly/2dUNwdp>, p. 1; UNHCR, *UNHCR Statement in Response to Statement by the Iraqi Government that Falluja Families Could Start to Return Home from 1 August*, 1 July 2016, <http://www.refworld.org/docid/58209bfc4.html>; Musings on Iraq, *Setback to Clearing Iraq's Ramadi of IEDs*, 13 May 2016, <http://bit.ly/2dZ2zxA>; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 62.

¹⁴⁷ IOM, *A Million Iraqis Return Home: IOM Displacement Tracking Matrix*, October 2016, <http://bit.ly/2f4RYCU>, pp. 19-20; Wall Street Journal, *Iraqi Families Return to Ravaged Homes in Fallujah*, 18 September 2016, <http://on.wsj.com/2cUtiwT>. Returnees who are not able to return to their former residence may be forced to resort to living in alternative shelter arrangements, including unfinished buildings, rented apartments, or informal settlements. As at October 2016, IOM has recorded over 11,000 returnee families, or approximately 11 per cent, as being unable to return to their original residence. These families have had to settle down in other shelter types, including rented houses, hotels, host families, informal settlements, religious/school buildings, unfinished or abandoned buildings and other informal settings. While all returnee families in Erbil and Al-Anbar Governorates returned to their former residence, many returnees in Diyala, Salah Al-Din, Ninewa and Kirkuk Governorates were unable to reach their habitual residence, mostly as a result of destruction or severe damage to their homes, the presence of IEDs and unexploded ordnances (UXOs), the secondary occupation of their homes, or the continued insecurity in their area; IOM, *A Million Iraqis Return Home: IOM Displacement Tracking Matrix*, October 2016, <http://bit.ly/2f4RYCU>, pp. 17-18. Existing administrative procedures and legal processes are reportedly insufficient to resolve claims for property restitution or compensation; OCHA, *Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 16.

¹⁴⁸ Musings on Iraq, *Plight of Displaced in Iraq's Anbar Province*, 11 August 2016, <http://bit.ly/2denBL6>; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 69; UN Habitat, *Government of Japan Gives USD 15 Million to UN-Habitat Projects in Iraq*, 2 March 2016, <http://bit.ly/1pnzOjS>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 7.

¹⁴⁹ UNHCR information, November 2016. See also, OCHA, *Humanitarian Bulletin Iraq*, September 2016, 15 October 2016, <http://bit.ly/2e8Oyz7>, p. 3; UNHCR, *Iraq Situation: Mosul Flash Update*, 22 September 2016, <http://bit.ly/2cUpjmC>.

¹⁵⁰ UNHCR information, November 2016. See also, Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, p. 17; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, pp. 22, 23; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 31; Al-Monitor, *Displaced Iraqis still Wait to Return Home*, 24 June 2015, <http://almon.co/2ghm>.

¹⁵¹ Amnesty International, *Displaced Iraqis Abused by Militias and Government Forces*, 18 October 2016, <http://www.refworld.org/docid/5806051a4.html>, pp. 17-18. Associated Press, *After IS, a Painful Return for Residents of Iraq's Fallujah*, 26 September 2016, <http://daily.ia.2d8Zxvm>; Musings on Iraq, *Iraq's Continued Displacement Crisis*, 1 March 2016, <http://bit.ly/2dNBhvN>; UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq*, 11 January 2016, <http://www.refworld.org/docid/56a09a304.html>, p. 7; IRC, *Returns of Internally Displaced Persons to Diyala – 2015*, 15 October 2015 <http://bit.ly/2en7DNY>.

¹⁵² Amnesty International, *Forced Displacement and Deliberate Destruction in Northern Iraq*, 20 January 2016, <http://www.refworld.org/docid/56a0800f4.html>, p. 6; Al-Monitor, *Displaced Iraqis still Wait to Return Home*, 24 June 2015, <http://almon.co/2ghm>.

¹⁵³ See above “Treatment of Civilians in Areas Formerly under Control of ISIS”.

¹⁵⁴ “Concerns were also raised that some returns to certain locations were being encouraged by the Government without a full assessment of safety and security in those localities and that consultation and consent criteria were not being met”; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 69. For example, in early October 2016, local authorities of Shirqat town (Salah Al-Din) reportedly called on IDPs to return to their homes. The town had only been retaken from ISIS in late September 2016 and the ISF were still in the process of securing the area. ISIS reportedly launched a counter-attack on

instructed to resume work in their original departments in recaptured areas.¹⁵⁵ Others reportedly decide to return due to hardship in areas of displacement, where many live in extremely precarious conditions and with basic and often inadequate shelter, health care, food and water provision.¹⁵⁶ From Baghdad, IDPs from Al-Anbar are reported to return due to security concerns, particularly following attacks against Al-Salam, Baghdad's largest IDP camp.¹⁵⁷

40. Since mid-2015, an increasing number of Iraqi nationals have opted to return from Europe to Iraq, including to Baghdad, Erbil, Sulaymaniyah, Basra and Najef.¹⁵⁸ Reasons cited by Iraqi nationals for returning include difficult reception conditions; delays in asylum procedures and corresponding delays in obtaining a secure legal status, access to services, and access to family reunification; difficulties to integrate; fear of attacks in the country of asylum; and a wish to reunite with family members in Iraq.¹⁵⁹

Humanitarian Situation

41. Iraq is experiencing a growing humanitarian crisis amidst ongoing conflict, restrictions on humanitarian access, diminishing coping mechanisms and funding shortfalls.¹⁶⁰ As a result of conflict, continuous displacement and disruption of services, humanitarian needs are reported to have escalated rapidly. It is estimated that over 10 million persons, or nearly a third of the population, are currently in need of humanitarian assistance across Iraq, including IDPs, returnees, refugees from Syria and elsewhere,¹⁶¹ and those living in areas under ISIS control.¹⁶² This contrasts with only 7.3 million people who are currently targeted for assistance by humanitarian actors.¹⁶³ Given the scale and complexity of the humanitarian crisis, in August 2014 the UN declared a "Level 3 Emergency" for Iraq, the highest-level emergency designation, which has since been maintained on an annual basis.¹⁶⁴

the district in early October 2016, capturing a village south of Shirqat town; Middle East Monitor, *Daesh Retakes Territory in Iraq*, 8 October 2016, <http://bit.ly/2dDoah2>; UNHCR, *Iraq: Mosul Situation Flash Update*, 4 October 2016, <http://bit.ly/2dxaS5S>. See also above para. 30.

¹⁵⁵ OHCHR, *Zeid Urges Focus on Victims' Rights, Given "Numbing" Extent of Civilian Suffering in Iraq*, 11 November 2016, <https://shar.es/1Iy59i>; EPIC, *ISHM: October 7 – 13, 2016*, 13 October 2016, <http://www.epic-usa.org/ishm82/>; UNHCR, *Iraq: Flash Update*, 26 July 2016, <http://bit.ly/2dY8o1v>, p. 2.

¹⁵⁶ UNHCR, *Iraq: Flash Update*, 6 September 2016, <http://www.refworld.org/docid/57d00f944.html>, p. 2; MRGI, *Iraq's Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 5; OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 16. See below "Humanitarian Situation".

¹⁵⁷ Associated Press, *UN Warns of Dangers as Iraqis Displaced by IS Return Home*, 28 July 2016, <http://bit.ly/2eoqFCc>; UNHCR, *Iraq: Flash Update*, 14 July 2016, <http://bit.ly/2e3hly5>, p. 1; UNHCR, *Iraq: Flash Update*, 11 July 2016, <http://bit.ly/2dm0Cun>. See also above footnote 95.

¹⁵⁸ Between January and June 2016, a total of 7,087 Iraqis received assistance to return to Iraq from various European countries under IOM's Assisted Voluntary Return and Reintegration (AVRR) programme. This compares to the assisted return of 3,607 Iraqis in 2015 and 1,280 in 2014; IOM, *Assisted Voluntary Return and Reintegration (AVRR) Bulletin 2016/1 (January-June)*, September 2016, <http://bit.ly/2dlySap>, p. 2; IOM, *Assisted Voluntary Return and Reintegration 2015 – Key Highlights*, January 2016, <http://bit.ly/2fQvCbS>, pp. 14, 68. Others have returned under government-sponsored return programmes or by their own means; USA Today, *Iraq Refugees Return Home: 'Europe Didn't Welcome Us'*, 9 June 2016, <http://usat.ly/1t8Anj7>; ABC, *Thousands of Iraqis Return Home with European Dreams Shattered*, 13 April 2016, <http://ab.co/2fQxLEr>; Reuters, *Frustrated with Germany's Asylum Red Tape, Some Iraqis Return Home*, 28 January 2016, <http://reut.rs/23tJARj>.

¹⁵⁹ USA Today, *Iraq Refugees Return Home: 'Europe Didn't Welcome Us'*, 9 June 2016, <http://usat.ly/1t8Anj7>; Al Jazeera, *Yazidis Leave Europe and Return to Warring Iraq*, 9 May 2016, <http://aje.io/pfwq>; The National, *Dreams Shattered and Pockets Empty, Iraqi Migrants Return Home from Europe*, 4 May 2016, <http://bit.ly/2fdV8Ej>; ABC, *Thousands of Iraqis Return Home with European Dreams Shattered*, 13 April 2016, <http://ab.co/2fQxLEr>; Time, *Meet the Iraqi Refugees who Decided to Leave Germany*, 31 March 2016, <http://ti.me/1MEYSgD>; New York Times, *Disappointed With Europe, Thousands of Iraqi Migrants Return Home*, 4 February 2016, <http://nyti.ms/1UOh5rt>; Washington Post, *Unhappy in Europe, Some Iraqis Return Home*, 30 December 2015, <http://wpo.st/A3HC2>. See also, IOM, *Migration Flows from Iraq to Europe*, February 2016, <http://iomiraq.net/file/6110/download>, pp. 18, 21.

¹⁶⁰ "With conditions worsening, people are struggling to cope. At least 2 million people are entering their second year of displacement. Family savings are exhausted, increasing the demand for livelihood options, while incidents of social tension are increasing. There is an exponential deterioration in the condition of host communities, as families who have generously opened their homes to displaced relatives and neighbours are plunging rapidly into poverty"; UNSC, *2nd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, <http://www.refworld.org/docid/56af0c454.html>, para. 65. As at 13 November 2016, only 62 per cent of the requested funding under the Humanitarian Response Plan (HRP) for Iraq has been received. For the updated funding status, see Financial Tracking Service, *HRP for Iraq 2016*, accessed 13 November 2016, <https://ftsbeta.unocha.org/appeals/1117/summary>. The lack of funding has resulted in the closure or delayed start of over half of the 226 projects foreseen in the 2016 Humanitarian Response Plan. Before the end of 2016, an additional 60 programmes may have to close if no additional funding arrives, affecting the ability of humanitarian partners to provide first line life-saving assistance to all Iraqis in need; OCHA, *Mosul Humanitarian Crisis*, 9 November 2016, 9 November 2016, <http://bit.ly/2fRVoNw>, p. 2.

¹⁶¹ Iraq hosts over 225,000 Syrian refugees, mostly in the KR-I; UNHCR, *Syria Regional Refugee Response – Iraq*, last updated 30 September 2016, <http://data.unhcr.org/syrianrefugees/country.php?id=103>. In addition, as at 30 September 2016, Iraq hosts nearly 47,500 mostly Iranian, Palestinian, and Sudanese refugees; UNHCR information, November 2016.

¹⁶² OCHA, *Iraq – Key Figures*, accessed 13 November 2016, <http://www.unocha.org/iraq>.

¹⁶³ Ibid.

¹⁶⁴ UNAMI, *UN Declares a 'Level 3 Emergency' for Iraq to Ensure More Effective Humanitarian Response*, 19 August 2014, <http://www.refworld.org/docid/53f323334.html>.

42. The military offensive to retake Mosul is expected to exacerbate the already extremely critical humanitarian situation, with humanitarian actors struggling to prepare for the looming crisis¹⁶⁵ amidst a severe funding shortfall.¹⁶⁶ The UN estimates that between 1.2 and 1.5 million people may be impacted by the upcoming military operation, of whom 700,000 may be in need of urgent humanitarian assistance, including shelter, food, water or medical support.¹⁶⁷ The humanitarian operation in Mosul is set to become the “(...) *single largest, most complex in the world in 2016*.”¹⁶⁸ By the end of 2016, an estimated 12 to 13 million people may be in need of humanitarian assistance in Iraq.¹⁶⁹
43. The humanitarian situation in areas under ISIS control and in areas of conflict is of particular concern as populations remain without, or with severely limited access to basic services, food and other commodities and are largely inaccessible to international organizations.¹⁷⁰ Parties to the conflict have also been accused of imposing siege-like conditions on civilian areas, deliberately preventing food supplies and humanitarian assistance from reaching civilians.¹⁷¹
44. In areas of displacement, local authorities and communities are reported to be overstretched and services that were already under-performing prior to the most recent conflict have reportedly further deteriorated, including access to potable water, sanitation, disposal of solid waste, education, and health care.¹⁷² IDPs, who are often cut off from their usual source of income and traditional social and other support networks, are reported to be particularly affected by the weak service provision.¹⁷³ Members of the poorest households and

¹⁶⁵ The Independent, *UN ‘Nowhere near Ready’ to Deal with up to 1.5 Million People Set to Be Displaced from Mosul by Battle with ISIS*, 6 October 2016, <http://ind.pn/2dMstEL>; IRIN, *Iraq’s Mosul: a Make-or-Break Moment for Aid Agencies*, 27 September 2016, <http://www.refworld.org/docid/57eb79964.html>; Deutsche Welle, *Mosul: The Next Humanitarian Disaster Waiting to Happen*, 19 August 2016, <http://dw.com/p/1Jlzf>.

¹⁶⁶ In light of the significant additional humanitarian needs associated with the Mosul emergency response, the UN launched a dedicated funding appeal in June 2016. As at 13 November 2016, 64 per cent of the requested funding was covered. Financial Tracking Service, *Mosul Flash Appeal 2016*, accessed 13 November 2016, <https://ftsbeta.unocha.org/appeals/2880/summary>. As a result of limited funding, key components of the Mosul response, including emergency camps, are reportedly critically underfunded; OCHA, *Humanitarian Bulletin Iraq, September 2016*, 15 October 2016, <http://bit.ly/2e8Oyz7>, p. 3; OCHA, *Mosul Flash Appeal*, 20 July 2016, <http://bit.ly/2d9dZTv>.

¹⁶⁷ UNHCR, *As Mosul Offensive Approaches, UNHCR Planning Intensifies*, 29 September 2016, <http://www.refworld.org/docid/57ee552f4.html>; OCHA, *Humanitarian Bulletin Iraq, July – August 2016*, 29 August 2016, <http://bit.ly/2duUdAQ>, p. 3.

¹⁶⁸ OCHA, *Mosul Flash Appeal*, 20 July 2016, <http://bit.ly/2dNzbug>, p. 2.

¹⁶⁹ UNSC, *Report of the Secretary-General Pursuant to Resolution 2299 (2016)*, 25 October 2016, <http://www.refworld.org/docid/5821ca0f4.html>, para. 56.

¹⁷⁰ “Much of Anbar and Ninewa governorates remain restricted or inaccessible for international humanitarian actors. In other governorates, access varies depending on the conflict, which continues to see contested areas with varying levels of access and some parts under the control of armed groups”; UNHCR, *Iraq Factsheet*, October 2016, <http://bit.ly/2fs6qgz>. “Anbar, Ninewa, Salah al-Din and Kirkuk governorates, as well as southern Erbil, continue to be affected by active hostilities. Insecurity is also prevalent in Baghdad and Diyala, and continues to limit delivery of humanitarian assistance”; UNSC, *3rd Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 27 April 2016, <http://www.refworld.org/docid/5731a1a14.html>, para. 55. See also, US Department of State, *2015 Country Reports – Iraq*, 13 April 2016, <http://www.state.gov/documents/organization/253137.pdf>, p. 40; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 17, 23.

¹⁷¹ Starvation-related deaths have been reported from ISIS-held areas; EPIC, *Forgotten Front Line in Hawija*, 30 September 2016, <http://bit.ly/2e43b1e>; Iraqi Observatory for Human Rights, *Iraqi Government Still Silent on Hawija Humanitarian Crisis*, 19 September 2016, <http://bit.ly/2d9cDs9>; UN News, *Iraq: UN Food Relief Agency’s Supplies Reach Qayyarah’s 30,000 People under 2-Year Siege*, 6 September 2016, <http://www.refworld.org/docid/57d0164b40e.html>; HRW, *Iraq: Fallujah Siege Starving Population*, 7 April 2016, <http://www.refworld.org/docid/57061b234.html>; UNHCR, *Iraq: Flash Update*, 21 July 2016, <http://bit.ly/2dY1AkL>, p. 2; UN News Centre, *UN Refugee Agency Begins Delivering Supplies to Families Escaping Besieged Fallujah*, 27 May 2016, <http://www.refworld.org/docid/574bea4140b.html>; Wall Street Journal, *Iraqi Blockade of ISIS-Occupied Fallujah Leaves Residents Starving*, 31 January 2016, <http://on.wsj.com/1SRW1Cw>.

¹⁷² “Many are facing great hardship, sheltering in unfinished buildings, makeshift shelters or mosques. Many are unable to find regular work, skip meals because of the costs, and struggle to pay rent or send their children to school”; UNHCR, *Mosul Offensive Triggers Growing Displacement in Iraq*, 21 September 2016, <http://www.refworld.org/docid/57e2b29219.html>. “Hundreds of thousands of individuals, including persons from all ethnic and religious communities, are living in extremely precarious conditions and often under the threat of violence or further displacement, and with basic and often inadequate shelter, health care, food and water provision. While some education initiatives exist, many internally displaced children are not receiving education other than what basic primary schooling can be provided within such communities. Many internally displaced persons have few if any financial resources and little prospect of employment or income-generating activities”; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 23.

¹⁷³ “Work is frequently in short supply for the general population and displaced persons find little if any prospect of work or income-generating activities. In some cases they may find short-term or daily paid work and those with financial resources may be able to begin small income-generating activities. For the majority, however, work is not readily available and their existing resources are rapidly depleted”; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 29. “The ability of the protracted displaced people to find sustainable job opportunities continues to be severely limited. (...) Only 36 per cent of the country’s displaced households earn a consistent income and are able to afford basic needs, leaving around 2 million people unsupported by a steady source of income. In addition, an alarming 85 per cent of all displaced households in Iraq are in debt”; OCHA, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAI>, pp. 29, 30.

female-headed households often face particular challenges to finding employment or livelihood opportunities in their displacement locations, and many have to resort to negative coping strategies.¹⁷⁴

45. Humanitarian partners are struggling to shelter newly displaced civilians as absorption capacities at existing displacement camps are overwhelmed and the establishment of additional sites requires funds and land allocations.¹⁷⁵ At the time of writing, displacement has been limited, with just over 50 per cent of the new IDPs so far seeking shelter in camps, and the others sheltering in private settings or critical shelters in host communities.¹⁷⁶ In the event of mass displacement from Mosul, existing camps will not have the capacity to absorb all families needing shelter and many will have to be directed to pre-identified “emergency sites” without adequate shelter and basic services.¹⁷⁷
46. As a result of conflict, displacement and confiscation of documents, many IDPs do not hold critical documentation. This restricts their access to essential services, limits their freedom of movement and access to relatively safer areas, and increases the risk of arbitrary arrest.¹⁷⁸

UNHCR Position on Returns

47. Under the present circumstances, UNHCR urges States to refrain from forcibly returning any Iraqis who originate from areas of Iraq that are affected by military action, remain fragile and insecure after having been retaken from ISIS, or remain under control of ISIS. Such persons, including persons whose claims for international protection have been rejected, should not be returned either to their home areas, or to other parts of the country. Many Iraqis from these areas are likely to meet the criteria of the 1951 Convention for refugee status.¹⁷⁹ When 1951 Refugee Convention criteria are found not to apply, broader refugee criteria as

¹⁷⁴ “Nearly two years after ISIS’ advances, IDPs are in a dire financial position. Vulnerable families are quickly depleting productive assets in order to meet daily household needs as there are limited livelihood opportunities in areas of displacement. Many are relying on corrosive coping strategies, such as reducing meals, borrowing money and, in the worst cases, resorting to child labour, prostitution, organ sale and begging”; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, p. 5. See also, UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, para. 29.

¹⁷⁵ OCHA, *Humanitarian Bulletin Iraq*, September 2016, 15 October 2016, <http://bit.ly/2e8Oyz7>, pp. 1-2; Reuters, *Cash-Strapped U.N. Faces Huge Challenges in Mosul Offensive*, 13 October 2016, <http://reut.rs/2e0hFqt>; The Daily Beast, *A Million Refugees Could Make a Mosul Victory Look Like Defeat*, 10 October 2016, <http://thebea.st/2d6dvlQ>; Al Jazeera, *‘Massive Crisis’ as 1.5m Expected to Flee Iraq’s Mosul*, 29 September 2016, <http://aje.io/he64>; UNHCR, *Mosul Offensive Triggers Growing Displacement in Iraq*, 21 September 2016, <http://www.refworld.org/docid/57e2b29219.html>; The Guardian, *Little Respite for Iraqis Displaced by Mosul Fighting*, 3 August 2016, <http://bit.ly/2dVlcEa>; NRC/IDMC, *In Search of Safety in Iraq*, July 2016, <http://www.refworld.org/docid/582098104.html>, p. 12.

¹⁷⁶ OCHA, *Mosul Humanitarian Crisis*, 1 November 2016, <http://bit.ly/2fa0KCq>, p. 1; OCHA, *Mosul Flash Appeal*, 20 July 2016, <http://bit.ly/2d9dZTv>, p. 2.

¹⁷⁷ In a worst-case scenario, up to 700,000 may be need of emergency shelter. At the time of writing, over 20,000 newly-displaced IDPs are accommodated in camps. Shelter is available to accommodate a further 40,000 IDPs in seven camps and an additional 450,000 spaces are under construction or planned; OCHA, *Mosul Humanitarian Crisis*, 9 November 2016, 9 November 2016, <http://bit.ly/2fRVoNw>. See also, OCHA, *Humanitarian Bulletin Iraq*, September 2016, 15 October 2016, <http://bit.ly/2e8Oyz7>, p. 3; The Daily Beast, *A Million Refugees Could Make a Mosul Victory Look Like Defeat*, 10 October 2016, <http://thebea.st/2d6dvlQ>; Al Jazeera, *‘Massive Crisis’ as 1.5m Expected to Flee Iraq’s Mosul*, 29 September 2016, <http://aje.io/he64>.

¹⁷⁸ In Iraq, civil status documentation is issued and renewed at the local civil status office in a person’s place of origin where the original records are maintained – a prospect that is currently not feasible for many IDPs. In response to the large-scale displacement since 2014, alternative civil status offices have been opened in various parts of the country to renew ID cards (but not other types of documentation); however their geographic coverage is limited and many IDPs consequently remain without access to civil status documents. Administrative procedures to recover lost documentation are lengthy and costly in terms of administrative fees and transportation costs. Access to documentation may be dependent on the successful resolution of civil legal claims (e.g. marriage registration, divorce, issuance of death certificates). “Access to legal documentation has proved to be one of the most salient challenges for IDPs across Iraq. Failure to present relevant documents may lead to exclusion from basic public services and humanitarian assistance. (...) IDPs who are found without documentation are often considered illegal residents and sometimes held for days in detention until they have been vetted. This is especially common in the KRI and Kirkuk governorate”; MRGI, *Iraq’s Displacement Crisis*, March 2016, <http://www.refworld.org/docid/573592d24.html>, pp. 18-19, 20. See also, UNHCR, *Mosul Weekly Protection Update*, 29 October - 4 November, 2016, 4 November 2016, <http://bit.ly/2fsroVl>; UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>, pp. 27-28; UN Human Rights Council, *Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 5 April 2016, <http://www.refworld.org/docid/575fb7e14.html>, paras 14, 54; OCHA, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAI>, pp. 7, 16; OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 7; Humanitarian Practice Network (HPN), *Identity Crisis? Documentation for the Displaced in Iraq*, October 2015, <http://bit.ly/1QJpxZ9>.

¹⁷⁹ 1951 Convention Relating to the Status of Refugees [Convention Relating to the Status of Refugees (“1951 Convention”), 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <http://www.refworld.org/docid/3be01b964.html>] and its 1967 Protocol [Protocol Relating to the Status of Refugees, 31 January 1967, United Nations, Treaty Series, Vol. 606, p. 267, <http://www.refworld.org/docid/3ae6b3ae4.html>]. Iraqis originating from areas in Iraq outside the scope of UNHCR’s Position on Returns may of course also meet the 1951 Refugee Convention criteria.

contained in relevant regional instruments¹⁸⁰ or complementary forms of protection¹⁸¹ are likely to apply. Depending on the profile of the individual case, exclusion considerations may need to be examined.¹⁸²

48. Where decision-makers consider the availability of an internal flight or relocation alternative, the burden is on the decision-maker to identify a particular area of relocation and to show that in respect of this location the requirements for the relevance and reasonableness of the proposed relocation alternative are met.¹⁸³ In the current circumstances, with large-scale internal displacement, a serious humanitarian crisis, mounting inter-communal tensions, access/residency restrictions in virtually all parts of the country and increasing pressure exercised on IDPs to prematurely return to their areas of origin following the retaking of these areas from ISIS, UNHCR does not consider it appropriate for States to deny persons from Iraq international protection on the basis of the applicability of an internal flight or relocation alternative. An internal flight or relocation alternative would only be available in the exceptional circumstances where an individual can legally access and remain in the proposed area of relocation,¹⁸⁴ would not be exposed to a new risk of serious harm there,¹⁸⁵ and has close family links in the proposed area, with the family willing and able to support the individual.¹⁸⁶ In light of the difficult humanitarian conditions in many parts of the country, especially in areas hosting large numbers of IDPs, family members who are themselves in a situation of internal displacement would generally not be considered as being able to provide such support.¹⁸⁷

¹⁸⁰ Depending on the country where persons originating from Iraq seek international protection, regional refugee protection frameworks apply; see *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>; *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, <http://www.refworld.org/docid/3ae6b36ec.html>. Although the Cartagena Declaration is included in a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 14 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see: UNHCR, *Summary Conclusions on the Interpretation of the Extended Refugee Definition in the 1984 Cartagena Declaration: Roundtable 15 and 16 October 2013, Montevideo, Uruguay*, 7 July 2014, <http://www.refworld.org/docid/53c52e7d4.html>.

¹⁸¹ Asylum-seekers from these areas of Iraq seeking international protection in European Union Member States who have been found not to be refugees are likely to fall within the scope of Article 15 of the EU Qualification Directive as persons in need of subsidiary protection [European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)* ("Qualification Directive"), 13 December 2011, <http://www.refworld.org/docid/4f06fa5e2.html>].

¹⁸² UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

¹⁸³ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.unhcr.org/refworld/docid/3f2791a44.html>, paras. 33-35.

¹⁸⁴ The lack of sponsorship, where required, and/or the lack of documentation likely results in arrest and/or pressure to return to the area of original persecution. Areas, in which an individual may be pressured by local authorities to return to an area previously held by ISIS would not constitute a relevant internal flight alternative. See above para. 30.

¹⁸⁵ See "Treatment of Civilians from Previously or Currently ISIS-Held Areas in Areas under Control of the Central Government or the KRG". See also UNHCR, *Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) in Baghdad for Sunni Arabs from ISIS-Held Areas*, May 2016, <http://www.refworld.org/docid/575537dd4.html>, paras. 11-15.

¹⁸⁶ The wider economic constraints and increasing poverty affecting large segments of the Iraqi population need to be taken into account when assessing the reasonableness of an internal flight alternative, particularly in areas with high numbers of IDPs. Factors to be considered include in particular competition over access to livelihoods, shelter, and public services. See above "Humanitarian Situation".

¹⁸⁷ For detailed guidance on the application of an internal flight or relation alternative and the relevance and reasonableness criteria, see UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.unhcr.org/refworld/docid/3f2791a44.html>.