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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

This document provides an overview of factual elements to be considered when assessing the availability of an Internal Flight Alternative or Relocation Alternative (IFA/IRA) in Baghdad for a Sunni Iraqi national, who has a well-founded fear of persecution at the hands of ISIS in his area of origin, based on UNHCR information and publicly available sources. It has been updated as of 3 May 2016. Given the volatility of the situation in Iraq as well as frequent changes to regulations and practices concerning the access to relatively safer areas, any consideration of an IFA/IRA needs to be made in light of up-to-date and relevant country of information.

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A detailed analytical framework for assessing the availability of an internal flight or relocation alternative (IFA/IRA), sometimes also referred to as internal protection alternative,¹ is contained in the 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*.²

In light of massive new internal displacement coupled with a large-scale humanitarian crisis, mounting sectarian tensions and reported access restrictions, UNHCR does in principle 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.³

If an IFA in Baghdad is however assessed in the case of a Sunni Arab applicant, who originates from an area (currently or previously) under control of the Islamic State of Iraq and Al-Sham (ISIS),⁴ UNHCR considers that the following country of origin information is relevant for the assessment of the relevance and reasonableness of the proposed IFA:

I. Elements to Be Considered in the ‘Relevance Analysis’

In the case of Baghdad, application of the ‘relevance test’ would require consideration of the following elements⁵:

- a) Is Baghdad practically, safely, and legally accessible to the individual?
- b) Would the individual be exposed to a risk of persecution or other serious harm in Baghdad?
- c) Is protection from State authorities available?

1) *Is Baghdad Practically, Safely, and Legally Accessible?*

Access to Baghdad through Baghdad International Airport is reported to be possible for Iraqis irrespective of their area of origin, provided they hold the necessary documentation. To that end, Iraqi embassies abroad can issue temporary one-way travel documents (laissez-passer) to Iraqi nationals seeking to return to Iraq.⁶ At the time of writing, UNHCR does not have access to returnees at the airport and does not monitor returns from abroad.⁷

¹ European Union, *Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted*, 19 April 2004, 2004/83/EC, <http://www.refworld.org/docid/4157e75e4.html>, Article 8; 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)*, 13 December 2011, <http://www.refworld.org/docid/4f06fa5e2.html>, Article 8.

² 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*, HCR/GIP/03/04, 23 July 2003, <http://www.refworld.org/docid/3f2791a44.html> (hereafter: UNHCR, *Guidelines on International Protection No. 4*).

³ UNHCR, *UNHCR Position on Returns to Iraq*, 27 October 2014, para. 27, <http://www.refworld.org/docid/544e4b3c4.html>.

⁴ The self-proclaimed “Islamic State of Iraq and Al-Sham” (ISIS) (Arabic: *Ad-Dawlah Al-Islāmiyyah fi 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).

⁵ UNHCR, *Guidelines on International Protection No. 4*, para. 7.

⁶ Republic of Iraq/Ministry of Foreign Affairs, *Pass Doc*, accessed 30 April 2016, <http://www.mofa.gov.iq/en/submenu.php?id=61>. See also, Los Angeles Times, *Refugees Buying One-Way Tickets Home after Finding Germany Intolerable*, 1 March 2016, <http://fw.to/EQFvEQC>; Reuters, *Frustrated with Germany's Asylum Red Tape, some Iraqis Return Home*, 28 January 2016, <http://reut.rs/23JARj>.

⁷ UNHCR information, April 2016.



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Travel by air to and from Baghdad International Airport (BIAP) is generally considered safe.⁸ However, on 26 January 2015, a commercial aircraft was reportedly struck by gunfire while attempting to land in Baghdad, which led to several airlines temporarily suspending flights in and out of Baghdad.⁹ There are also reports of infrequent mortar/rocket attacks on or near BIAP.¹⁰ Camp Liberty (Camp Hurriya), located in close vicinity of BIAP's security perimeter, has been the scene of repeated rocket attacks over the last years.¹¹ As the airport sits on the western edge of Baghdad and borders Al-Anbar governorate, an area contested by ISIS late 2013, fighting and hit-and-run attacks have repeatedly been reported in close proximity to the airport.¹²

Fatal attacks on military and civilian vehicles are also reported to occur on the road between Baghdad and BIAP,¹³ and there is a risk of carjacking and robbery.¹⁴ For security reasons, routes in and out of Baghdad can become blocked at short or no notice.¹⁵ Road closures are also imposed at short notice around religious holidays and key political events such as elections.¹⁶

2) *Would the Individual Be at Risk of Persecution or other Serious Harm in Baghdad?*

One would have to consider whether the individual would be exposed to a risk of persecution or other serious harm in the proposed area of relocation. This would include the original or any new form of persecution or other serious harm in the area of relocation. If the individual would be exposed to a new risk of serious harm, including a serious risk to life, safety, liberty or health, or one of serious discrimination, an IFA/IRA does not arise, irrespective of whether or not there is a link to one of the Convention grounds. The assessment of new risks would therefore also need to take into account serious

⁸ UK Government, *Foreign Travel Advice – Iraq*, last updated 15 March 2016, <http://bit.ly/1q3mXmW>.

⁹ Wall Street Journal, *FlyDubai Flight Comes under Fire at Baghdad Airport*, 27 January 2015, <http://on.wsj.com/1BuPdA0>; Al Jazeera, *Flights to Baghdad Cancelled after FlyDubai Shooting*, 27 January 2015, <http://bit.ly/15OoROY>.

¹⁰ Vice News, *10 Rockets Reportedly Fired near Baghdad International Airport*, 22 September 2015, <http://bit.ly/1FbV5Uz>; Liberty Voice, *Baghdad Airport Target of Rocket Strike*, 31 January 2014, <http://bit.ly/1MaRREu>.

¹¹ Camp Liberty is home to approximately 1,800 Iranians, who previously resided in Camp Ashraf. For reported attacks on the camp see, Amnesty International, *Iraq: Investigate Deadly Camp Liberty Rocket Attack*, 30 October 2015, <http://bit.ly/1M5tC8f>; The New York Times, *Iran-Backed Militia Claims Responsibility for Attack on Iraqi Camp*, 30 October 2015, <http://nyti.ms/1V6zJOD>; UNHCR, *UNHCR Statement on Today's Attack on Vicinity of Baghdad International Airport, Including Camp Liberty, in Iraq*, 29 October 2015, <http://www.unhcr.org/56327fef6.html>; Reuters, *Rockets Land near Baghdad Airport, Reportedly Killing 23*, 29 October 2015, <http://reut.rs/203mRZk>; UNHCR, *UNHCR Shocked by Another Attack Affecting Camp Hurriya in Iraq, Renews Calls for Safety and Immediate Relocation of Residents*, 27 December 2013, <http://www.unhcr.org/52bd69f09.html>; Al Jazeera, *Rocket Attack Kills Iranian Exiles in Iraq*, 9 February 2013, <http://bit.ly/1Tz7R4A>.

¹² New York Times, *Airlines Suspend Flights to Iraq's Baghdad Airport after Jet Is Hit by Gunfire*, 27 January 2015, <http://nyti.ms/1D2jwxy>. See also below p. 21.

¹³ "A car bomb exploded on the perimeter of Baghdad's heavily guarded international airport complex on Sunday, wounding five people, security sources said. The blast occurred at a security checkpoint close to a parking lot, where passengers are searched before boarding airport taxis, three sources said"; Reuters, *Car Bomb Explosion near Baghdad International Airport Wounds Five*, 16 November 2014, <http://reut.rs/1ELAdNA>. "A United Nations convoy of three vehicles proceeding from the Baghdad International Airport to the International Zone was hit with at least one explosion this morning, the Organization's assistance mission in the country reported today"; UN News Centre, *Iraq: UN Convoy Hit by Explosion in Baghdad, Mission Reports*, 17 November 2014, <http://bit.ly/1V6CO16>. See also, UK Government, *Foreign Travel Advice – Iraq*, last updated 15 March 2016, <http://bit.ly/1q3mXmW>; Government of Canada, *Iraq*, last updated 11 March 2016, still valid at 30 April 2016, <http://bit.ly/203U1rJ>; New Zealand Foreign Affairs and Trade, *Safetravel – Iraq*, last updated 16 December 2015, still current at 30 April 2016, <https://www.safetravel.govt.nz/iraq>.

¹⁴ UK Government, *Foreign Travel Advice – Iraq*, last updated 15 March 2016, <http://bit.ly/1q3mXmW>; Government of Canada, *Iraq*, last updated 11 March 2016, still valid at 30 April 2016, <http://bit.ly/203U1rJ>; New Zealand Foreign Affairs and Trade, *Safetravel – Iraq*, last updated 16 December 2015, still current at 30 April 2016, <https://www.safetravel.govt.nz/iraq>.

¹⁵ UK Government, *Foreign Travel Advice – Iraq*, last updated 15 March 2016, <http://bit.ly/1q3mXmW>.

¹⁶ Ibid.



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harm generally covered under complementary forms of protection.¹⁷ One would further have to take into account whether the Iraqi authorities would be able and willing to provide protection.¹⁸

a) *Situation for Sunni Arabs in Baghdad*

According to reports, Iraqi Security Forces (ISF) and associated forces involved in fighting ISIS regularly target civilians on suspicion of their affiliation with or support for ISIS.¹⁹ While, as a general rule, criminal action against a person reasonably suspected of terrorism would be legitimate if in line with relevant legislation and the due process of law, in Iraq, observers note that civilians are frequently targeted on the basis of discriminatory and broad criteria, namely the person's perceived political opinion, religious background and/or place of origin: most arrests under the Anti-Terrorism Law of 2005²⁰ reportedly concern Sunni Arabs, predominantly men, but also women and children, on mere suspicions of supporting or sympathizing with anti-government armed groups such as ISIS.²¹ Under the Anti-Terrorism Law, arrests can be conducted without a warrant.²² Reports find that terrorism suspects are often held in prolonged pre-trial detention,²³ and without access to a lawyer or their families.²⁴ Detention conditions are

¹⁷ UNHCR, *Guidelines on International Protection No. 4*, para. 20.

¹⁸ UNHCR, *Guidelines on International Protection No. 4*, paras 15-17.

¹⁹ “The number of detention cases in Iraq has increased incrementally since the displacement crisis started. Often people are detained under the provisions of Article 4 of the Anti-Terrorism Law, for suspected affiliation to ISIS”; Ceasefire Centre for Civilian Rights and Minority Rights Group International (MRGI), *Iraq’s Displacement Crisis: Security and Protection*, March 2016, <http://bit.ly/1SyXUPv> (hereafter: Ceasefire Centre for Civilian Rights/MRGI, *Iraq’s Displacement Crisis*, March 2016), p. 20.

²⁰ Law No. 13 for 2005. It has been reported that the vast majority of detainees in Iraq are suspected of terrorism-related offences, including supporting and funding armed groups, on the basis of the Iraqi Anti-Terrorism Law, which defines terrorism as “[E]very criminal act committed by an individual or an organized group that targeted an individual or a group of individuals or groups or official or unofficial institutions and caused damage to public or private properties, with the aim to disturb the peace, stability, and national unity or to bring about horror and fear among people and to create chaos to achieve terrorist goals”; United Nations Assistance Mission for Iraq (UNAMI), *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, p. 39. “UNAMI/OHCHR has serious concerns concerning Anti-terrorism Law No. 13 of 2005 and its conformity with international human rights standards”; 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), para. 78. See also, 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>, paras 9, 27.

²¹ “The Iraqi authorities continued to detain thousands of mostly Sunni Muslims without trial as alleged terrorism suspects and subjected them to torture and other ill-treatment with impunity; many others were sentenced to death or long prison sentences after grossly unfair trials before courts that commonly convicted defendants on the basis of torture-tainted ‘confessions’”; Amnesty International, *Amnesty International Report 2015/16 - Middle East and North Africa Regional Overview*, 24 February 2016, <http://www.refworld.org/docid/56d05b7c5b.html>. “Security forces reportedly arrested civilians without warrants based on religious sect or political party”; GSDRC Applied Knowledge Services (GSDRC), *Formal Justice in Iraq*, GSDRC Helpdesk Research Report 1175, December 2014, <http://www.gsdrc.org/docs/open/HDQ1175.pdf> (hereafter: GSDRC, *Formal Justice in Iraq*, December 2014), p. 4.

²² UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, p. 12.

²³ “IDPs are often unlawfully held, in many cases for months at a time, without trial or access to justice.” And further: “Many who are accused of ISIS affiliation have been imprisoned for months, or over a year, without trial”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq’s Displacement Crisis*, March 2016, p. 20. “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. In May [2015], the Minister of the Interior denied that his ministry operated secret detention facilities, in response to complaints of enforced disappearances by detainees’ families”; Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>. “Authorities held many detainees for months or years after initial arrest and detention, particularly those detained under the antiterrorism law. Authorities sometimes held detainees incommunicado, without access to defense counsel or without formal charge before a judge within the legally mandated period”; US Department of State, *2015 Country Reports on Human Rights Practices - Iraq*, 14 April 2016, <http://www.state.gov/documents/organization/253137.pdf> (hereafter: US Department of State, *2015 Country Reports – Iraq*, 14 April



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reported to be particularly harsh for detainees held under the Anti-Terrorism Law.²⁵ The use of torture and ill-treatment is reported to be pervasive, particularly in facilities of the Ministry of Interior.²⁶ Several detainees are said to have died as a result of torture.²⁷ Detainees charged under the Anti-Terrorism Law are reported to be at risk of facing unfair trials,²⁸ and, if convicted, may face the death penalty, including on the basis of confessions extracted under torture.²⁹ The death penalty, carried out by hanging, continues to be extensively used, with many of death sentences reportedly imposed under the Anti-Terrorism Law.³⁰ In July 2015, the Iraqi Central Criminal Court reportedly sentenced 24 men to death under Article 4 of the 2005 Anti-Terrorism Law after convicting them of involvement in the killing of some 1,700 military cadets from the Speicher Military Camp near Tikrit (Salah Al-Din) on 12 June 2014. According to observers, the trial did not meet international fair trial standards.³¹

2016), p. 18. See also, GSDRC, *Formal Justice in Iraq*, December 2014, p. 4; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 12-13.

²⁴ “(...) detainees held as terrorism suspects, particularly those in facilities controlled by the Ministries of Interior and Defence, are often held incommunicado, without access to legal counsel (during the entire investigation process and in some cases not until the trial) or to family”; GSDRC, *Formal Justice in Iraq*, December 2014, p. 5. See also, UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 13, 23.

²⁵ Reports describe that conditions in some prisons and detention facilities as harsh and life-threatening due to food shortages, overcrowding, and inadequate access to sanitation facilities and medical care. According to the US Department of State, detainees held under the Anti-Terrorism Law, which are kept separately from other prisoners, “were more likely to remain in Interior Ministry facilities in harsher conditions”; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 10. See also GSDRC, *Formal Justice in Iraq*, December 2014, pp. 3, 9.

²⁶ “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”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq’s Displacement Crisis*, March 2016, p. 20. “Detention without cause and mistreatment of Sunni detainees helped to spark the Sunni protest movement of 2013 and continues to fuel opposition to the Iraqi state. Accounts of the torture of detainees are consistent and credible”; Freedom House, *Freedom in the World 2015 - Iraq*, 16 February 2015, <http://www.refworld.org/docid/54e46b446.html>. See also, US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 3, 8, 15, 25; Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; GSDRC, *Formal Justice in Iraq*, December 2014, pp. 6-7; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 13, 24-25.

²⁷ Amnesty International, *Amnesty International Report 2015/16 - Iraq*, 24 February 2016, <http://www.refworld.org/docid/56d05b4a9.html>; GSDRC, *Formal Justice in Iraq*, December 2014, p. 2.

²⁸ Human Rights Watch (HRW), *World Report 2016 - Iraq*, 27 January 2016, <http://www.refworld.org/docid/56bd99386.html>.

²⁹ “The criminal justice system remained critically flawed and the judiciary lacked independence. Trials, particularly of defendants facing terrorism charges and possible death sentences, were systematically unfair with courts often admitting torture-tainted ‘confessions’ as evidence, including ‘confessions’ broadcast by state-controlled television channels before suspects were referred to trial”; 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*, 14 April 2016, pp. 18-20. Amnesty International, *Iraq: 24 Sentenced to Death after Unfair Trial for the Speicher Massacre*, 9 July 2015, MDE 14/2064/2015, <http://bit.ly/1TYi9sB>; HRW, *Iraq: Don't Ease Death Penalty Process*, 22 June 2015, <http://www.refworld.org/docid/5589558140f.html>; GSDRC, *Formal Justice in Iraq*, December 2014, pp. 2, 4-6; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, p. 2.

³⁰ Cornell Law School, *Death Penalty Worldwide - Iraq*, accessed 30 April 2016, <http://bit.ly/1qnEzLh>; Amnesty International, *Death Sentences and Executions - 2015*, 6 April 2016, <http://www.refworld.org/docid/5704b6ed4.html>, p. 11; 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>; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 19-20.

³¹ “According to international media, local lawyers who attended the trial, and HRW, the trial lasted between two to four hours. One lawyer represented all 28 defendants, did not meet with the defendants before the trial, and made one statement for the court on behalf of all of them. The judge asked each defendant for a statement of confession, although all defendants declined to confess and stated that they were innocent. Defendants told the judge that during the investigation authorities blindfolded them and told them to sign papers, which they believed were confessions. They also said authorities tortured them during the investigation. No witnesses presented evidence. The judges left the room for a brief discussion and returned with a verdict, sentencing 24 of the defendants to death and exonerating four others for lack of evidence”; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 20; Amnesty International, *Death Sentences and Executions - 2015*, 6 April 2016, <http://www.refworld.org/docid/5704b6ed4.html>, p. 11. See also, UNAMI, *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, 11 January

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In the wake of ISIS' advances in Iraq in 2014, Shi'ite militias have reportedly been emboldened and gained broad powers in areas under government control, including in Baghdad.³² In April 2014, Reuters reported that then Prime Minister Nouri Al-Maliki planned to deploy militias in order to fight the growing Sunni insurgency in Iraq.³³ Following ISIS' seizure of Mosul in June 2014, Shi'ite Grand Ayatollah Ali Al-Sistani, through his representative in Kerbala, reportedly issued a *fatwa* (religious edict) calling on volunteers to defend Iraq against ISIS. Although the call to arms was not framed as a Shi'ite mobilization against Sunnis, the Popular Mobilization Units (PMU)³⁴ established by then Prime Minister Al-Maliki reportedly became an umbrella organization for long-standing Shi'ite militias such as the Badr Organization, the League of the Righteous (*Asa'ib Ahl Al-Haq*), the Hezbollah Brigades (*Kata'ib Hezbollah*), and the Peace Companies (*Saraya Al-Salam*, formerly the Mehdi Army/JAM) as well as new, mostly Shi'ite volunteers.³⁵ The PMU reportedly come nominally under the Popular Mobilization Commission (PMC)³⁶ within the Ministry of Interior, which itself is headed by Mohammed Ghabban, a senior member of the Badr Organization.³⁷ In a decision issued on 7 April 2015, the Council of Ministers reportedly instructed ministries and state institutions to consider the Commission as a formal institution under the authority of the Prime Minister.³⁸ And on 30 September 2015, Prime Minister Abadi reportedly

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/55a6fac74.html>.

³² "(...) the deterioration of the security situation led to a re-emergence of Shia militias, which operated largely outside the authority of the government"; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 1. "The past year saw an unprecedented rise in power and prominence of the Shi'a militias, who filled a void left by an almost wholesale collapse of the Iraqi army and security forces in the face of the advance of the IS. After the IS had overrun large areas of Iraq in mid-2014, brutally and systematically targeting Shi'a and minority communities, the Shi'a militias became the main force willing and able to fight the IS, halting its advance in certain areas and recapturing territory in others. They thus gained unprecedented power and legitimacy"; Amnesty International, *Iraq: Barwana Massacre - Botched Investigation, Families Waiting for Justice*, 10 June 2015, MDE 14/1812/2015, <http://www.refworld.org/docid/5667dc924.html> (hereafter: Amnesty International, *Iraq: Barwana Massacre*, 19 June 2015), p. 9. See also, Carnegie Endowment for International Peace (CEIP), *The Rise of Iraq's Militia State*, 23 April 2015, <http://ceip.org/1DgLfsl>; Rolling Stone, *Inside Baghdad's Brutal Battle against ISIS*, 13 March 2015, <http://rol.st/1Gd4k2j>; Amnesty International, *Absolute Impunity: Militia Rule in Iraq*, 14 October 2014, MDE 14/015/2014, <http://www.refworld.org/docid/54491b3b4.html> (hereafter: Amnesty International, *Absolute Impunity*, 14 October 2014), p. 17; Vice News, *Baghdad's Sunnis Are Living in Fear amid Escalated Violence*, 1 August 2014, <http://bit.ly/1VTdBGU>.

³³ Reuters, *Before Iraq Election, Shi'ite Militias Unleashed in War on Sunni Insurgents*, 27 April 2014, <http://reut.rs/1hCzqPH>.

³⁴ In Arabic: *Al-Hashd Al-Sha'abi*. Also known as Popular Mobilization Forces (PMF).

³⁵ "Following the seizure of territories by ISIL from 5 June 2014 and the collapse of the ISF in those areas, Grand Ayatollah Ali al-Sistani called on Iraqis to defend Iraq from ISIL. Al-Sistani's statement was delivered in Karbala by his representative, Abdu al-Mahdi al-Karbali, during a Friday sermon on 13 June 2014. It provided that 'the threats posed obligate the volunteering of those who are capable of carrying arms to defend the homeland and it is a duty on [them].' Al-Karbali also expressed support for ISF, stating that it was the duty of all Iraqi citizens, not just Shi'a, to join the armed forces to protect the country. Ayatollah Bashir al-Najafi, another member of Iraq's clerical establishment, also issued a statement calling on Iraqis to join ISF"; 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>, Footnote 40. See also, CEIP, *From Militia to State Force: the Transformation of al-Hashd al-Shaabi*, 16 November 2015, <http://ceip.org/1QqRzJY> (hereafter: CEIP, *From Militia to State Force*, 16 November 2015); CEIP, *The Rise of Iraq's Militia State*, 23 April 2015, <http://ceip.org/1DgLfsl>; The New York Times, *Answering a Cleric's Call, Iraqi Shiites Take Up Arms*, 21 June 2014, <http://nyti.ms/UZ8x8o>; Institute for the Study of War (ISW), *The Iraqi Shi'a Mobilization to Counter the ISIS Offensive*, 14 June 2014, <https://shar.es/1YAXim>. A smaller number of Sunni volunteers (approx. 17,000) have reportedly also been integrated into the PMUs in order to fight ISIS in Sunni-dominated areas of Iraq; United States Congressional Research Service, *Iraq: Politics and Governance*, 9 March 2016, <http://www.refworld.org/docid/56e675014.html>, p. 17; Al Monitor, *It's Official: Sunnis Joining Iraq's Popular Mobilization Units*, 14 January 2016, <http://almon.co/2kvv>.

³⁶ "All the PMFs are not part of the formal ISF command structure, but report to a Popular Mobilization Committee that is headed by National Security Adviser Falih AlFayyad. The deputy head of the Committee is the head of Kata'ib Hezbollah, Abu Mahdi AlMuhandis"; United States Congressional Research Service, *Iraq: Politics and Governance*, 9 March 2016, <http://www.refworld.org/docid/56e675014.html>, p. 17.

³⁷ ISW, *Iraq Situation Report: February 18 - 22, 2016*, 22 February 2016, <http://bit.ly/1T13jyE>; Reuters, *Power Failure in Iraq as Militias Outgun State*, 21 October 2015, <http://reut.rs/1ROxnDJ>; Washington Post, *Iraq Is Giving a Key Security Job to a Man Linked to an Iranian-Backed Paramilitary Group*, 18 October 2014, <http://wpo.st/y11R1>.

³⁸ "On 7 April 2015, the Council of Ministers announced that 'all ministries and state institutions were ordered to deal with the PMU/PMF as an official body reporting to the Prime Minister and Commander in Chief of the Armed Forces, who assumes



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told the UN General Assembly that the PMU are a “legitimate organization that is supported by the Iraqi state”.³⁹ The PMU reportedly receive funding from Iraq’s state budget, as well as weapons and equipment.⁴⁰ Despite formal government oversight, the extent of government command and control over the PMU reportedly remains uncertain.⁴¹ Reports suggest that the PMU are militarily stronger than the ISF,⁴² and may even enjoy *de facto* command over some regular ISF units.⁴³ Some of the Shi’ite militias now under the umbrella of the PMU have a record of targeting Sunnis during the years of sectarian violence following the bombing of the revered Shi’ite Al-Askari shrine in Samarra by Sunni extremists in February 2006.⁴⁴

command and control of the PMU/PMF’. The move came in the wake of the controversy surrounding the conduct of the fighting for the recapture from the IS of the city of Tikrit and surrounding areas by a combination of militia and government forces, backed by air strikes from the US-led coalition”; Amnesty International, *Iraq: Barwana Massacre*, 19 June 2015, p. 10. See also, UN Security Council (UNSC), *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. 12; The New York Times, *After Victory over ISIS in Tikrit, Next Battle Requires a New Template*, 7 April 2015, <http://nyti.ms/1GIm1Jo>; Iraq Trade Link News Agency, *Iraqi Cabinet Regards Popular Mobilization Forces an Official Organ, Cabinet*, 7 April 2015, <http://bit.ly/1VSWPrs>.

³⁹ General Assembly of the United Nations, *General Debate of the 70th Session - Iraq: H.E. Mr. Haider Al Abadi, Prime Minister*, 30 September 2015, <http://gadebate.un.org/70/iraq> [at minute 17.25].

⁴⁰ “The PMFs received about \$1 billion from the government budget in the 2015 budget, which was increased to \$2 billion for the 2016 budget year. The PMFs might also receive funds from Iran and from various parastatal organizations in Iran”; United States Congressional Research Service, *Iraq: Politics and Governance*, 9 March 2016, <http://www.refworld.org/docid/56e675014.html>, p. 17. See also, Reuters, *Power Failure in Iraq as Militias Outgun State*, 21 October 2015, <http://reut.rs/1ROxnDJ>; CEIP, *The Rise of Iraq’s Militia State*, 23 April 2015, <http://ceip.org/1DgLSfl>.

⁴¹ “On April 7 [2015], the Council of Ministers announced that the PMF was an official body reporting to the prime minister, but the prime minister’s ability to command the PMF remained a source of disagreement and debate.” And further: “In many cases Shia PMF operated independently and without oversight or direction from the government”; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 1 and 3. “Iraqis from all communities fear that [Prime Minister] Abadi is not in charge, that he is unable to control many of the groups and fighters within al-Hashd al-Shaabi, and that the growth of politically autonomous militias at the expense of the regular army will undermine the functioning of the central government. (...) The Hashd militias have thus been able to establish themselves as a part of the Iraqi government without surrendering their autonomy or their connections with Iran. (...)”; CEIP, *From Militia to State Force*, 16 November 2015. “It remains difficult to ascertain, however, the degree of command and control exercised by the Government over the popular mobilization forces”; UNSC, *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. 13. “These [Shi’ite] militias, often armed and backed by the government of Iraq, continue to operate with varying degrees of cooperation from government forces – ranging from tacit consent to coordinated, or even joint, operations”; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 4. See also, Reuters, *Power Failure in Iraq as Militias Outgun State*, 21 October 2015, <http://reut.rs/1ROxnDJ>.

⁴² “Collectively, the Hashd factions are now stronger than the official state-administered Iraqi Security Forces (ISF). The ISF is widely seen as weak, corrupt, and ineffective and many of Iraq’s Shia Arabs favor al-Hashd al-Shaabi over the ISF, which failed to contain the Islamic State in 2014”; CEIP, *From Militia to State Force*, 16 November 2015. According to Donatella Rovera, Amnesty International’s Senior Crisis Response Adviser, “Shia militias are way more important than the army and are running the show”; The Independent, *Amnesty International’s New Report Says Shia Militias Are Killing Sunni Civilians in Revenge for ISIS Attacks*, 14 October 2014, <http://ind.pn/1D8OMf7>. “(...) militias are not subordinate to the regular forces. On the contrary, they appear to have more authority and effective power on the ground than the beleaguered government forces, increasingly seen as weak and ineffective”; Amnesty International, *Absolute Impunity*, 14 October 2014, pp. 17-18. See also, Associated Press (AP), *Fears in Iraqi Government, Army over Shiite Militias’ Power*, 21 March 2016, <http://apne.ws/1MwCrEU>; Washington Post, *Pro-Iran Militias’ Success in Iraq Could Undermine U.S.*, 15 February 2015, <http://wpo.st/az0R1>; Niqash, *Are Shiite Militias Growing More Powerful than Iraqi Army?*, 29 January 2015, <http://bit.ly/1MW2W73>.

⁴³ Reuters, *Power Failure in Iraq as Militias Outgun State*, 21 October 2015, <http://reut.rs/1ROxnDJ>; 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. 51, 74; Bloomberg, *Exclusive: US Offers Air Strikes to Support Iraqi Forces Led by Iran-Backed Badr Corps*, 3 February 2015, <http://bv.ms/1HUfPke>.

⁴⁴ “In the days that followed [the attack on the shrine], hundreds of Sunni mosques were attacked and thousands of civilians were killed. As Sunni extremists carried out near-daily suicide bombings, Shiite militiamen raided Sunni neighborhoods, abducting young men, torturing and killing them, and dumping the bodies in the streets (...) Baghdad’s once-mixed neighborhoods were carved into Sunni and Shiite enclaves that soon came to be surrounded by high concrete walls and concertina wire”; AP, *10 Years on, Iraq Scarred from Attack on Shiite Shrine*, 21 February 2016, <http://yhoo.it/1qnczHB>. “Much of the Shi’ite generated violence in Iraq has



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Since their establishment, the PMU have reportedly been involved in numerous battles against ISIS across various fronts, both alongside ISF and independently. Elements of the PMU reportedly target Sunni Arab civilians, specifically men, for abduction, torture, extra-judicial execution, forced eviction, and looting and destruction of property, in what appear to be reprisal acts for the latter's perceived support for ISIS.⁴⁵ PMU leaders have acknowledged that abuses occur, but say that these are acts committed by individuals and do not constitute a policy.⁴⁶ Militia members involved in abuses have reportedly not been held accountable in the vast majority of cases.⁴⁷

In Baghdad, Shi'ite militias reportedly man checkpoints alongside ISF, patrol streets in unmarked vehicles, and conduct house raids.⁴⁸ Members of Shi'ite militias reportedly use checkpoints to threaten

*been attributed to two rival Shi'ite militias, the Badr Organization and the Mehdi Army. Shi'ite militia members have increasingly entered the ISF, such as the Facilities Protection Services (FPS) and the Special Commando Units / Iraqi National Police, and have reportedly conducted kidnappings, torture and summary executions of mainly Sunni Arabs. There have also been increasing reports of abuse and torture of government-held detainees, especially in detention facilities operated by the Ministry of Interior"; UNHCR, UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers, August 2007, <http://www.refworld.org/docid/46deb05557.html>, p. 10. See also, Reuters, *Torture by Iraqi Militias: The Report U.S. Doesn't Want You to See*, 14 December 2015, <http://reut.rs/1Z7vJwK>; Washington Post, *Iraq Is Giving a Key Security Job to a Man Linked to an Iranian-Backed Paramilitary Group*, 18 October 2014, <http://wpo.st/huES1>.*

⁴⁵ *"UNAMI/OHCHR also received reports of targeted attacks and reprisals against persons believed to support or to be associated with ISIL, particularly Sunni Arab community members"; UN General Assembly, Report of the United Nations High Commissioner for Human Rights, 27 July 2015, para. 22. "Men from Sunni communities in and around areas where the IS has been operating, or where it has imposed its control, are often suspected of collaborating with the IS and many have been targeted by Shi'a militias and security forces. In the past year, these militias and forces have killed hundreds of Sunni men in collective massacres and individually with utter impunity, in apparent acts of revenge for the heinous crimes committed by the IS, and have used such crimes as a pretext to forcibly displace Sunni communities"; Amnesty International, *Iraq: Barwana Massacre*, 19 June 2015, p. 8. "Throughout the summer of 2014, Popular Mobilisation Movement 'volunteers' and Shi'a militia moved from their southern heartlands towards ISIL-controlled areas in central and northern Iraq. While their military campaign against the group gained ground, the militias seem to operate with total impunity, leaving a trail of death and destruction in their wake." And further: "Since the fall of Mosul, different armed groups have become an integral component of the Government's response to ISIL, with the line between regular and irregular pro-Government forces, and particularly between 'Popular Mobilisation' volunteers and militia increasingly blurred"; 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 6, 51. See also paras 52-64 of the same report. "The rule of law suffered further in 2014 as a result of the participation of Shi'ite militias—such as the Badr Brigade, Kata'ib Hezbollah, and Asa'ib Ahl al-Haq—in the conflict with IS. These groups, swelled by new recruits and organized into what they and the Iraqi government referred to as "popular mobilization units," often wore military-style uniforms and fought alongside state security forces. However, there were no mechanisms to hold them accountable for abuses, and they were allegedly involved in kidnappings, extortion, summary executions, and attacks on civilians, both near the front lines of the fight with IS and in the South"; Freedom House, *Freedom in the World 2015 - Iraq*, 16 February 2015, <http://www.refworld.org/docid/54e46b446.html>. See also, US Department of State, *2015 Country Reports - Iraq*, 14 April 2016, pp. 1, 3, 5, 13-14, 17, 23-24, 25; HRW, *Iraq: Possible War Crimes by Shia Militia*, 31 January 2016, <http://www.refworld.org/docid/56b11e5d12d7.html>; HRW, *After Liberation Came Destruction: Iraqi Militias and the Aftermath of Amerli*, 18 March 2015, <http://www.refworld.org/docid/550c33b84.html>.*

⁴⁶ According to Qais Al-Khazali, leader of Kata'ib Ahl Al-Haq, "We don't deny that there have been mistakes and violations. But these happen on an individual level. We believe that such violations should be identified and they should be dealt with according to the Iraqi law and Iraqi judiciary"; Niqash, 'We Don't Deny Militias Have Committed Violations', 19 August 2015, <http://bit.ly/1UuUQdx>. Basam Ridha, the PMU's representative in Washington, told Bloomberg: "I am not saying it's not happening, it does happen. We do have revenges, some of these people volunteer because they lost their loved ones. That's going to happen, we can't stop this." He further acknowledged that those responsible for abuses are not brought to justice, although they may be kept in military bases for a few weeks; Bloomberg, *Why Iraq Doesn't Punish its Militias' War Crimes*, 9 February 2016, <http://bv.ms/1TaYR5X>.

⁴⁷ See below Section I.3: "Is Protection from State Authorities Available?"

⁴⁸ "Those armed groups (...) now command entire neighborhoods in Baghdad (...). They run their own checkpoints, are flush with weapons stocks and Iranian cash, and often drive the same kind of armored vehicles as security forces. Because of their growing authority, the militias 'move freely in Baghdad,' said an Iraqi analyst and security consultant, Hisham al-Hashimi"; Washington Post, *Fearing Shiite Militias back in Spotlight after Three Americans Vanish in Iraq*, 21 January 2016, <http://wpo.st/A1ZQ1>. "The city of Baghdad and its suburbs are generally considered to be under the government's control. However, as mentioned the government shares exercise of defence and law enforcement power with various Shi'ite militias. Thus, the government's independent control could be said to be very incomplete and instead alternating or overlapping with control exercised by Shi'ite militias";



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and disappear Sunnis.⁴⁹ Sunni Arabs reportedly choose to pose as Shi'ites in order to avoid problems at checkpoints, e.g. by changing their names (which indicate a sectarian affiliation), using forged ID cards, or memorizing relevant texts of the Qur'an.⁵⁰

According to reports, there has been a renewed surge in targeted violence against Sunni Arabs in Baghdad since 2014, with Sunni Arabs exposed to death threats and forced expulsion,⁵¹ abductions/disappearances,⁵² and extra-judicial executions.⁵³ Since 2014, there has reportedly been a

Belgium Office of the Commissioner General for Refugees and Stateless Persons (CEDOCA), *Iraq: Baghdad - The Security Situation as of February 2015*, 13 February 2015, <http://bit.ly/1SNIGtP>, p. 7. "Militia members often wear uniforms and operate both independently and alongside government forces - on the battlefield and checkpoints, and use army/security forces' bases and detention centres - increasingly blurring the lines between them and regular forces"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 17. "(...) League [of the Righteous/Asa'ib Ahl Al-Haq] members have started appearing at many of Baghdad's hundreds of checkpoints, working alongside the Iraqi army, as though they were equal in power. Dressed in black clothing emblazoned with specifically Shi'ite Muslim religious messages, they help to inspect passing vehicles. Sometimes they even carry out inspections by themselves. (...) Members of the League have formed convoys with their own civilian vehicles and they patrol Baghdad's streets, both in Shi'ite Muslim and Sunni Muslim neighbourhoods. (...) The League's offices [in Shi'ite neighbourhoods] recruit new members, monitor security and prevent strangers from entering their areas"; Niqash, *Thanks to Sunni Extremists, Baghdad Sees Return of Shia Extremist Militias*, 24 June 2014, <http://bit.ly/1UG1QUZ>. "It was reported from 15 June [2014] that illegal checkpoints had been established in several districts in Baghdad, including Karrada, Hurriya and central Baghdad. Sources in predominantly Shi'a neighborhoods report that they were witnessing vehicle convoys of well-armed Shi'a militiamen parading through their neighborhoods several times a day"; UNAMI, *Report on the Protection of Civilians in the Non International Armed Conflict in Iraq: 5 June - 5 July 2014*, 5 July 2014, <http://www.refworld.org/docid/53ce0f0d4.html>, p. 16. See also, McClatchy, *Sunni Politician's Abduction, Rescue Raise Question of Who Controls Shi'ite Militias*, 28 July 2014, <http://bit.ly/1VhRn1Q>; The New York Times, *Shi'ite Violence Traps Baghdad's Sunnis, Haunted by a Grim Past*, 25 June 2014, <http://nyti.ms/1pCJWQ5>; Telegraph, *Iraq Crisis: Sectarian Tensions Mount in Baghdad as Shia Militias Prowl Sunni Areas*, 18 June 2014, <http://bit.ly/1MSIaFx>.

⁴⁹ According to Rebwar Fatah of Middle East Consultancy Services (MECS), "Sunni Arab males are always at risk even if they are just passing through a checkpoint which is manned by a Shi'a militia group"; Al Jazeera (video), *Dismantling the Social Fabric of Iraq*, 20 January 2016, <http://bit.ly/1VndfZP> [at minute 18.10]. "The victims were abducted from their homes, workplace or from checkpoints. Many were later found dead, usually handcuffed and shot in the back of the head" (emphasis added); Amnesty International, *Absolute Impunity*, 14 October 2014, p. 4. See also, Al-Araby Al-Jadeed, *Iraq: Gunpoint Kidnappings 'Getting out of Control'*, 10 September 2015, <http://bit.ly/1qDerMb>; HRW, *Iraq: Curbs Put War's Displaced at Risk*, 30 May 2015, <http://www.refworld.org/docid/556d6a344.html> (hereafter: HRW, *Curbs Put War's Displaced at Risk*, 30 May 2015).

⁵⁰ According to one report, the Ministry of the Interior in autumn 2015 issued an order stating that only those who bear the name "Saddam" (as the former President of Iraq, Saddam Hussein) would be allowed to change their names. The same report asserts that name changes continue to take place in the mixed governorate of Diyala; it is not known whether name changes remain possible in Baghdad after the Ministry of Interior's decision; Niqash, *In Diyala, Iraqis Change Names to Avoid Being Targeted by Volunteer Militias*, 17 December 2015, <http://bit.ly/1M08cfb>. See also, Al Monitor, *From Omar to Hussain: Why Iraqis Are Changing Their Names*, 17 June 2015, <http://almon.co/2gbn>; The Guardian, *Iraqi Sunnis Forced to Abandon Homes and Identity in Battle for Survival*, 5 April 2015, <http://gu.com/p/477hk/stw>; The World Post, *Worried Their Names Can Be a Death Sentence, Some Iraqis Look to Change Them*, 3 April 2015, <http://huff.to/1RYiQqI>; Al-Araby Al-Jadeed, *Iraqis Change Names to Escape Sectarian Strife*, 24 March 2015, <http://bit.ly/1UUnIM0>; HRW, *Iraq: Pro-Government Militias' Trail of Death*, 31 July 2014, <http://www.refworld.org/docid/53df9ad54.html> (hereafter: HRW, *Pro-Government Militias' Trail of Death*, 31 July 2014).

⁵¹ HRW, *Pro-Government Militias' Trail of Death*, 31 July 2014; Financial Times, *Fear of Iraqi Sectarianism Fuels Sunni Exodus from Baghdad*, 16 June 2014, <http://on.ft.com/1PRw4fF>.

⁵² "Numerous reports continued during the year of Shia PMF killing, torturing, kidnapping, and extorting civilians." And further "Kidnapping cases increased throughout the year, with criminals and some militias exploiting the security situation to carry out kidnappings, either for personal gain or for sectarian reasons"; US Department of State, *2015 Country Reports - Iraq*, 14 April 2016, pp. 1, 6. "Militias or criminal groups were most often associated with abductions outside of ISIL-controlled areas. For example, kidnapping cases increased throughout the year, with criminals and militias exploiting the security situation to carry out dozens of kidnappings a week in Baghdad either for personal gain or for sectarian reasons"; US Department of State, *2015 Country Reports - Iraq*, 14 April 2016, p. 7. "Shi'a militias, for their part, have been taking advantage of the atmosphere of lawlessness and impunity to abduct and kill Sunni men, seemingly in reprisal or revenge for IS attacks and at times also to extort money from the families of those they have abducted"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 5. "With Shi'ite militias revived to counter the Islamic State (IS/ISIS) militants in Iraq, Sunnis, Christians and Kurds report a growing trend in blackmail, and kidnappings for ransom" (emphasis added); Rudaw, *Non-Shiites in Baghdad Report Rise in Kidnappings, Killings by Militias*, 3 September 2014, <http://bit.ly/1RXhkTe>. See also, Reuters, *Power Failure in Iraq as Militias Outgun State*, 21 October 2015, <http://reut.rs/1ROxnDJ>; Counterpunch, *Iraq's Descent into Chaos*, 15 October 2014, <http://bit.ly/1N0mCJ1>; Amnesty International, *Absolute Impunity*, 14 October 2014, MDE 14/015/2014, <http://www.refworld.org/docid/54491b3b4.html>; HRW, *Pro-Government*



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renewed increase in bodies discovered, mostly of Sunni Arab men, who are found blindfolded, handcuffed and apparently executed on a daily basis, mostly in Baghdad.⁵⁴ According to reports, the mode of killing and the geographic location where the bodies are found often correspond with known patterns of Shi'ite militias killing for sectarian or political motivations.⁵⁵ Families of those abducted or killed are reportedly often apprehensive about reporting the abduction or killing to the police, or checking the morgue, as they fear being subjected to reprisals.⁵⁶

Militias' Trail of Death, 31 July 2014; The New York Times, *Shiite Violence Traps Baghdad's Sunnis, Haunted by a Grim Past*, 25 June 2014, <http://nyti.ms/1pCJWQ5>.

⁵³ "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>. "Amnesty International has documented dozens of cases of abductions and unlawful killings [of Sunni civilians] by Shi'a militias in Baghdad, Samarra and Kirkuk, with many more such cases reported all over the country" (emphasis added); Amnesty International, *Absolute Impunity*, 14 October 2014, p. 4.

⁵⁴ "A large number of unidentified bodies were recovered daily during the reporting period [1 May – 31 October 2015]. In many cases, investigations could not reveal the identity of, or other information about, the victims. Bodies often bore gunshot wounds and were sometimes found blindfolded and/or with their hands and/or feet bound. Some also exhibited signs of ill-treatment and torture. UNAMI/OHCHR recorded 551 unidentified bodies during the reporting period, mostly in Baghdad (436). It was unable to verify a large number of other reports of killings"; 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>, p. 28. According to UNAMI HRO, "The Government that came to office in October last year [2014] was keen to prove that the Government was 'functional' and basically did a gentlemen's agreement with the Shi'a militia, that they would draw their forces off the streets of Baghdad and hand 'official' responsibility for security in Baghdad to the Iraqi security forces. This enabled the militia to concentrate more of their forces into areas where there was direct conflict with the ISIL (including Salah al Din, Diyala, Kirkuk, and now Anbar) but they have not really relinquished control in the city. We know this because between 15-20 bodies turn up in the streets EVERY DAY; the militia basically behave with impunity and there is little the official Iraqi Security Forces can do about it"; UNAMI HRO, Email Correspondence with UNHCR, 16 September 2015 [on file with UNHCR]. "In recent months, Shi'a militias have been abducting and killing Sunni civilian men in Baghdad and around the country. (...) The victims were abducted from their homes, workplace or from checkpoints. Many were later found dead, usually handcuffed and shot in the back of the head. (...) Photographs of several bodies shown to Amnesty International by victims' relatives and others viewed at Baghdad's morgue, reveal a consistent pattern of deliberate, execution-style killings. (...) Scores of other victims are still missing, their fate and whereabouts unknown, weeks and months after they were abducted"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 4. "Sectarian killings have markedly increased since ISIS took over Mosul on June 10 [2014]. 'Sunnis are a minority in Baghdad, but they're the majority in our morgue,' a doctor working in the Health Ministry told Human Rights Watch. He and three other doctors said the number of Sunnis in the morgue who died violent deaths had increased significantly since June 10"; HRW, *Pro-Government Militias' Trail of Death*, 31 July 2014. "The bodies arrive in twos and threes most every day in the Baghdad morgue now, a grim barometer of the city's sectarian tensions. Most have gunshot wounds to the head, some have signs of torture, and most of them are Sunnis"; The New York Times, *Shiite Violence Traps Baghdad's Sunnis, Haunted by a Grim Past*, 25 June 2014, <http://nyti.ms/1pCJWQ5>. See also, Rolling Stone, *Inside Baghdad's Brutal Battle against ISIS*, 13 March 2015, <http://rol.st/1Gd4k2j>; National Geographic, *What Does It Mean to Be Iraqi anymore?*, August 2014, <http://on.natgeo.com/XkrinT>.

⁵⁵ "Unidentified bodies continued to be found on a daily basis in the city and its outlying areas. In many cases, the mode of killing suggested sectarian or political motivations"; UNSC, *First Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 October 2015, S/2015/819, <http://www.refworld.org/docid/563719d14.html>, para. 22. "(...) there has been a large increase in the number of bodies dumped in the capital. (...) While insurgents might be behind some of these murders the locations of where the bodies were left points towards [Shi'ite] militias. These extra judicial killings usually correspond with feelings of insecurity spreading. For example, there was a huge jump in these incidents during the summer after the fall of Mosul when there were fears that the capital might fall. The fighting around Ramadi in Anbar led to a wave of displaced arriving in the capital. This led to rumors that some of them were Islamic State infiltrators, and they were subsequently blamed for the increase in terrorist attacks, which could be the motivations behind the latest surge of killings"; Musings on Iraq, *Continued Heavy Fighting in Iraq 2nd Week of May 2015*, 19 May 2015, <http://bit.ly/1IEw4J5>. "In Baghdad and Diyala, criminal gangs who Sunni victims say are affiliated with the Iraqi security services and Shia militias carried out uninvestigated assassinations and threats"; HRW, *World Report 2016 - Iraq*, 27 January 2016, <http://www.refworld.org/docid/56bd99386.html>. See also, ISW, *Iraq Situation Report: May 12-13, 2015*, 13 May 2015, <http://bit.ly/20M5o9g>; Middle East Eye, *Kidnappings Greater Threat to Baghdad than Islamic State: Top Official*, 13 February 2015, <http://bit.ly/1vNCxmo>; HRW, *World Report 2015 - Iraq*, 29 January 2015, <http://www.refworld.org/docid/54cf839ee.html>; Musings on Iraq, *Dead Bodies Dumped in Iraq's Capital Did Not Turn Out as Feared*, 22 January 2015, <http://bit.ly/1YprUmp>.

⁵⁶ "In most cases families are too scared to look for them openly, for fear of putting themselves at risk of being abducted or killed"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 15. "Forensic doctors said that many of the bodies of Sunnis shot to



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b) Situation of Sunni Arab IDPs in Baghdad

Since 2014, access to Baghdad has proven difficult for internally displaced persons (IDPs), depending on their profile and area of origin,⁵⁷ and authorities have implemented shifting policies regarding entry to the governorate.⁵⁸ The main entry point for IDPs from Al-Anbar, the checkpoint on Bzeibiz Bridge, located 80 kilometers southeast of Ramadi on the border between Al-Anbar and Baghdad governorates, has reportedly been fully or partially shut over various periods.⁵⁹ IDPs without valid civil documentation often face difficulties to pass checkpoints.⁶⁰ Between April and December 2015, IDPs displaced from areas under ISIS control required a sponsor to enter Baghdad, with the exception of those with medical conditions.⁶¹ Due to access restrictions, IDPs fleeing from within Al-Anbar governorate have reportedly

death that arrive in the morgue come from Saidiyya, Dora, Ghazaliyya, Shoa'la, Washash, and Mansour, areas throughout Baghdad that are 'under the control of Asa'ib.' 'The bodies are shot the same way, found the same way,' the doctors said. 'The militias have become so strong they don't care about hiding their executions anymore. Many of the bodies stay here for weeks because their families are too scared to come pick them up, since Asa'ib watches this neighborhood.'"; HRW, *Pro-Government Militias' Trail of Death*, 31 July 2014. See also, HRW, *Curbs Put War's Displaced at Risk*, 30 May 2015.

⁵⁷ "Many IDPs face suspicion and are barred entry to some safe locations on security grounds, due to their identity or place of origin, potentially putting them at risk"; Office of the UN High Commissioner for Human Rights (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> (hereafter: OHCHR, *Iraq and the International Community Must Boost Protection of the Internally Displaced*, 19 May 2015). "Around 5 October [2014], militias established temporary checkpoints in the Udham area of Diyala governorate on the main road between Baghdad and Kirkuk. Sources stated that in at least two cases, militia members were reported as asking travelers about their sectarian affiliation and harassing, threatening and abusing those who were not Shi'a"; UNAMI, *Report on the Protection of Civilians in Armed Conflict in Iraq, 11 September – 10 December 2014*, 10 December 2014, <http://www.refworld.org/docid/55a4baee4.html>, p. 22. "In September 2014, a member of the 'Asa'ib Ahl al-Haq militia on duty at a checkpoint north of Baghdad, unaware at he was speaking in front of an Amnesty International delegate, said nonchalantly that 'if we catch 'those dogs' [Sunnis] coming down from the Tikrit [Salah Al-Din] area we execute them; in those areas they are all working with DA'ESH (IS). They come to Baghdad to commit terrorist crimes. So we have to stop them'"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 18.

⁵⁸ "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"; Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 19.

⁵⁹ Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 13; Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Bulletin Iraq, 16 October – 5 November 2015*, 8 November 2015, <http://bit.ly/1WX9dsX>, p. 3; OCHA, *Iraq Humanitarian Crisis: Situation Report No. 62 (16 – 29 September 2015)*, 29 September 2015, <http://bit.ly/1M9im9D>, p. 2; OCHA, *Iraq Crisis – Situation Report No. 59 (26 August – 1 September 2015)*, 1 September 2015, <http://bit.ly/1pH1Lmz>, p. 2; OCHA, *Iraq Crisis - Situation Report No. 58 (19 – 25 August 2015)*, 25 August 2015, <http://bit.ly/1KzOyqL>, p. 2; OCHA, *Situation Report No. 55 (29 July – 4 August 2015)*, 4 August 2015, <http://bit.ly/1USmVeI>, p. 1; Al Jazeera, *Iraq Closes Key Bridge Used by Families Fleeing Anbar*, 11 July 2015, <http://bit.ly/1MxSXdj>; HRW, *Curbs Put War's Displaced at Risk*, 30 May 2015.

⁶⁰ Whether or not an IDP will be admitted moreover depends of the checkpoint and the office in charge at the time. At Bzeibiz checkpoint, IDPs who did not hold their civil ID card have at times been granted entry if they were able to provide other types of civil documentations such as passports or their PDS card. In some exceptional cases, undocumented IDPs accompanied by documented family members were allowed access after questioning that resulted in establishing a family linkage. At Al-Shaab checkpoint leading from Diyala into north-east Baghdad access is normally very strict and IDPs without civil identification (particularly civil ID card) are not allowed to cross; UNHCR information, April 2016.

⁶¹ UNHCR information, April 2016. This sponsorship requirement particularly affected those fleeing the fighting in Ramadi (Al-Anbar) as of April 2015, which reportedly resulted in the flight of some 300,000 persons within less than three months. IDPs' entry to Baghdad became contingent on them having a Baghdad resident vouch for them as a guarantor or sponsor. According to available information, the sponsor was required to personally approach the main access point between Al-Anbar and Baghdad governorates at Bzeibiz Bridge. The sponsor had to produce the following documentation:

- Documentation: ID card; nationality certificate; PDS card; residency/address card; and
- Lease agreement or house deed.

Depending on the checkpoint, not all of the above documents were required. At Al-Shaab checkpoint, the main entry point into Baghdad from the north, sponsors were requested to present all of the above documents. In some cases, the sponsor was asked for additional documentation from the *mukhtar* of the area of residence. The authorities at the checkpoint reportedly retained the right to refuse access to an IDP at their own discretion, even if all requirements are met. The procedure varied in time depending on security



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become stranded for days at the Al-Anbar side of the Bzeibiz bridge in difficult conditions,⁶² and/or have been forced to relocate to relatively safer areas within Al-Anbar governorate, or to return to a conflict zone.⁶³ Furthermore, alternative routes into Baghdad, e.g. through Kerbala, Babel or Wassit governorates have also largely been blocked for IDPs.⁶⁴ Since early December 2015, the sponsorship requirement has intermittently been halted and reinstated, depending on security conditions; however, since the end of February 2016, the sponsorship requirement has been entirely put on hold, meaning that, with the exception of medical cases, Baghdad is no longer accessible for IDPs from conflict areas, even if they have sponsors.⁶⁵

Incidents of arrest and detention of IDPs seeking access to safety have also been reported.⁶⁶ Reports speak of large numbers of IDP men and boys arrested and detained, for suspected ISIS affiliation, by PMU at Al-Razazah checkpoint leading to Ameriyat Al-Falluja and toward Bzeibiz Bridge.⁶⁷ Since May 2015, the UN Assistance Mission for Iraq (UNAMI) has reportedly received a number of reports of Sunni Arabs

screenings and could take from one to several days; UNHCR information, April 2016. “Many of those fleeing Anbar continue to be denied access into Baghdad province due to security-driven restrictions imposed by authorities, requiring Anbar residents to have relatives or some other kind of ‘sponsor’ in Baghdad”; UNHCR, *UNHCR Provides Shelter to Iraqis Uprooted by Conflict in Anbar*, 20 October 2015, <http://www.unhcr.org/56263f809.html>. “The IRC [International Rescue Committee] claims security checks on homeless [IDP] families are inconsistent and some soldiers simply placed a blanket ban on men”; The Daily Mail, *Hundreds of Civilians Fleeing ISIS in Iraq Arrested and Rounded Up*, 27 May 2015, <http://dailymail.com/1HLCocT>. See also, HRW, *Curbs Put War’s Displaced at Risk*, 30 May 2015; IRIN, *Displaced Iraqis Blocked from Baghdad*, 20 April 2015, <http://www.refworld.org/docid/5535f9ac4.html>.

⁶² “Whatever the reasons are for closed border crossings [across Iraq], in some cases closure has resulted in serious or fatal consequences for IDPs. Many displaced people attempting to cross into other governorates have witnessed the death of vulnerable family members, particularly children, pregnant women and elderly people, along transit routes and checkpoints. In the summer heat, people suffered severely from dehydration due to lack of access to water, while in the winter many were severely affected by the cold as a result of inadequate shelter and clothing”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq’s Displacement Crisis*, March 2016, p. 19. “In recent months, thousands of Iraqis have been stranded for days on the Anbar side of the bridge, often staying in dire conditions without enough food or proper shelter”; UNHCR, *UNHCR Provides Shelter to Iraqis Uprooted by Conflict in Anbar*, 20 October 2015, <https://shar.es/1Y4ypp>. See also, IRIN, *Displaced Iraqis Blocked from Baghdad*, 20 April 2015, <http://www.refworld.org/docid/5535f9ac4.html>.

⁶³ “(...) access across the Bzeibiz bridge and safer areas on the east banks of the Euphrates remains limited, leaving many displaced people stranded on the west banks in camps and informal settlements”; OCHA, *Iraq Crisis - Situation Report No. 58 (19 – 25 August 2015)*, 25 August 2015, <http://bit.ly/1KzOyqL>, p. 1. “Mark Schnellbaecher of the International Rescue Committee (IRC) said: ‘Thousands of people fleeing Ramadi are stuck at checkpoints or being denied entry to safe areas. For some people, the situation has become so hopeless that they are returning to the conflict in Ramadi’”; The Daily Mail, *Hundreds of Civilians Fleeing ISIS in Iraq Arrested and Rounded Up*, 27 May 2015, <http://dailymail.com/1HLCocT>. See also, HRW, *World Report 2016 - Iraq*, 27 January 2016, <http://www.refworld.org/docid/56bd99386.html>.

⁶⁴ IRIN, *UN Watchdog Blasts Iraq over IDP Treatment*, 19 May 2015, <http://bit.ly/1N4PrBW>; UN High Commissioner for Human Rights, *Iraq and the International Community Must Boost Protection of the Internally Displaced as Crisis Deepens – UN Expert*, 19 May 2015, <https://shar.es/1Y48hM>; IRIN, *Displaced Iraqis Blocked from Baghdad*, 20 April 2015, <http://www.refworld.org/docid/5535f9ac4.html>.

⁶⁵ UNHCR information, May 2016.

⁶⁶ “UNAMI monitored cases of arrest and detention of internally displaced persons attempting to reach areas of safety. Reports indicated that many, if not most, of these detainees had been held by authorities without charge for long periods without access to judicial review or legal representation, and their families had not been informed of their whereabouts”; UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, para. 46.

⁶⁷ UNHCR information, April 2016. Al Mada Newspaper (daily Iraqi newspaper) reported in March 2016: “Ahmed Al-Salmari, a CoR [Council of Representatives] member for Anbar, called on Iraqi authorities and the international community to intervene to release over 1,400 people who escaped Daesh occupied territories but were then imprisoned by the Kata’eb Hezbollah Shia militia and have spent over 6 months in prison. Only 65 were released, which required negotiations and interventions. He said the people imprisoned were arrested at the Al-Razazah checkpoint in Kerbala near Jurf Al-Sakhar in Babel”; News report translated from Arabic by Daesh Daily, March 17, 2016, available at: <http://bit.ly/23Jlvs6>. See also, Daesh Daily, December 23, 2015, <http://bit.ly/1VBhdop>; Middle East Eye, *Iraqi Forces Advance into Centre of IS-Held Ramadi*, 22 December 2015, <http://bit.ly/1qBjk8j>; Daesh Daily, December 7, 2015, <http://bit.ly/23JluVd>; Al Jazeera: *Cross-Cultural Understanding - News, December 2015: Iraq: Fierce Fighting Around Ramadi, Turkish Military Units Arrive Close to Mosul, Bombing Attacks South of Baghdad*, 4 December 2015, <http://bit.ly/23tJpV3>.



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abducted by Shi'ite militias at Bzeibiz Bridge and other locations in Al-Anbar governorate. While some were reportedly freed after payment of ransom, others were either killed or remain missing.⁶⁸

Recent military advances in Al-Anbar have reportedly triggered new displacement. IDPs are no longer granted access to Baghdad but instead are forcibly transferred by the ISF to IDP camps in Al-Anbar (Ameriyat Al-Fallujah and Habbaniyah Tourist City). Men and boys undergo lengthy security screening.⁶⁹ Beginning 30 December 2015, newly arriving IDP men and boys are reportedly subjected to restrictions with respect to their freedom of movement outside the camps in Ameriyat Al-Fallujah, requiring a sponsor in order to do so.⁷⁰ IDPs from Al-Anbar seeking to move northwards are reportedly able to transit via Baghdad's north-eastern Al-Shaab checkpoint, provided they fulfil the security requirements imposed by the concerned governorate authorities.⁷¹

Within Baghdad, IDPs could, in principle, freely choose the area in which they wish to settle. However, as a result of the sectarian segregation within Baghdad, which followed the large-scale sectarian violence of 2006/07, many areas where one sect is in the majority are reportedly not accessible for members of the other sect, or only at the risk of serious security incidents.⁷² At checkpoints within the city, the ISF/Shi'ite militias reportedly ask people for their national ID card, which often gives an indication of the individual's religious (Sunni/Shi'ite) affiliation based on the person's first name, family or tribal name and area of origin.⁷³ Therefore, Sunni Arabs generally remain in Sunni-dominated neighbourhoods.⁷⁴ Incidents of IDPs being stopped at checkpoints inside the city and interrogated by the ISF have been reported.⁷⁵ Some IDPs were reportedly asked for a second sponsor at checkpoints inside Baghdad, or in the areas where they intended to reside. As a result, some IDPs limit their movements to their initial sponsor's area of residence, which may impact on their ability to join other family members, and/or to access services or employment.⁷⁶

The high number of (largely Sunni Arab) IDPs in Baghdad has reportedly led to growing resentment, fear and suspicion vis-à-vis these IDPs, who are regularly suspected of being affiliated or sympathizing with ISIS.⁷⁷ On 21 April 2015, Hakim Al-Zamili, the head of the Defense and Security Committee in the

⁶⁸ "UNAMI continued to receive reports alleging that armed groups associated with government security forces had perpetrated human rights violations, often targeting members of the Sunni Arab community. For instance, since May 2015, UNAMI has received a number of reports that members of the Sunni Arab community were abducted by Shi'ite armed groups at Bzeibiz Bridge and other locations in Anbar governorate, some of whom were reportedly freed after payment of ransom, while others were either killed or remain missing"; UN General Assembly, *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: UN General Assembly, *Second Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016), para. 51. An elderly man from Fallujah told Amnesty International: "My sons cannot go [to Baghdad]. It would be too dangerous for them. They could be killed by Shi'a militias on the road between Baghdad and Falluja, as they treat anyone going to or coming from Falluja as a terrorist and often kill people on that road (...)"; Amnesty International, *Absolute Impunity: Militia Rule in Iraq*, 14 October 2014, MDE 14/015/2014, <http://www.refworld.org/docid/54491b3b4.html>, p. 18. See also, NINA, *MP for Anbar Calls to Follow Up Cases of Extortion and Arbitrary Detention in Bzaibiz Crossing*, 27 October 2015, <http://bit.ly/1qgaGf7>; The National, *Flight to Safety: Sunnis Flee Baghdad for Sanctuary in Iraqi Kurdistan*, 16 June 2015, <http://bit.ly/1PFxw4G>.

⁶⁹ UNHCR information, April 2016.

⁷⁰ A sponsor needs to be a person of good standing, known to the community and the authorities. Ideally, the sponsor should be someone with a job and home; UNHCR information, April 2016.

⁷¹ UNHCR information, April 2016.

⁷² Ibid. "To enter many neighborhoods in Baghdad now, proof of residence must be provided at security checkpoints"; National Geographic, *What Does It Mean to Be Iraqi anymore?*, August 2014, <http://on.natgeo.com/XkrinT>.

⁷³ "At every checkpoint, Shia militiamen or Iraqi soldiers read his papers and stared suspiciously at his identifiably Sunni name"; The Guardian, *Iraqi Sunnis Forced to Abandon Homes and Identity in Battle for Survival*, 5 April 2015, <http://gu.com/p/477hk/stw>.

⁷⁴ UNHCR information, April 2016.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ "(...) IDPs from Anbar suffer harassment and discrimination based on their Sunni identity (and hence prima facie suspicion of ISIS affiliation/support)"; Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 11. "(...) local media



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Council of Representatives (CoR) and a senior figure in the Sadrist Trend, stated that ISIS was infiltrating Baghdad by sending fighters disguised as IDPs.⁷⁸ And in May 2015, political and security officials in Baghdad reportedly asserted that there was a correlation between the influx of IDPs from Al-Anbar and the increase in the number of car bomb explosions in the city.⁷⁹ Such statements reportedly contributed to the strengthening of pre-existing negative perceptions of IDPs from Al-Anbar.⁸⁰ Moreover, ISIS reportedly claimed bombings in Shi'ite areas of Baghdad, saying it carried them out “to avenge residents of Anbar killed in the streets of Baghdad” by Shi'ites.⁸¹ As a result, there have reportedly been incidents of harassment, threats, kidnappings, arrests, evictions and killings of Sunni Arab IDPs in Baghdad.⁸² At

reported growing resentment towards IDPs amongst host communities in Baghdad at the end of April [2015], apparently driven by fears that entry of IDPs also may have permitted ISIL fighters to enter the city”; 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. “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, IRIN, *The Tragedy of Iraq's Sunnis*, 16 September 2015, <http://bit.ly/1V94LFG>; Washington Post, *Police Personnel, Residents Return to Iraqi City of Ramadi as Panic Subsides*, 22 April 2015, <http://wpo.st/nA6Q1>; AP, *Flee or Return: Ramadi Residents Face a Tough Choice*, 21 April 2015, <http://dailym.ai/1JqMyKc>; The Guardian, *Iraqi Sunnis Forced to Abandon Homes and Identity in Battle for Survival*, 5 April 2015, <http://gu.com/p/477hk/stw>.

⁷⁸ Al-Zamili was quoted as saying: “Hundreds of Sunni displaced families from Mosul and Tikrit were recruited by IS to penetrate security in Baghdad under the pretext of displacement”; Al Monitor, *Anbar's Displaced Sunnis not Safe from Sectarianism*, 1 May 2015, <http://bit.ly/1pXVxj4>. See also, IRIN, *UN Watchdog Blasts Iraq over IDP Treatment*, 19 May 2015, <http://bit.ly/1N4PrBW>; ISW, *Iraq Situation Report: April 21-22, 2015*, 22 April 2015, <http://bit.ly/1XZTOUE>.

⁷⁹ Baghdad Provincial Council member Ghalib Al-Zamili was quoted by AP as saying: “We cannot deny the fact that there is a link between the recent attacks in Baghdad and the entry of displaced families from Anbar, which has been used by the terrorists to send large amounts of explosives and Daesh [ISIS] members into Baghdad.” And an Interior Ministry official reportedly said: “it's highly likely that there is a connection between the entry of these displaced people from Anbar to Baghdad and the rise of the car bomb attacks in the capital”; Associated Press, *Baghdad Officials Blame Sunni Displaced for Wave of Bombings*, 2 May 2015, <http://bit.ly/1UriuYk>.

⁸⁰ ISW, *Iraq Situation Report: April 21-22, 2015*, 22 April 2015, <http://bit.ly/1XZTOUE>.

⁸¹ Al Jazeera, *ISIS Claim Baghdad Car Bombs to Avenge Anbar*, 1 May 2015, <http://ara.tv/4g4py>.

⁸² “In August [2015] the human rights staff of an international organization reported concerns about arrests of IDPs by authorities in Baghdad and by the PMF elsewhere. With the cooperation of the Ministries of Interior and Justice, the international organization representative visited IDP detainees, but authorities prevented the international organization representative from conducting confidential interviews. Reports of arrests and temporary detention of predominantly Sunni IDPs continued throughout the year”; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 13. “In Baghdad, IDPs from Anbar are badly treated and risk being harassed and abducted while moving around the city. Many suffer maltreatment, not only from militias but also from public officials”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 11. “The fear for their own safety appears more acute among Sunni refugees from Anbar who have been forced to relocate to Baghdad. They 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> (hereafter: Refugees International, *Displaced in Iraq*, 2 November 2015), p. 7. “In early May [2015], UNAMI/OHCHR met with the Minister for Human Rights to discuss allegations that displaced persons from Anbar seeking refuge and protection in Baghdad had been subjected to threats, kidnapping and killings by armed groups. Reports were also received that displaced persons had been forcibly evicted from Baghdad and sent back to Anbar”; UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, para. 45. “Several reports were received concerning the killing and abduction of individuals displaced from Anbar into Baghdad. For instance, on 29 April [2015], Iraqi Police found the remains of two males who died from gunshot wounds: one in Amil, south-western Baghdad, and another in Bayaa, eastern Baghdad. The victims were reported to have been IDPs from Anbar and it was alleged that they had been killed by a Shi'a militia. A source reported to UNAMI/OHCHR that Shi'a militias in Amil threatened Anbar IDPs that they would be killed if they did not leave. Such threats were reportedly not issued to members of the Sunni community normally resident of the area”; 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. “Five Anbaris told Human Rights Watch that as Sunnis they felt threatened by Shia militias and government security forces in Baghdad. On May 14 [2015], Shia pilgrims on the way to the Imam Kazhim shrine passed through Baghdad's mostly Sunni Adhamiyya neighborhood. Video evidence reviewed by Human Rights Watch shows some shouting anti-Sunni slogans. The houses of Sunnis and a Sunni religious endowment building were set on fire, drawing condemnation from the UN. Human Rights Watch learned from family members of one kidnapping for ransom of displaced people from Ramadi at a checkpoint in Baghdad in April [2015], apparently by self-described Shia militia members, but the family did not want to make details public, fearing further attacks. Human Rights Watch



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the end of May 2015, a spokesman for Iraq's Interior Ministry said that 14 killings of Sunnis from Al-Anbar in Baghdad in recent weeks were under investigation.⁸³ According to reports, Sunni IDPs have also been pressured to move out of Shi'ite and Sunni-Shi'ite mixed neighbourhoods.⁸⁴ For fear of reprisals, some are reported to pose as Shi'ites in order to be able to reside in Shi'ite neighbourhoods.⁸⁵ Others reportedly attempt to change their accents in order not to reveal their area of origin.⁸⁶ In some instances, male IDPs from Al-Anbar reportedly had their ID cards confiscated by ISF,⁸⁷ while others faced pressure to join pro-government groups to fight against ISIS in Al-Anbar.⁸⁸ As a result of harassment and fear, a number of Sunni Arab IDPs reportedly returned to their area of origin despite safety and security concerns, or, if and when feasible, relocated to other parts of the country.⁸⁹

3) *Is Protection from State Authorities Available?*

According to reports, both state⁹⁰ and non-state actors⁹¹ commit human rights violations/abuses with impunity. Iraqi authorities reportedly have limited capacity to enforce law and order and to investigate

*spoke with two Ramadi women who survived a separate deadly attack on their family home in Baghdad. The family, of the al-Bu Nimr tribe in Ramadi, had left Ramadi in October 2014 and moved to Baghdad's Jihad neighborhood in late January 2015 after finding a guarantor and registering with the local police. On April 28 [2015], four unidentified men who appeared to be security officers entered the home, saying they were there to conduct a search. Family members said the men wore masks and that some were in the blue uniform of the Federal Police and others in desert camouflage military uniforms. The intruders gathered all valuables from the women, and took away eight blindfolded men, then shot them in the head at the nearby al-Abbasi school, and called the police to collect the bodies, the women said of the police's account to them. Falah Sabr Nijras, 48, survived. The wives of two of the Nijras family men said they left for the Kurdish region a few days later, and had Falah transported to a hospital, where he is recovering, unable to speak, but able to write and point. Iraqi police did not take their statements, they said, and they are unaware of any investigation into the killing"; HRW, *Curbs Put War's Displaced at Risk*, 30 May 2015. "IDPs sheltering in Baghdad mosques face eviction amid fears of these buildings hosting terrorist elements"; OCHA, *Flash Update Iraq Crisis – Anbar Displacement*, No. 8, 30 April 2015, <http://bit.ly/1RObS0z>, p. 1. See also, Associated Press, *Baghdad Officials Blame Sunni Displaced for Wave of Bombings*, 2 May 2015, <http://bit.ly/1UriuYk>; AFP, *Jihadists Claim Baghdad Car Bombs to Avenge Anbar*, 1 May 2015, <http://dailym.ai/1GLUTZ2>.*

⁸³ Those reportedly included the killing of seven members of the Albu Nimr tribe (see also HRW report quoted above in Footnote 82) as well as four other men in the largely Shi'ite neighborhood of Bayaa; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>. See also, The Atlantic, *The Hell after ISIS*, May 2016, <http://theatlantic.com/1NaRaLC>.

⁸⁴ "A source reported to UNAMI/OHCHR that Shi'a militias in Amil threatened Anbar IDPs that they would be killed if they did not leave"; 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. "Residents of two majority Shiite neighborhoods in the capital, Hayy al-Amal and Bayya, said displaced families settling there have largely been driven out. Their homes were targeted with explosives designed to make a large sound but not inflict casualties, they said"; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>. See also, IRIN, *UN Watchdog Blasts Iraq over IDP Treatment*, 19 May 2015, <http://bit.ly/1N4PrBW>; Al Jazeera, *Fear of a Hidden ISIL*, 30 April 2015, <http://aje.io/gy5j>.

⁸⁵ The Guardian, *Iraqi Sunnis Forced to Abandon Homes and Identity in Battle for Survival*, 5 April 2015, <http://gu.com/p/477hk/stw>.

⁸⁶ IRIN, *Anbar IDPs in Baghdad Fear for Their Safety*, 13 May 2014, <http://bit.ly/1ouwltm>.

⁸⁷ UNHCR information, April 2016. "On arrival, the families were asked to hand over their identity cards to the mosque management, preventing them from traveling around Baghdad, with its numerous checkpoints where IDs are scrutinized. The imam said the security measure was requested by the police"; Washington Post, *Iraqi Sunnis Flee Anbar only to Find New Dangers in Baghdad*, 17 May 2015, <http://wpo.st/kN6Q1>.

⁸⁸ UNHCR information, April 2016. "(...) there were reports that some families were only being admitted [into Baghdad] if the adult men agreed to join the PMU"; 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. 5.

⁸⁹ UNHCR information, April 2016. "Several thousand people from Anbar who have succeeded in entering Baghdad have flown from Baghdad to Erbil, apparently because they did not feel safe in the capital"; HRW, *Curbs Put War's Displaced at Risk*, 30 May 2015. See also, UN General Assembly, *Report of the United Nations High Commissioner for Human Rights*, 27 July 2015, para. 45; OHCHR, *Iraq and the International Community Must Boost Protection of the Internally Displaced*, 19 May 2015.

⁹⁰ "Impunity effectively existed for government officials and security forces personnel." And further: "The government rarely investigated reported human rights violations committed by ISF personnel or members of the PMF [Popular Mobilization Forces]. As in the previous year, the minister of defense publicly called for holding perpetrators of human rights abuses within the security forces accountable, but there was no information available on the outcome of any investigations or of official punishment for human rights violations. (...) There were reports of torture and abuse throughout the country in Interior Ministry and Defense Ministry



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human rights abuses.⁹² Within the police, corruption is reported to be endemic, as are the abuse of power and extortion.⁹³ Moreover, police officers reportedly remain a main target for ISIS.⁹⁴ The judiciary reportedly lacks capacity,⁹⁵ and is prone to nepotism,⁹⁶ political interference⁹⁷ and corruption.⁹⁸ The independence of the judiciary is reportedly further undermined by frequent threats, intimidation and attacks against judges, lawyers and their family members. Those defending alleged terrorism suspects are reported to be at particular risk.⁹⁹ The criminal justice system is reported to be weak and fails to meet

facilities. (...) *The Interior Ministry did not release the number of officers punished during the year, and there were no known court convictions for abuse*"; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 2, 15. See also pp. 9 and 12 of the same report in relation to investigations into torture allegations.

⁹¹ "While the militias claimed to be securing the country from terrorist activity, the lack of oversight and accountability raised concerns of extrajudicial activity and impunity, and risked exacerbating sectarian conflict"; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 27. "With perpetrators from the IS and from powerful Shi'a militias mostly out of reach of the law, civilians have no one to turn to for protection and victims have no access to justice"; 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>. "With government forces unable or unwilling to ensure the security and protection of the civilian population, militias have been operating with unprecedented freedom and have been able to perpetrate such crimes with impunity"; Amnesty International, *Absolute Impunity*, 14 October 2014, p. 5. See also, CEIP, *The Sunni Predicament in Iraq*, 3 March 2016, <http://ceip.org/1njaN7R>; Bloomberg, *Why Iraq Doesn't Punish its Militias' War Crimes*, 9 February 2016, <http://bv.ms/1TaYR5X>; HRW, *Iraq: Ethnic Fighting Endangers Civilians*, 13 January 2016, <http://www.refworld.org/docid/5696125e4.html>.

⁹² "Iraqi courts provided weak accountability, in effect granting impunity to people responsible for assassinations, disappearances, and grave breaches of the laws of war"; HRW, *Iraq: Civilians Pay Price of Conflict*, 27 January 2016, <http://bit.ly/1PkwrdQ>.

⁹³ US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 15, 20; Al Monitor, *Addressing Corruption Just One Part of Iraqi Security*, 2 December 2014, <http://bit.ly/1RBt9xk>; The Guardian, *Corruption in Iraq: 'Your Son Is Being Tortured. He Will Die if You Don't Pay'*, 16 January 2012, <http://bit.ly/1SMYnk4>.

⁹⁴ US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 3, 6, 14, 24; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, MDE 14/2528/2015, <http://www.refworld.org/docid/5667dd314.html> (hereafter: Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015), p. 10.

⁹⁵ "Officials at the Ministry of Human Rights report that the need for public defenders and judges far exceeded supply, resulting in trial delays (US Department of State, 2013). Shortage of judges in many areas also meant that cases were often processed rapidly, with little time for detailed analysis of evidence by the defence counsel or by judges presiding over the cases"; GSDRC, *Formal Justice in Iraq*, December 2014, p. 4. See also, Transparency International, *Iraq: Overview of Corruption and Anti-Corruption*, 7 May 2015, <http://bit.ly/1NDSOTU>, p. 9.

⁹⁶ "The judiciary in Iraq, like other institutions, suffers from nepotism and clientelism (...); Transparency International, *Iraq: Overview of Corruption and Anti-Corruption*, 7 May 2015, <http://bit.ly/1NDSOTU>, p. 9.

⁹⁷ "Serious concerns remain over the independence of the judiciary in both central Iraq and the KRI because of heavy interference from the executive and political affiliation"; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 10. "The country's security situation and political history left the judiciary weak and dependent on other parts of the government"; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 18; GSDRC, *Formal Justice in Iraq*, December 2014, p. 2.

⁹⁸ "Corruption or intimidation reportedly influenced some judges presiding over criminal cases at the trial level and on appeal to the Court of Cassation"; US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 20. "UNAMI has received a number of alleged cases of corruption within the criminal justice system, which has at times resulted in charges being laid against individuals in the absence of evidence and limitations on defendants' right to legal assistance of their own choosing. A number of relatives of persons in detention informed UNAMI that officials in charge of detention centres (usually under MoI) told them that in order to ensure charges are dismissed (often charges under the Anti-Terrorism Law of 2005 or IPC that carry the death penalty) they should retain the services of a specific lawyer and pay the fee required - sometimes as high as 100,000 USD. UNAMI has also received reports alleging that -in some cases- high-ranking officials request money to process judicial cases of accused persons"; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, pp. 22-23. "The public in Iraq perceive the judiciary to be suffering from some corruption. Transparency International's 2013 Global Corruption Barometer survey found that people believe the judiciary is as corrupt as the police and the medical and health services, with all of these institutions scoring on average of 2.8 where 1 indicates the institution is not corrupt and 5 means it is extremely corrupt. The survey also found that 22% of those who had come into contact with the judicial system reported that they had paid a bribe"; Transparency International, *Iraq: Overview of Corruption and Anti-Corruption*, 7 May 2015, <http://bit.ly/1NDSOTU>, p. 9. See also Musings on Iraq, *Iraq's Judiciary Resistant to Reforms*, 15 September 2015, <http://bit.ly/1MXV32J>.

⁹⁹ "Armed groups continue to attack and kill judges, lawyers and court officials and to mount suicide and other lethal attacks on police and police recruits. (...) Lawyers who defend terror suspects continue to be intimidated and threatened by security officers and physically attacked by unidentified militia men. They frequently receive anonymous threats communicated by phone or text message and some have been killed. Two lawyers defending terrorism suspects have recently told Amnesty International that they were



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international and domestic legal obligations in relation to arrest and detention as well as due process and fair trial standards.¹⁰⁰ According to reports, most allegations of torture and ill-treatment in detention are not adequately investigated, or fail to result in prosecutions.¹⁰¹ The government reportedly does not effectively implement civil or administrative remedies for human rights violations.¹⁰² The Iraqi High Commission for Human Rights (IHCHR), which was established in 2008 and became operational in April 2012,¹⁰³ has reportedly not yet succeeded in establishing an appropriate complaints and investigation mechanism for human rights violations.¹⁰⁴ The IHCHR does reportedly not have any means to protect witnesses or victims from further abuses. Detainees who complained to the IHCHR about torture and other forms of ill-treatment have reportedly not received a response and have seen their detention conditions significantly worsen.¹⁰⁵

arrested by the security forces on several occasions and interrogated about their clients and the reasons for defending them"; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 10. See also p. 1 of the same report. According to Alkarama, a Geneva-based human rights organization, there is a *"broad pattern of systematic intimidation and harassment of lawyers defending political or otherwise sensitive cases. For fear of retaliation, most cases of harassment and intimidation are not even reported upon and thus lack local and international public attention"*; Alkarama, *Iraq: Broad Pattern of Harassment and Persecution of Lawyers through Arbitrary Arrest and Detention, Torture and even Death*, 12 May 2015, <http://bit.ly/1GFWB2d>. See also, US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 19; International Association of People's Lawyers (IAPL), *Defending the Defenders - Attacks on Lawyers. A Problem in Search of Solutions*, Paper presented to the 9th Annual International Conference on Sociology, 4-7 May 2015 in Athens, <http://bit.ly/1X9Rx8h>.

¹⁰⁰ *"Iraq's criminal justice system operates under especially difficult circumstances and remains largely inadequate and flawed. (...) the administration of justice in Iraq continues to suffer from major deficiencies, particularly in the application of anti-terrorism legislation and the conduct of trials involving alleged terrorism or other security offences"*; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 10. See above, Section 2.a: *"Situation for Sunni Arabs in Baghdad"*.

¹⁰¹ *"The authorities have taken no steps to investigate (...) the use of torture and other ill-treatment of those detained in them, or to put an end to such abuses, bring those responsible to justice or ensure reparations to victims"*; Amnesty International, *Iraq: Submission to the UN Human Rights Committee*, 9 June 2015, p. 10. See also, 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>, para. 29. *"By failing to properly and appropriately inquire into allegations of torture to induce confessions, judges are largely responsible for sustaining a system that is reliant on torture to ensure convictions. They also miss the opportunity to make police and intelligence officer accountable for torture and to provide remedies to victims"*; UNAMI, *Report on the Death Penalty in Iraq*, October 2014, <http://www.refworld.org/docid/5445189a4.html>, p. 16. See also, US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 9, 12, 15; Giovanna M. Colasanto, *"The Torture of Women in Iraqi Prisons"*, Law School Student Scholarship, Paper 708, 2015, <http://bit.ly/1S7RmqT>, pp. 23-24.

¹⁰² US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 21.

¹⁰³ Article 102 of the Iraqi Constitution of 15 October 2005 foresees the institution of the IHCHR, to be *"considered independent"* and *"subject to monitoring by the Council of Representatives"*, with its functions *"regulated by law"*. Three years later, the Council of Representatives passed Law No. 53 of 2008, which formally established the IHCHR. Under article 5 of Law No. 53 of 2008, the IHCHR is mandated to receive complaints from individuals, groups and civil society organizations. See: *Constitution of the Republic of Iraq*, 15 October 2005, <http://www.refworld.org/docid/454f50804.html>, Article 102. Law No. 53 of 2008 is available, in Arabic, at: <http://ihchr.iq/upload/upfile/en/7.pdf>. See also, IHCHR, *Mandate and Functions*, accessed 30 April 2015, <http://ihchr.iq/index.php?name=Pages&op=page&pid=74>; UNAMI, *Iraq's First Independent High Commission for Human Rights, Landmark Achievement*, 9 April 2012, <http://bit.ly/22nMCD3>.

¹⁰⁴ UNAMI HRO, Email Correspondence with UNHCR, 11 April 2016 [on file with UNHCR]. *"Political bias and practical impediments hinder the Commission's concrete work, so that the HCHR itself cannot fulfil its mandate set forth in Law No. 53. All these shortcomings render the Iraqi national institution for human rights an empty box which is far from being an independent and effective national institution for the protection and promotion of human rights at the national level. (...) The fact that the HCHR is composed of members of opposing factions and affiliates to the government is also at the origin of internal disagreements between the members which often lead to blockades on the treatment of issues of relevance, as different affiliates naturally tend to hide, cover, dismiss and in the end influence the HCHR not to consider the violations of human rights committed by their affiliated side"*; Alkarama Foundation et. al., *Iraq: High Commission for Human Rights*, 19 December 2014, <http://bit.ly/23Jm6u0>, p. 4. See also, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA)*, 16-20 March 2015, <http://bit.ly/1qD04rd>, pp. 7-9.

¹⁰⁵ *"In a situation such as the Iraqi one, where State Security Forces and militias affiliated to the government are too often the perpetrators of human rights abuses, the lack of capacity to protect victims adequately also contributes to a lack of reporting of human rights violations themselves"*; Alkarama Foundation et. al., *Iraq: High Commission for Human Rights*, 19 December 2014, <http://bit.ly/23Jm6u0>, p. 7.



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II. Elements to Be Considered in the ‘Reasonableness Analysis’

Whether an IFA/IRA is “reasonable” must be determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including education/profession/ability for economic survival, age/health, family network, vulnerabilities, experience of past persecution, etc.¹⁰⁶ Other factors that must be taken into account include the safety and security situation in the proposed area of relocation; respect for human rights in that area, and the possibilities for economic survival,¹⁰⁷ in order to evaluate whether the individual would be able to live a relatively normal life without undue hardship in the area of relocation, given his or her situation.

To assess the reasonableness of a proposed IFA/IRA in Baghdad, particular attention must be given to:

- a) Safety and security in Baghdad;
- b) The availability of traditional support mechanisms, provided by members of the applicant’s extended family;
- c) Access to shelter in the proposed area of relocation;
- d) The availability of basic infrastructure and access to essential services in the proposed area of relocation, such as sanitation, health care and education;
- e) The presence of livelihoods opportunities; and
- f) The scale of internal displacement in the proposed area of relocation.

The following provides detailed information for each of these elements. The final assessment of the reasonableness of a proposed IFA/IRA will have to be made on a case-by-case basis taking into account the individual’s personal background and circumstances.

1) Safety and Security in Baghdad

According to *UNHCR’s Guidelines on International Protection: ‘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*, “[T]he claimant must be able to find safety and security and be free from danger and risk of injury.”

a) General Security Situation in Baghdad

In spite of strict security measures within and around Baghdad,¹⁰⁸ the governorate witnesses regular attacks with car bombs, suicide operations, mortars and hit-and-run attacks.¹⁰⁹ Among the reported targets

¹⁰⁶ UNHCR, *Guidelines on International Protection No. 4*, paras 25-26.

¹⁰⁷ UNHCR, *Guidelines on International Protection No. 4*, paras 24, 27-30.

¹⁰⁸ “This rise in attacks has happened despite heavy deployments of police and soldiers to the capital and its surrounding suburbs. That showed all that added security has not been able to disrupt the Islamic State’s networks operating in and out of Baghdad.” According to Musings on Iraq, ISIS’ ability to penetrate security measures around Baghdad is possible due to “(...) a number of methods such as smuggling routes, bribes, threats and infiltration of the security forces, and other techniques”; Musings on Iraq, *How Does the Islamic State Deliver Explosives into Iraq’s Capital?*, 13 August 2015, <http://bit.ly/lirsoIT>. See also, The National, *Decoding the Changing Nature of ISIL’s Insurgency*, 7 March 2016, <http://bit.ly/1nvzBc>.

¹⁰⁹ “Families that are displaced within and to the governorate of Baghdad face multiple challenges, especially with regard to safety. Wide segments of the population, whether permanent residents or IDPs, risk targeted violence in many areas of the city and its outskirts. Threats range from suicide and vehicle-borne bombings to abductions, kidnappings and murders by armed groups, militias and organized criminal gangs. (...) Baghdad continues to be Iraq’s most volatile area in terms of civilian protection”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq’s Displacement Crisis*, March 2016, p. 12. “A large number of IED-related civilian casualties were recorded in Baghdad, where such incidents occurred on a daily basis”; 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>, p. 29 (with examples). “Baghdad continued to be afflicted by acts of violence and terrorism, almost on a daily basis. The deadliest attack occurred on 13 August [2015], when a bomb was detonated at a market in the Jameela area of eastern Baghdad, reportedly



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of such attacks are government buildings and checkpoints, members of the ISF and associated forces, as well as Shi'ite civilians. However, mass attacks affect civilians of all backgrounds given that there is hardly any area of Baghdad that has not evidenced this type of violence.¹¹⁰ While mass casualty attacks

killing at least 45 civilians and wounding 72 others. During the reporting period, there was a re-emergence of the use of under-vehicle improvised explosive devices, with 52 such attacks killing 43 civilians and wounding 68 others"; UNSC, *First Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 October 2015, S/2015/819, <http://www.refworld.org/docid/563719d14.html>, para. 22.

¹¹⁰ US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, pp. 4, 25. Reported large-scale attacks in Baghdad between May 2015 and 25 April 2016 include the following (not comprehensive):

- 23 April 2016: At least 12 people were reportedly killed in two separate car bomb attacks in Baghdad (Arab Al-Jbour and Husseiniyeh) targeting security forces; Reuters, *At least 12 Dead in Two Baghdad Car Bomb Attacks: Sources*, 23 April 2016, <http://reut.rs/1VfSF7>
- 22 April 2016: A suicide bomb attack claimed by ISIS reportedly killed at least nine people following Friday prayers at a Shi'ite Muslim mosque in southwestern Baghdad. A second suicide attacker at the mosque in Al-Radwaniya district was reportedly shot and killed by ISF before he could set off his explosives. A separate bomb reportedly went off in the district of Abu Ghraib in western Baghdad, killing two and wounding nine; Reuters, *Islamic State Bomber Kills Nine at Baghdad Mosque*, 22 April 2016, <http://bit.ly/1WtTZ1>.
- 4 April 2016: Separate suicide attacks in northern Baghdad reportedly killed at least 10 soldiers; Associated Press, *Suicide Attacks near Baghdad Kill at least 10*, 4 April 2-16, <http://fxn.ws/1XbfNrJ>.
- 29 March 2016: A suicide bomber reportedly detonated an explosive belt in central Baghdad, killing seven people and wounding 27. The attack was reportedly claimed by ISIS; Al Jazeera, *ISIL Claims Baghdad Suicide Attack that Killed Seven*, 29 March 2016, <http://aje.io/qd79>.
- 28 February 2016: Market bombings in Baghdad's Sadr City killed at least 73 persons and wounded 112 others. ISIS reportedly claimed responsibility for the attacks; AP, *Iraq Death Toll from IS Bombing of Baghdad Market now at 73*, 29 February 2016, <http://apne.ws/1SbzBf2>.
- 25 February 2016: ISIS reportedly claimed responsibility for double suicide bombing at a Shi'a mosque in the Shula district in Baghdad in which at least nine people died; AFP, *Islamic State Claims Responsibility for Fatal Baghdad Mosque Blasts*, 25 February 2016, <http://gu.com/p/4h49n/stw>.
- 11 January 2016: Eighteen persons, including two policemen, were reportedly killed in a complex attack on a shopping mall in the predominantly Shi'ite neighbourhood of New Baghdad, involving two suicide bombers and a car bomb. ISIS reportedly claimed responsibility for the attack, saying it had targeted the "rejectionist heathens", a derogatory term for Shi'ites; BBC, *IS Claims Attack on Baghdad Shopping Centre*, 11 January 2016, <http://bbc.in/1RIsiKw>.
- 9 December 2015: Iraqi police reported a suicide attack on a Shi'ite mosque in eastern Baghdad, killing at least three and wounding 11; Shafaq News, *Casualties in a Suicide Attack Targeted a Shi'ite Hussaniya in Eastern Baghdad*, 9 December 2015, <http://bit.ly/1jPOBQY>.
- 30 November 2015: According to Iraqi security officials, a suicide bomber targeted Shiite Muslims taking part in an annual pilgrimage on the occasion of the religious festival of Arbaeen in the Baghdad neighbourhood of Al-Sha'ab, killing nine people and wounding another 21. Earlier on the same day, two roadside bombs in commercial districts of Baghdad killed five people and wounded 16; UNAMI, *UN Deplores Attacks on Pilgrims*, 1 December 2015, <https://shar.es/1cMQHt>; AP, *Suicide Bombing against Shi'ite Pilgrims in Baghdad Kills 9*, 30 November 2015, <http://sfchron.cl/1N14hcz>.
- 20 November 2015: At least nine people were killed in bomb attacks on a Shi'ite Muslim mosque in Yousifiya south of Baghdad; Reuters, *Bomb Attacks near Mosque South of Baghdad Kill 9*, 20 November 2015, <http://ara.tv/zkys7>.
- 15 November 2015: At least seven people were reportedly killed and 15 injured in a series of bomb attacks across Baghdad (Allawi area and Kifah Street in central Baghdad; Arab Jbour; and Al-Mahmoudiyah); UPI, *Bomb Attacks Rock Baghdad as Iraqi Forces Battle IS in Anbar*, 15 November 2015, <http://upi.com/6157434t>.
- 13 November 2015: ISIS claimed responsibility for a suicide blast and a roadside bombing that reportedly targeted Shi'ites in Baghdad on Friday, killing 26 people and wounding dozens. The suicide bomber reportedly struck a memorial service held for a Shi'ite militia fighter killed in battle against ISIS in the Baghdad suburb of Amel. That explosion had reportedly killed 21 people and wounded at least 46. On the same day, a roadside bomb detonated at a Shi'ite shrine in Sadr City, reportedly killing at least five people and wounding 15, police officials said; AP, *Iraq: Suicide Bomb and Road Blast Kill 26 in Baghdad*, 13 November 2015, <http://nyti.ms/1HJqOc>.
- 10 October 2015: Iraqi police said that a series of attacks in different Baghdad neighbourhoods (including in Al-Sha'ab, Husseiniyeh, and Arab Jbour) killed eight people and wounded nearly two dozen; AP, *Iraqi Officials: Attacks across Baghdad Kill 8*, 10 October 2015, <http://1.usa.gov/1jvd92q>.
- 5 October 2015: In addition to attacks targeting Shi'ites in Khalis (Diyala) and Basra, ISIS reportedly also claimed responsibility for a car bomb in Baghdad's northeastern neighbourhood of Husseiniyeh that killed at least 14 and wounded 25 others; CBS/AP, *Attacks in Iraq kill 56 people; ISIS claims responsibility*, 6 October 2015, <http://cbsn.ws/1LCSpQw>.



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do not occur every day, Baghdad witnesses a sustained level of daily bombings, including in the most secured parts of the city.¹¹¹

- 3 October 2015: At least 24 people were reportedly killed and 64 wounded when two suicide car bombs exploded in Baghdad's predominantly Shi'ite districts of Kadhemiyah and Hurriya; CNN, *Car Bombs Kill 24 in Baghdad; ISIS Claims it Targeted Shiites*, 3 October 2015, <http://cnn.it/1PWbFs8>; Associated Press, *Iraq: Explosions in Baghdad Kill at Least 18 People*, 3 October 2015, <http://nyti.ms/1jGtHEy>.
- 28 September 2015: A car bomb reportedly exploded inside a parking garage in Sadoun Street in central Baghdad, killing seven and wounding three; Iraqi News, *7 killed, 3 Wounded in Car Explosion in Central Baghdad*, 29 September 2015, <http://bit.ly/1W0xkWZ>.
- 21 September 2015: Iraqi officials said that a car bombing in the Shi'ite neighbourhood of Al-Ameen in eastern Baghdad has killed eight people and wounded 20; Reuters, *Iraq: Deadly Bombing Strikes Baghdad*, 17 September 2015, <http://nyti.ms/1V85lyT>.
- 17 September 2015: ISIS militants reportedly claimed responsibility for two suicide bombs that targeted police checkpoints in the Wathba and Haraj markets during morning rush-hour, killing at least 23 people and wounded more than 60; BBC, *Baghdad Market Bombings Kill at least 23*, 17 September 2015, <http://bbc.in/1MsPPym>.
- 15 August 2015: A car bombing in a market area of the Shi'ite-majority area of Sadr City reportedly killed 11 people and wounded at least 68. *ISIS reportedly claimed responsibility for the attack, saying that it had targeted "a gathering of soldiers, police and Shia Muslims"*; AFP, *Baghdad Car Bomb Kills 11: Officials*, 16 August 2015, <https://shar.es/1vywn>.
- 13 August 2015: A truck bomb attack in a vegetable market in Sadr City reportedly killed at least 67 people and wounded 150. ISIS reportedly claimed responsibility for the attack; Associated Press, *Truck bomb targeting Shiites kills 67 at Baghdad market*, 13 August 2015, <http://bit.ly/1L0R4D6>; UNAMI, *Acting UN Envoy Condemns in the Strongest Terms Devastating Baghdad Bomb Attack*, 13 August 2015, <https://shar.es/1vyAn5>.
- 22 July 2015: Bomb attacks in mostly Shi'ite Muslim neighbourhoods killed at least 21 people and wounded dozens; AFP, *Baghdad Bombing Attacks Kill at least 21*, 22 July 2015, <https://shar.es/1vy8qe>.
- 21 July 2015: A car bomb attack near a market in the eastern district of Baghdad Al-Jadida, a predominantly Shi'ite area, killed at least 19 people and wounded 43. Another four people were killed and 10 wounded in a similar attack in the southern neighbourhood of Zafaraniya. ISIS claimed responsibility for both attacks; AFP, *Iraq Bomb Attacks Kill at least 30*, 22 July 2015, <https://shar.es/1vy8kJ>.
- 12 July 2015: ISIS claimed responsibility for a string of bomb attacks in Shi'ite neighbourhoods that killed at least 23 and wounded 68; AFP, *IS Claims Baghdad Bombings that Killed 23*, 15 July 2015, <https://shar.es/1vyDRT>; AFP, *String of Baghdad Bombings Kills 21, Police*, 12 July 2015, <https://shar.es/1vyOog>.
- 4 July 2015: Two car bombs detonated in Baghdad as many people were ending their daily Ramadan fast. One bomb hit the mainly Shi'ite Amil district, killing eight people and wounding 27. The other hit a bus garage in Doura in the south of the capital, killing three people; Reuters, *Car bombs Kill 11 in Baghdad at End of Ramadan Fast*, 4 July 2015, <http://tmsnr.rs/1QhXbTZ>.
- 9 June 2015: A series of bomb attacks in and around Baghdad reportedly left at least 18 people dead. The deadliest attack took place near a restaurant in Palestine Street, killing eight people; BBC, *Iraq Violence: Baghdad Bomb Attacks Kill at least 18*, 9 June 2015, <http://bbc.in/1OxV3WQ>.
- 28 May 2015: Two upscale Baghdad hotels were reportedly targeted with car bombs, killing at least nine people and wounding dozens. ISIS claimed responsibility for the attacks; AFP, *IS Claims Baghdad Hotel Car Bombings that Killed Nine*, 29 May 2015 <https://shar.es/1v8YVu>.
- 12 May 2015: Attacks on Shi'ite pilgrims commemorating the death of revered 8th century Shi'ite Imam Moussa Al-Kazim killed at least 19 people and wounded more than 50 across Baghdad; AFP, *Attacks in Iraqi Capital Kill at least 19 Shiite Pilgrims*, 12 May 2015, <http://ara.tv/2yp5g>.
- 2 May 2015: At least 13 people were killed and 39 wounded in a car bomb facing a popular restaurant in the Shi'ite Karrada area; AFP, *At least 13 killed in Baghdad Car Bombing: Police*, 2 May 2015, <https://shar.es/1vO9gX>.

¹¹¹ "The attacks demonstrate that ISIS maintains the capability to conduct explosive attacks in areas that have a heavy presence of security forces"; ISW, *Iraq Situation Report: January 7-11, 2016*, 11 January 2016, <http://bit.ly/1IROQVbl>. "There are a reported 80,000 members of the security forces and more Hasid [PMU] in Baghdad and its belts, but these units have not been able to break up IS's networks leading to the capital"; Musings on Iraq, *Violence in Iraq Levels Off*, 5 November 2015, <http://bit.ly/1jelix5o>. "(...) ISIS continued to demonstrate unabated lethal capabilities in Baghdad and the Baghdad Belts area, (...) despite a heavy security presence in Baghdad"; ISW, *Iraq Situation Report: October 2 - 5, 2015*, 5 October 2015, <http://bit.ly/1SFFAqe>. "(...) the insurgents [ISIS] still have access to every sector of the capital as shown by the fact that it detonated two car bombs in the east, one in the south, were able to plant one in the west, although it was defused, and seven more were discovered in undisclosed locations across the city"; Musings on Iraq, *Mixed Bag in Iraq's Anbar Op as Islamic State Counterattacks in Baiji*, 17 August 2015, <http://bit.ly/1NkLWg4>.



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ISIS reportedly uses its presence in Fallujah (Al-Anbar) to stage attacks into western Baghdad governorate, as demonstrated in late February 2016, when ISIS fighters reportedly launched a lightning offensive in the Abu Ghraib District of western Baghdad governorate, temporarily occupying several buildings and a grain silo. Confronted with an ISF counter offensive, ISIS reportedly quickly withdrew to its safe havens around Fallujah City.¹¹² Despite having been pushed out of the southern Baghdad belts and its stronghold in Jurf Al-Sakhr (northern Babel) in October 2014, ISIS is said to have re-established its presence south of Baghdad as demonstrated by its ability to launch attacks in southern Baghdad.¹¹³ ISIS

- ¹¹² Musings on Iraq, *Islamic State's Raid on Iraq's Abu Ghraib*, 14 March 2016, <http://bit.ly/1RnAhM8>; The Independent, *ISIS Fights Back in Iraq: Raid on Abu Ghraib Punctures Hopes the Jihadist Group Is in Retreat*, 28 February 2016, <http://ind.pn/203GReg>; Musings on Iraq, *Violence in Iraq, Dec 2015*, 11 January 2016, <http://bit.ly/1LITn0l>.
- ¹¹³ Musings on Iraq, *Violence in Iraq, Dec 2015*, 11 January 2016, <http://bit.ly/1LITn0l>. See reported incidents between January and 25 April 2016 (not comprehensive): Iraqi News, *Bomb Blast Wounds 2 Civilians in Southern Baghdad*, 24 April 2016, <http://bit.ly/1pxi8BW>; Iraqi News, *Bomb Blast Wounds 2 Civilians in Abu Dshir Area South of Baghdad*, 23 April 2016, <http://bit.ly/1WQ6vUc>; Iraqi News, *10 People Killed, Wounded in Bomb Blast in Madain Area in Southern Baghdad*, 21 April 2016, <http://bit.ly/1qL3VIM>; Iraqi News, *4 Policemen Killed, Wounded in Bomb Blast in Southern Baghdad*, 20 April 2016, <http://bit.ly/1VTCMKn>; Iraqi News, *7 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 19 April 2016, <http://bit.ly/1VTCOC4>; Iraqi News, *Gunmen Attack Army Patrol South of Baghdad, 2 Soldier Wounded*, 17 April 2016, <http://bit.ly/26nFaNS>; Iraqi News, *9 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 14 April 2016, <http://bit.ly/1SmFwO5>; Iraqi News, *8 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 13 April 2016, <http://bit.ly/1YPHdnx>; Iraqi News, *Bomb Blast Kills, Wounds Seven People in Southern Baghdad*, 12 April 2016, <http://bit.ly/1MSfYIs>; Iraqi News, *Gunmen Wound Soldier in al-Yusufiyah Area in Southern Baghdad*, 12 April 2016, <http://bit.ly/24eLOmQ>; Iraqi News, *5 Police Members Killed, Wounded in Bomb Blast in Southern Baghdad*, 11 April 2016, <http://bit.ly/26nFTOK>; Iraqi News, *10 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 10 April 2016, <http://bit.ly/24eMcBP>; Wall Street Journal, *Bomb Kills Four Young Men at Soccer Field Outside Baghdad*, 10 April 2016, <http://on.wsj.com/1MSs58f>; Iraqi News, *9 People Killed, Wounded in Bomb Blast in Mahmudiya District in Southern Baghdad*, 9 April 2016, <http://bit.ly/1SZgG2P>; Iraqi News, *8 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 6 April 2016, <http://bit.ly/1YeSVrG>; Iraqi News, *Bomb Blast Wounds 2 Civilians in Southern Baghdad*, 5 April 2016, <http://bit.ly/1SEui6s>; Iraqi News, *Bomb Blast Wounds 7 Soldiers in al-Yusufiyah in Southern Baghdad*, 2 April 2016, <http://bit.ly/1NKNFa9>; Iraqi News, *5 Policemen Killed, Wounded in Bomb Blast in Southern Baghdad*, 29 March 2016, <http://bit.ly/230zFPT>; Iraqi News, *11 People Killed, Wounded in Bomb Blast in Yusufiya Area in Southern Baghdad*, 27 March 2016, <http://bit.ly/1SmRwPH>; Iraqi News, *Bomb Blast Kills Civilian, Wounds 2 Others in Southern Baghdad*, 26 March 2016, <http://bit.ly/1VxaGoy>; Iraqi News, *6 Police Members Killed, Wounded in Bomb Blast Targeted Their Patrol in Southern Baghdad*, 24 March 2016, <http://bit.ly/1rc17i6>; Iraqi News, *9 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 23 March 2016, <http://bit.ly/1rtZfBQ>; Iraqi News, *Bomb Blast Wounds 6 Members of al-Hashd al-Shaabi in Southern Baghdad*, 22 March 2016, <http://bit.ly/1rtZlZW>; Iraqi News, *Bomb Blast Kills, Wounds 9 Persons in al-Yusufiyah in Southern Baghdad*, 18 March 2016, <http://bit.ly/1YPQZpQ>; Iraqi News, *Bomb Blast Kills Civilian, Wounds 2 Others in Southern Baghdad*, 16 March 2016, <http://bit.ly/1UbVUCn>; Iraqi News, *6 People Killed, Wounded in Bomb Blast Southeast of Baghdad*, 16 March 2016, <http://bit.ly/24eTSUF>; Iraqi News, *7 People Killed, Wounded in Bomb Blast near Shops Southwest of Baghdad*, 14 March 2016, <http://bit.ly/1rtWHUd>; Iraqi News, *Bomb Blast Kills, Wounds 9 Persons Southeast of Baghdad*, 14 March 2016, <http://bit.ly/1VNzFEw>; Iraqi News, *Bomb Blast Kills, Wounds 8 Elements of al-Hashd al-Sha'bi in Southern Baghdad*, 11 March 2016, <http://bit.ly/1NKMO8Q>; Iraqi News, *5 Policemen Killed, Wounded in Bomb Blast Targeted Their Patrol in Southern Baghdad*, 10 March 2016, <http://bit.ly/1UbWmQX>; Iraqi News, *10 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 10 March 2016, <http://bit.ly/1U4SQYU>; Iraqi News, *8 People Killed, Wounded in Bomb Blast Southeast of Baghdad*, 5 March 2016, <http://bit.ly/2225Vna>; Iraqi News, *10 People Killed, Wounded in Bomb Blast in Nahrawan Area Southeast of Baghdad*, 2 March 2016, <http://bit.ly/1Lx6VePl>; Iraqi News, *9 People Killed, Wounded in Bomb Blast in Madain District in Southern Baghdad*, 1 March 2016, <http://bit.ly/1InhT6pc>; Iraqi News, *10 People Killed, Wounded in Bomb Blast South of Baghdad*, 28 February 2016, <http://bit.ly/1WUOAJk>; Iraqi News, *10 People Killed, Wounded in Bomb Blast Near Market in Southern Baghdad*, 23 February 2016, <http://bit.ly/1Uyvx9f>; Iraqi News, *10 People Killed, Wounded in Bomb Blast Near Shops Southwest of Baghdad*, 22 February 2016, <http://bit.ly/1Q5TFdY>; Iraqi News, *4 Iraqi Soldiers Killed, Wounded in Bomb Blast in Southern Baghdad*, 21 February 2016, <http://bit.ly/1oP7InC>; Iraqi News, *8 People Killed, Wounded in Bomb Blast Southwest of Baghdad*, 18 February 2016, <http://bit.ly/1oP7fv7>; Iraqi News, *Bomb Blast Wounds 5 Civilians in Southern Baghdad*, 18 February 2016, <http://bit.ly/1QLdre1>; Iraqi News, *9 People Killed, Wounded in Bomb Blast Southwest of Baghdad*, 17 February 2016, <http://bit.ly/1RGGHGg>; Iraqi News, *10 People Killed, Wounded in Bomb Blast in Yusufiya Area South of Baghdad*, 16 February 2016, <http://bit.ly/1WUQKZA/>; Iraqi News, *9 People Killed or Wounded in Bomb Blast South of Baghdad*, 13 February 2016, <http://bit.ly/1QTI4pd>; Iraqi News, *9 People Killed, Wounded in Bomb Blast in Latifiya Area South of Baghdad*, 11 February 2016, <http://bit.ly/1TeJQPP>; Iraqi News, *10 People Killed or Wounded in Bomb Blast South of Baghdad*, 7 February 2016, <http://bit.ly/1QmwZs7>; Iraqi News, *Iraqi Police Elements Killed, Wounded in Bomb Blast South of Baghdad*, 7 February 2016, <http://bit.ly/1pnKdMB>; Iraqi News, *11 People Killed, Wounded in Bomb Blast in Southern Baghdad*, 4 February 2016, <http://bit.ly/1QLjm9n>; Iraqi News, *4 Soldiers Injured in Bomb Blast South of Baghdad*, 4 February 2016, <http://bit.ly/1L5XTpg>;



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reportedly also maintains bases in southern Salah Al-Din governorate, which it uses to launch attacks into the northern parts of Baghdad, including Tarmiya and Taji.¹¹⁴ Similarly, ISIS uses its presence in Diyala as a base to hit Baghdad.¹¹⁵

b) Security Incidents in Baghdad

The capital Baghdad and surrounding governorate reportedly remain a main focus of ISIS attacks.¹¹⁶ In most months in 2014 and 2015, Baghdad has reportedly been the governorate with the highest number of security incidents.¹¹⁷ In 2014, the UN recorded an average of 7.4 security incidents per day in Baghdad. This number increased to an average of 10.6 security incidents per day in 2015, and up to an average of 11.67 incidents per day in the first quarter of 2016.¹¹⁸ Similarly, the blog Musings on Iraq,¹¹⁹ observed an increase in the number of security incidents in Baghdad: based on media reports, security incidents increased from an average of 6.2 incidents per day in 2014 to an average of 7.4 security incidents per day in 2015. In the first three months of 2016, Baghdad reportedly saw an average of 8.9 security incidents per day.¹²⁰

According to available data, the types of security incidents have changed over the course of the last two years. In 2014, Baghdad reportedly saw daily car bombs and suicide attacks. While these types of attacks have dropped to some extent in 2015,¹²¹ the numbers of IED attacks¹²² and under-vehicle bombings (UVIED) have increased significantly,¹²³ as has the number of unidentified bodies that are found on a

Iraqi News, *11 People Killed, Wounded in Bomb Blast in Madain District South of Baghdad*, 3 February 2016, <http://bit.ly/1QedUFP>; Iraqi News, *11 People Killed, Wounded in Bomb Blast South of Baghdad*, 31 January 2016, <http://bit.ly/1PTHikb>; Iraqi News, *11 People Killed, Wounded in Bomb Blast South of Baghdad*, 11 January 2016, <http://bit.ly/1VuMxuX>; Iraqi News, *3 Mortar Shells Kill, Wound 11 People in South of Baghdad*, 11 January 2016, <http://bit.ly/1ULoR5g>; Shafaq News, *7 People Killed, Wounded in Bomb Blast South of Baghdad*, 4 January 2016, <http://bit.ly/1OwWbN1>; Shafaq News, *8 People Killed, Wounded in Bomb South West of Baghdad*, 1 January 2016, <http://bit.ly/1O2L5xJ>.

¹¹⁴ Musings on Iraq, *Violence in Iraq, Dec 2015*, 11 January 2016, <http://bit.ly/1LITn0l>; Musings on Iraq, *Security in Iraq, Dec 15-21, 2015*, 28 December 2015, <http://bit.ly/1RnYW3j>.

¹¹⁵ Musings on Iraq, *Violence in Iraq, Dec 2015*, 11 January 2016, <http://bit.ly/1LITn0l>.

¹¹⁶ “As the Islamic State has gone on the defensive since its summer offensive in 2014 it has concentrated upon terrorist attacks in the capital. The governorate regularly has the most attacks and casualties as a result”; Musings on Iraq, *Violence in Iraq, Dec 2015*, 11 January 2016, <http://bit.ly/1LITn0l>. See also, Musings on Iraq, *Security in Iraq Apr 8-14, 2016*, 18 April 2016, <http://bit.ly/1YGsOdl>.

¹¹⁷ According to UN figures, Baghdad was the most violent governorate every month in 2014 and 2015, followed by Al-Anbar, Salah Al-Din, Ninewa, Diyala and Kirkuk; UN data, April 2016. See also monthly security reports for 2014 and 2015 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>. “Baghdad continued to see the highest rate of attacks targeting civilians in the country”; UN General Assembly, *Second Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, para. 21.

¹¹⁸ UN data, April 2016.

¹¹⁹ Musings on Iraq is a blog run by Iraq analyst Joel Wing. It compiles weekly statistics on attacks and casualties as reported by Western, Arab and Iraqi newspapers, the UN, and IBC; see Musings on Iraq, <http://musingsoniraq.blogspot.com/>.

¹²⁰ Musings on Iraq notes that there are always more attacks than what is reported in the media; Musings on Iraq, *Violence in Iraq, March 2016*, 5 April 2016, <http://bit.ly/1SSaQTp>.

¹²¹ In 2014, Baghdad saw 287 car bombs, 55 suicide attacks, and 21 suicide attacks, or an average of 30 per month, according to UN figures. In 2015, this number dropped to 81 car bombs, 35 suicide attacks and 19 suicide car bomb attacks, or an average of 11 per month; UN data Iraq, April 2016. An overall drop in suicide and vehicle bomb attacks in Baghdad in 2015 was also recorded by Musings on Iraq: in total, it accounted for 129 successful attacks in 2015 (average of almost 11 attacks every month). This compares to a total of 145 such attacks between June and December 2014 (or an average of 20 every month); see monthly security reports for 2015 and June to December 2014 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>.

¹²² In 2014, Baghdad saw 881 incidents involving IEDs, or an average of 73 per month. In 2015, this already high number has sprung up to almost 1,600, or 131 every month. In the first quarter of 2016, the number of IEDs further increased to 154 per month; UN data, April 2016. A similar trend was observed by Musings on Iraq: while between June and December 2014, it recorded an average of 80 IEDs per month, this figure increased to almost 114 every month of 2015; see monthly security reports for 2015 and June to December 2014 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>.

¹²³ In 2014, Baghdad saw 198 incidents involving UVIEDs, or an average of 16.5 per month. In 2015, this number increased to 246, or an average of 20.5 every month. The first quarter of 2016 saw a reported 58 such incidents, or, on average, 19.3 incidents every



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daily basis.¹²⁴ Observers expect that as ISIS loses territory, the group will increasingly turn to launching attacks in the capital Baghdad.¹²⁵

c) *Civilian Casualties in Baghdad*

Based on statistics provided by UNAMI, Baghdad governorate¹²⁶ was consistently the worst affected governorate in terms of casualty figures every month in 2014, 2015 and into 2016. While UNAMI's figures indicate a country-wide drop in casualty figures between 2014 and 2015,¹²⁷ figures for Baghdad have remained at the same elevated level.¹²⁸ UNAMI recorded a total of 3,228 civilian casualties (835 killed, 2,393 wounded) in Baghdad in the first quarter of 2016.¹²⁹ Baghdad is followed (not always in the same order) by Al-Anbar, Diyala, Ninewa, Kirkuk, Salah Al-Din and Babel governorates, noting that figures for Al-Anbar are not available for every month.¹³⁰ Musings on Iraq identified the same governorates as accounting for the highest monthly casualties, however, the order varies from month to month.¹³¹ Musings on Iraq recorded a total of 3,800 civilian deaths and 10,650 wounded in Baghdad in 2015, or, on average, 318 civilians killed and 887 wounded every month as a result of violence.¹³²

months; UN data, April 2016. Musings on Iraq, between June and December 2014, accounted for a total of 124 “sticky bombs” or, on average, 17.7 every month. In 2015, there were 275 such incidents, or an average of 23 per month, indicating an increase in these kind of attacks: see monthly security reports for 2015 and June to December 2014 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>. “Car bombs may get all the headlines, but really it is the daily routine of Improvised Explosive Devices (IEDs) and their sticky bomb brethren attached to vehicles that make up the vast majority of violence in the capital”; Musings on Iraq, *How Does the Islamic State Deliver Explosives into Iraq’s Capital?*, 13 August 2015, <http://bit.ly/1irsoIT>.

¹²⁴ According to UN statistics, in 2014, an average of 22 dead bodies were found in Baghdad every month. In 2015, this number has more than doubled to 50 dead bodies. The figure remained high at 41 bodies found on average every month in the first quarter of 2016; UN data, April 2016. Musings on Iraq recorded, based on media reports, an average of 44 dead bodies found in Baghdad every month in 2014, with a particular increase observed between June and August 2014, correlating with ISIS’ advances during the summer. According to the Blog, also in 2015 and 2016, “(...) bodies being dumped are commonplace each week”; Musings on Iraq, *Violence in Iraq, March 2016*, 5 April 2016, <http://bit.ly/1SSaQTP>; Musings on Iraq, *Dead Bodies Dumped in Iraq’s Capital Did not Turn Out as Feared*, 22 January 2015, <http://bit.ly/1YprUmp>.

¹²⁵ “As IS has lost territory it has increasingly turned to attacking the capital”; Musings on Iraq, *Violence in Iraq, March 2016*, 5 April 2016, <http://bit.ly/1SSaQTP>. See also, Jerusalem Post, *ISIS Will Keep Operating ‘even if It Loses all Territory in Iraq, Syria’*, 25 February 2016, <http://bit.ly/1SslWvv>.

¹²⁶ Baghdad is the smallest governorate, but accounts for the largest population of all Iraqi governorates (est. 6.69 to 7.14 million inhabitants). The governorate is divided in 14 districts. The districts of Adhamiyah, Karkh, Karrada, Kadhemiyah, Mansour, Sadr City, Al-Rashid, Rusafa and 9 Nissan are part of Baghdad city, while the districts of Al-Madain, Taji, Tarmiya, Mahmoudiyah and Abu Ghraib comprise the rest of the governorate; NGO Coordination Committee for Iraq (NCCI), *Baghdad Governorate Profile*, updated December 2015, <http://bit.ly/21GPtGX>, p. 1; International Organization for Migration (IOM), *Baghdad Governorate Profile, August 2015*, 9 November 2015, <http://iomiraq.net/file/2216/download>.

¹²⁷ UNAMI documented an “absolute minimum” of 12,282 civilian deaths and over 23,000 civilians wounded in 2014 and 7,515 civilian deaths and over 14,800 injured in 2015 (noting that casualty figures for Al-Anbar were not available for October and November 2015); UNAMI, *UN Casualty Figures for the Month of December 2015*, 1 January 2016, <http://bit.ly/1TsK5rI>; UNAMI, *UN Casualty Figures for December; 2014 Deadliest since 2008 in Iraq*, 4 January 2015, <http://bit.ly/14stgGA>.

¹²⁸ In 2015, UNAMI recorded 13,000 civilian casualties (including 3,727 dead and 9,272 wounded) in Baghdad alone, accounting for more than half of the country-wide casualty figure of over 22,000. In 2014, UNAMI recorded a total of 12,000 civilian casualties (including 3,702 dead and 8,375 wounded) in Baghdad. On average, Baghdad saw a minimum of 310 dead and 772 wounded civilians every month in 2015. This compares to an average of 308 civilians killed and close to 700 wounded every month in Baghdad in 2014. See monthly UNAMI casualty figures, UNAMI, *Civilian Casualties*, accessed 28 April 2016, <http://bit.ly/1NpHRqT>.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ For example, in March 2016, 665 security incidents resulted in 1,463 persons killed and 1,843 wounded across the country. Baghdad governorate accounted for the highest number of people killed or wounded (1,358), followed by Ninewa (586), Al-Anbar (504), Babel (442), Kirkuk (156), KR-I (112 – all PKK), Salah Al-Din (98), and Diyala (47). The vast majority of the casualties in Baghdad were civilians (1,220 out of 1,353); Musings on Iraq, *Violence in Iraq, March 2016*, 5 April 2016, <http://bit.ly/1SSaQTP>.

¹³² See monthly security reports for 2015 on Musings on Iraq, <http://musingsoniraq.blogspot.com/>. In 2014, Musings on Iraq recorded 5,160 deaths and 11,791 wounded (note: includes civilians and non-civilians); Musings on Iraq, *Charts On Violence in Iraq 2014 Part I - Provincial Statistics*, 6 January 2015, <http://bit.ly/1RYlvNi>.



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2) *Availability of Traditional Support Mechanisms, Provided by Members of the Applicant's Extended Family*

UNHCR's *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* state, at para. 29: "Conditions in the area [of proposed relocation] must be such that a relatively normal life can be led in the context of the country concerned. If, for instance, an individual would be without family links and unable to benefit from an informal safety net, relocation may not be reasonable, unless the person would otherwise be able to sustain a relatively normal life at more than just a minimum subsistence level."

Whether an applicant would be able to rely on (extended) family members or another informal safety net in the proposed area of relocation needs to be assessed in each individual case.¹³³ In relation to a proposed IFA in Baghdad, the prevailing humanitarian crisis and wider economic constraints affecting large segments of the population are relevant factors to be taken into account when assessing whether members of the applicant's extended family or wider community are willing and able to provide genuine support to the applicant in practice. Where family members are themselves in a situation of internal displacement in Baghdad, it needs to be considered that most IDPs are faced with precarious living conditions and limited or no access to livelihood opportunities (see following sections).

3) *Access to Shelter*

The large majority of IDPs in Baghdad are reported to live in rented houses or with host families.¹³⁴ In Baghdad, pressure on the existing housing market is particularly high, and rents have increased in light of heightened demand, especially in the Karkh district, which hosts the majority of IDPs in Baghdad.¹³⁵ IDPs are reported to be forced to move between districts and shelters in search of cheaper housing.¹³⁶ Furthermore, available housing often does not provide adequate living conditions, as many are unfurnished, dilapidated and overcrowded.¹³⁷ Many IDPs are reported to be unemployed,¹³⁸ and, as a result, face difficulties to pay increasing rents.¹³⁹

¹³³ "Due to largely absent basic state services, it might be assumed that traditional solidarity networks, such as support through extended family networks, tribes and religious charities are indispensable for the survival of individuals and communities"; Bertelsmann Foundation, *BTI 2016 - Iraq Country Report*, accessed 30 April 2016, <http://bit.ly/1NkWxb0>.

¹³⁴ Over 317,900 are reported to be living in rented accommodation and 229,000 are living with host families in Baghdad. Moreover, close to 1,000 IDPs are accommodated in motels/hotels; IOM, *Displacement Tracking Matrix - Round 42 - 31 March 2016*, 14 April 2016, <http://iomiraq.net/file/5633/download> (hereafter: IOM, *DTM - Round 42*, 14 April 2016), p. 9.

¹³⁵ UN Habitat Iraq, Email Correspondence with UNHCR, 18 April 2016 [on file with UNHCR]. "Sheltering patterns have shifted since 2014, with an increased number of people seeking safety in Baghdad and Erbil and newly accessible areas in Anbar, Salah al-Din and Kirkuk governorates. The increased displacement has impacted the market availability, rental costs and host community saturation capacity" (emphasis added); UN Humanitarian Country Team (UNHCT), *Humanitarian Needs Overview 2016*, November 2015, <http://bit.ly/1RoAqvO>, p. 23. See also, Economist, *MENA Real Estate: A Positive Outlook, Despite Current Challenges*, 4 August 2015, <http://bit.ly/1MW5T9I>

¹³⁶ IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>.

¹³⁷ "Households in critical shelter and to a lesser extent rentals may be living in very difficult and sub-standard shelter conditions"; Global Shelter Cluster, *Shelter Cluster Factsheet: Iraq - January 2016*, 31 January 2016, <http://bit.ly/1NAKqBt>. See also, IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, pp. 4, 5.

¹³⁸ See below Section 5: "Livelihood Opportunities and Food Security".

¹³⁹ NCCI, *Baghdad Governorate Profile*, updated December 2015, <http://bit.ly/21GpTgX>, p. 5; IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 5. See also, OHCHR, *Iraq and the International Community Must Boost Protection of the Internally Displaced*, 19 May 2015; Camp Coordination and Camp Management Cluster (CCCM Cluster), *Iraq Internal Displacement Crisis Assessment Report*, 10 September 2014, <http://bit.ly/1QRjUdD>.



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As of March 2016, over 36,800 IDPs are recorded to be living in critical shelter arrangements in Baghdad such as informal settlements, religious buildings, schools and unfinished or abandoned buildings.¹⁴⁰ Those living in critical shelter arrangements are often deprived of access to adequate water, electricity and sanitation and are at risk of eviction.¹⁴¹ Baghdad has reportedly seen an increase in “shanty towns” since 2014 due to the arrival of large numbers of IDPs.¹⁴²

A smaller number, over 17,000 IDPs, is residing in camps,¹⁴³ which have usually grown from spontaneous settlements. These camps reportedly mostly consist of tented accommodation shared by several families and a limited number of poorly maintained communal latrines and showers.¹⁴⁴ Adverse weather conditions have reportedly resulted in damage to or destruction of IDP homes.¹⁴⁵

4) Availability of Basic Infrastructure and Access to Essential Services

Both the Iraqi government and the international humanitarian community are reported to be struggling to provide IDPs with adequate access to basic services given the large and growing number of IDPs and the vast humanitarian needs in Iraq, which is exacerbated by the limited availability of financial resources.¹⁴⁶

¹⁴⁰ IOM, *DTM - Round 42*, 14 April 2016, p. 9. “Shelter remains a pressing concern across the country, as countless IDPs live in informal settlements, unfinished and abandoned buildings, public and school buildings and religious sites”; UNHCR, *IDP Operational Update 1-29 February 2016*, 29 February 2016, <http://bit.ly/1St47zb>, p. 4.

¹⁴¹ US Department of State, *2015 Country Reports – Iraq*, 14 April 2016, p. 40; UNHCR, *IDP Operational Update 1-31 January 2016*, 31 January 2016, <http://bit.ly/1RU3sqG>, p. 3; 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>, p. 7; NCCI, *Baghdad Governorate Profile*, updated December 2015, <http://bit.ly/21GPtGX>, p. 5.

¹⁴² “There has been a spike in shanty neighbourhoods since June 2014 when the war against ISIS began. ISIS, which controls vast areas in the northern and western parts of Iraq, has deepened Iraq’s poverty crisis, creating another wave of Iraqis homeless fleeing to safety”; The Arab Weekly, *Poverty in Iraq Dramatically Rises*, 4 March 2016, <http://www.thearabweekly.com/?id=4112>. “The 16-member family is one of 307 families living in this random complex which is not supplied by the national power grid, water or any other basic services. In Baghdad, there are more than 249 similar complexes, according to the Baghdad’s provincial council, each one hosting anywhere between 2,000 and 17,500 squatters, most of whom have few if any financial resources to live in decent houses with basic services. (...) there has been a new spike in these shanty neighbourhoods since June 2014 when the war against the militants of the Islamic State began. The presence of the militant group (...) has deepened Iraq’s poverty crisis, making another more than three million Iraqis homeless as they fled their towns and villages for safety”; Middle East Eye, *Poverty in Iraq Grows as Budgets Squeezed by War with IS*, 25 September 2015, <https://shar.es/1j0uBM>.

¹⁴³ IOM, *DTM - Round 42*, 14 April 2016, p. 9. For an overview of camp locations in Baghdad, see UNHCR, *Iraq - Central Iraq: IDP Camp Locations - As of January 2016*, 2 March 2016, <http://bit.ly/1oeHZ0P>.

¹⁴⁴ CCCM Cluster/REACH Initiative, *Comparative Multi-Cluster Assessment of Internally Displaced Persons Living in Camps - Iraq Assessment Report*, January 2016, <http://bit.ly/1UQxi6>, pp. 2-3, 13. “RI [Refugees International] visited multiple camps in Anbar, Babil, and Baghdad that had either no or unaffordable electricity, no reliable clean water source, poor sanitation, and practically nonexistent medical care. The camps also have inadequate food and shelter” (emphasis added); Refugees International, *Displaced in Iraq*, 2 November 2015, p. 7.

¹⁴⁵ “(...) both urban and rural areas [of Baghdad] have been severely affected by flooding due to heavy seasonal rains. In October [2015] the MoDM and UNHCR evacuated several camps in the governorate. This also exacerbated the cholera outbreak that started in September and that as of November 2015 had seen 2,810 cases throughout the country, with the majority in and around Baghdad governorate”; Ceasefire Centre for Civilian Rights /MRGI, *Iraq’s Displacement Crisis*, March 2016, p. 12. See also, UNHCR, *IDP Operational Update 1-31 January 2016*, 31 January 2016, <http://bit.ly/1RU3sqG>, pp. 3, 4; OCHA, *Humanitarian Bulletin Iraq - 16 October – 5 November 2015*, 8 November 2015, <http://bit.ly/1WX9dsX>, pp. 1-2; Iraqi Red Crescent Society, *Iraq: The Rain Forced Hundreds of Displaced Families to Flee again*, 2 November 2015, <https://shar.es/15PYOL>.

¹⁴⁶ “Exacerbating the dire humanitarian situation was the lack of funding for humanitarian operations in Iraq. Even though the UN still marked the Iraq crisis as a L3 emergency, indicating a large scale emergency situation in urgent need of support, the Strategic Response Plan for Iraq for 2015 was only 75% funded. Funding shortages meant that the humanitarian response fell short of the needs in country, leaving thousands of people in need of the most basic services like food, water, shelter and medical assistance”; NCCI, *Annual Report 2015*, 5 April 2016, <http://bit.ly/1MU6iwA>, p. 5. “The Government of Iraq and the Kurdistan Regional Government have played central roles in addressing the crisis, but will have few resources in the year ahead. The Government’s social protection floor, although under severe strain, has been crucial for supporting displaced families, many of whom receive cash grants, food parcels through the Public Distribution System (PDS), health care, education, and shelter. However, persistently low oil prices are crippling both governments. Public revenues have plummeted by more than 40 per cent; investment projects have been cancelled, operational costs are being reduced across all ministries in both the federal Government and the Kurdistan Regional



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Iraq is facing a growing humanitarian crisis.¹⁴⁷ It is estimated that 10 million persons, or nearly a third of the population, are currently in need of humanitarian assistance across Iraq.¹⁴⁸ This contrasts with only 7.3 million people targeted for assistance by humanitarian actors in 2016.¹⁴⁹ Since summer 2015, Baghdad and other cities have reportedly seen large demonstrations protesting, *inter alia*, government failure to reliably deliver key services, particularly electricity and water.¹⁵⁰

In Baghdad governorate, by November 2015, a total of 1.5 million persons were estimated to be in need of humanitarian assistance.¹⁵¹ In numerous neighbourhoods families are reported to rely on negative coping strategies, and food consumption within the most vulnerable families is reportedly declining.¹⁵²

Local authorities and communities in areas of displacement are reportedly overstretched and services that were already under-performing prior to the recent conflict, have further deteriorated, including access to potable water, sanitation, disposal of solid waste, education, and health care. IDPs, who are likely to be cut off from their usual source of income and traditional social and other support networks, are particularly affected by the high living costs and weak service provision.¹⁵³

Beyond concerns in relation to capacity, IDPs were also reported to avoid registering with local authorities in Baghdad and accessing employment and services such as health care and education for safety concerns.¹⁵⁴

Government (KRG) and payrolls have been delayed for months"; OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 8. "Through its Ministry of Migration and Displacement (MoMD), the Iraqi government provides some support to IDPs, but it covers only a fraction of the needs. While the Kurdistan Regional Government (KRG) has fairly recently announced its inability to continue to assist IDPs in its jurisdiction without significant international assistance, the Iraqi government has never been able to keep up with the central and south IDP population in the first place"; Refugees International, *Displaced in Iraq*, 2 November 2015, p. 6. See also, OCHA, *Iraq: Dire Consequences for Millions due to Funding Shortfalls*, 23 March 2016, <http://bit.ly/1WSce9l>; OHCHR, *Iraq and the International Community Must Boost Protection of the Internally Displaced*, 19 May 2015.

¹⁴⁷ "The humanitarian situation continued to deteriorate (...). [T]he conflict in Iraq has had profound humanitarian consequences. 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"; UN General Assembly, *Second Report of the Secretary-General Pursuant to Paragraph 7 of Resolution 2233 (2015)*, 26 January 2016, paras 64-65.

¹⁴⁸ "Depending on the intensity of fighting and the scale of violence in the months ahead, 11 million Iraqis, perhaps even 12 to 13 million, may need some form of humanitarian assistance by the end of 2016"; OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 6.

¹⁴⁹ OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 2.

¹⁵⁰ 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>, p. 3; Al Jazeera, *Iraqis Protest over Power Outages and Poor Services*, 3 August 2015, <http://aje.io/htyj>.

¹⁵¹ OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, pp. 4, 12, 13.

¹⁵² "The percentage of people consuming an inadequate diet has increased by 4 percent in Baghdad, while over a quarter of IDP households report using negative coping strategies to address their food needs"; World Food Programme (WFP), *Iraq Crisis Situation Report #29*, 3 November 2015, <http://bit.ly/1OdbrwR>. UNHCR has received anecdotal evidence of early marriage and child labour among the IDP population in Baghdad; UNHCR information, April 2016.

¹⁵³ "[I]n communities with large influxes, the institutions responsible for law and order, service delivery and public goods have sometimes struggled to deal with the size and scope of the crisis"; UNHCT, *Humanitarian Needs Overview 2016*, November 2015, <http://bit.ly/1RoAqvO>, p. 10. See also, IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 2.

¹⁵⁴ "(...) many (...) indicated that they are simply afraid to leave the IDP settlements for employment or any other reason. They felt that Baghdad was much too dangerous a place to show up in as an unfamiliar face. Besides hindering access to any occasional work opportunities that might be available, the danger—real or perceived—meant many children were not in school and people were declining to get health care even where they were eligible to use the national systems"; Refugees International, *Displaced in Iraq*, 2 November 2015, p. 7. "Registering would give displaced families access to a monthly cash stipend of US\$240, but fears of repercussions are widespread, including falsely-applied terror charges that could blacklist their entire family. For the same reason, people are also staying away from schools and health centres. (...) When families do register, they often send the women – not the men – to do the paperwork, for fear the men would be picked up by the authorities." The same report quotes a UNHCR officials as



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Loss of civil documentation remains another concern for IDPs across Iraq.¹⁵⁵ Without civil documentation, and particularly without civil ID card,¹⁵⁶ IDPs cannot access basic rights, services or employment, face restrictions on their freedom of movement and may be at risk of arrest and detention.¹⁵⁷ Limited financial resources and lack of official documents reportedly hamper IDPs' access to health services.¹⁵⁸ The influx of IDP children is reported to overburden the education system, resulting in severe overcrowding. IDP children lacking official documents may be unable to enrol into schools.¹⁵⁹

In Iraq, civil status documentation is generally 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 not feasible for those originating from areas under ISIS control or conflict areas. In response to the large-scale displacement since 2014, alternative civil status offices have been opened in various parts of the country to issue/renew different types of civil status documentation. Nevertheless, administrative procedures involved to recover lost identification documents is reportedly filled with obstacles.¹⁶⁰

Persons displaced from **Salah Al-Din and Al-Anbar governorates** cannot issue/renew their civil ID card in Baghdad. Rather, the civil ID card has to be issued/renewed in Samarra/Salah Al-Din (for IDPs from Salah Al-Din),¹⁶¹ and Ameriyat Al-Fallujah/Al-Anbar (IDPs from Fallujah).¹⁶²

For IDPs from **Ninewa**, several alternative directorates of civil ID have been established in January 2015 to deal with IDPs from specific areas (none of which is in Baghdad):

saying: "(...) others fear that approaching MoMD [Ministry of Migration and Displacement] or any other authorities may lead to possible repercussions as perceived by them, including being targeted by some armed groups by virtue of their Anbari origin"; IRIN, *Anbar IDPs in Baghdad Fear for Their Safety*, 13 May 2014, <http://bit.ly/1ouWlfn>. "The issue of reluctance of IDPs in approaching MoDM for registration was raised as a protection concern. Some are afraid of potential reprisal from their own communities upon eventual return to the place of origin, or fear for being targeted for arrest and/or detention. The problem seems to be particularly serious in Baghdad where IDPs from Anbar are reported to be harassed or being labeled as 'terrorists'"; UN in Iraq, *Situation Report - Anbar Humanitarian Crisis*, Report #18, 3 April 2014, <http://bit.ly/1MNvCo9>, p. 3.

¹⁵⁵ According to UNHCR's Grainne O'Hara, "Paperwork – or lack of - is a major hurdle in IDPs struggling to gain both safe passage and aid support"; IRIN, *UN Watchdog Blasts Iraq over IDP Treatment*, 19 May 2015, <http://bit.ly/1N4PrBW>.

¹⁵⁶ *Bitaaq shakhsiyeh or bitaaq hawwiyyeh*. The civil ID card is the most important personal document as it is needed to access health care, social welfare services, schools and for the purchase/sale of homes and cars. In addition, the civil ID card is required when applying for other official documents, such as passports, nationality certificate, PDS card, marriage/divorce/birth and death certificates; UNHCR information, April 2016.

¹⁵⁷ "Those who have been displaced since the 2014 ISIS advance will soon be entering their third year in displacement. In such a situation, if lacking their national ID or PDS card, families and individuals are likely to face restricted freedom of movement, restricted access to employment, education and food aid provisions, and even exclusion from health care services"; Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 18. "Loss of civil documentation remains a concern for IDPs across Iraq. Without civil documentation IDPs cannot access basic rights, services or employment and may be at risk of arrest or detention"; UNHCR, *IDP Operational Update 1-29 February 2016*, 29 February 2016, <http://bit.ly/1St47zb>, p. 3.

¹⁵⁸ IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 5. After Ninewa, Baghdad accounts for the highest number of people in need of health assistance; OCHA, *2016 Humanitarian Needs Overview*, November 2015, <http://bit.ly/1RoAqvO>, p. 19.

¹⁵⁹ IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 5.

¹⁶⁰ Ceasefire Centre for Civilian Rights /MRGI, *Iraq's Displacement Crisis*, March 2016, p. 18.

¹⁶¹ The office in Samarra only holds copies of the original records; UNHCR information, April 2016.

¹⁶² The services provided by the alternative directorate in Al-Ameriyat Al-Fallujah are limited by the fact that it only holds copies of the original civil status documents (the hard drive remains at the Directorate of Civil Status in Fallujah, which is under ISIS control). The alternative directorate provides the following:

- a. Renewal of damaged civil IDs;
- b. Renewal of old (invalid) civil IDs;
- c. Ratifying (legalizing) civil IDs;
- d. Issuance of copy of personal civil status records; and
- e. Issuance of housing card.

UNHCR information, April 2016.

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Location of Alternative Directorate	IDP Place of Origin in Ninewa
Al-Qosh (Ninewa)	Talkeif district, Wana sub-district, Al-Quah sub-district
Sheikhan (Dohuk)	Mosul district
Al-Faroq (Zalikan) sub-district	Other districts and sub-districts of Ninewa
Najef ¹⁶³	Telkeif, Al-Mosul Al-Ayser (left bank of Mosul), Bashiqa, Bartella, Hamdaniyah, and Nimrod
Kerbala and Najef	Tal Afar

IDPs from **Diyala governorate** cannot issue/renew their civil ID card in Baghdad. An alternate Directorate of Civil ID has been established in Al-Salam sub-district of Diyala to serve IDPs of Al-Udhaim and Al-Mansouriyah sub-districts and another directorate located in the centre of Baquba receives IDPs from Jalawla, Al-Sa'adiya, and Kifri sub-districts.¹⁶⁴

Repeated changes to applicable instructions and the specified locations have reportedly caused confusion among IDPs and lawyers as to which office to approach. Access to the alternative directorates may prove difficult for IDPs in Baghdad for security reasons, including the need to pass by checkpoints (where civil documentation is required). A power of attorney is not accepted and the applicant has to appear in person.¹⁶⁵ Moreover, there is reportedly insufficient staff working in these offices, resulting in delays.¹⁶⁶

In order to apply for the issuance/renewal of a civil ID card, the person must be able to produce the following documents:

- i. Nationality certificate;
- ii. Housing confirmation issued by the City Council of the area of displacement and legalized by the District Commissioner addressed to the Directorate of Civil Status, or support letter from MoDM;¹⁶⁷
- iii. Housing card (issued from the person's original location);¹⁶⁸
- iv. Civil ID card of the individual's father or brother to support his/her claim;
- v. Police report (in case of loss of ID card);
- vi. Displacement confirmation letter (for IDPs from Mosul displaced to Najef).¹⁶⁹

5) *Livelihood Opportunities and Food Security*

Unemployment among IDPs in Baghdad is reportedly high and the majority does not have a regular income.¹⁷⁰ Access to work was identified as a first priority need by 48 per cent of IDPs in Baghdad,

¹⁶³ This alternate directorate has a copy of the hard drive from the original Directorate of Civil Status in Ninewa; UNHCR information, April 2016.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ The Civil Status Directorate established for IDPs from Talafar (Ninewa) in Najef does not issue civil ID cards without a support letter from MoDM. However, MoDM provides such a letter only after the IDPs register with MoDM, a process which requires original documents, which most IDPs do not have; Ibid.

¹⁶⁸ If a woman's spouse was arrested under Article 4 of Iraq's Anti-Terrorism Law, she cannot obtain a housing card in her name, and, as a result, she would not be able to apply for any documentation; Ibid.

¹⁶⁹ In Kerbala, MoDM does not supply IDPs with a displacement confirmation letter based on a decision by the Kerbala Provincial Council; Ibid.

¹⁷⁰ "Many IDPs suffer unemployment. Labor market is additionally affected by the influx of new displaced persons that increase market competitiveness and cause a drop in daily wages"; IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 5. See also, CCCM Cluster/REACH Initiative, *Comparative Multi-Cluster Assessment of Internally Displaced Persons Living in Camps - Iraq Assessment Report*, January 2016, <http://bit.ly/1UQxij6>, pp. 3, 12, and 17; UNHCT, *Humanitarian Needs Overview 2016*, November 2015, <http://bit.ly/1RoAqvO>, p. 18.



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according to the International Organization for Migration (IOM).¹⁷¹ The vast majority of IDPs in Baghdad are in need of humanitarian assistance.¹⁷² Returnees from abroad are not as such entitled to any particular assistance from government bodies or humanitarian actors; however, they could be assisted by humanitarian actors on a case-by-case basis as IDPs, if they meet established vulnerability criteria.¹⁷³

Poverty across Iraq, including in Baghdad, is reportedly rising.¹⁷⁴ IDPs have reportedly been particularly hard-hit; although many have been struggling to survive on savings, personal resources are now exhausted, forcing hundreds of thousands of families to rely on outside assistance, and where this is inadequate, on negative coping strategies.¹⁷⁵ It is estimated that 85 per cent of IDPs in Iraq are indebted.¹⁷⁶ As a result of the economic downturn and high unemployment, social tensions are reportedly on the rise.¹⁷⁷ It is estimated that as many as 1.7 million people are likely to be impacted by social conflict in Iraq.¹⁷⁸

While the functionality of the Public Distribution System (PDS) for food distribution is recently reported to be improving in most areas in Iraq,¹⁷⁹ a number of concerns regarding its effectiveness and timeliness have been noted.¹⁸⁰ IDPs are in principle able to transfer their PDS registration from their area of origin to Baghdad so as to receive their monthly rations in their place of displacement. The process has at times

¹⁷¹ IOM, *Group Assessment: Cycle II Displacement Tracking Matrix | May – September 2015*, 5 April 2016, <http://bit.ly/1YgigBs>, p. 15.

¹⁷² According to UNHCR's Ali Bibi, "If they [IDPs] are able to get out [of ISIS territory], they come with depleted resources. As the conflict continues, the strain on all IDPs is becoming more and more severe as savings and resources are depleted and they have to rely more on humanitarian assistance and help from the government;" IRIN, *The Cost of Freedom from Islamic State*, 29 October 2015, <http://www.refworld.org/docid/56332f614.html>. IOM's Chief of Mission in Iraq stated, "[T]he need for immediate response and enhanced support to cope with the massive displacement crisis in Iraq is clear. In Baghdad Governorate, and all over Iraq, displaced people and the communities supporting them are in desperate need of comprehensive humanitarian assistance;" IOM, *IOM Iraq Tracks New Displacement, Provides Aid in Baghdad*, 7 April 2015, <http://bit.ly/23cEqYH>.

¹⁷³ UNHCR information, April 2016.

¹⁷⁴ "The population remains extremely vulnerable to the ongoing security problems and reduction in oil prices. Poverty levels have increased and now stand at 22.5%. The number of people living below the poverty line increased by an estimated 2.8 million by end-2014"; World Bank, *Iraq Overview*, last updated 1 April 2016, <http://bit.ly/1TyrYZW>. "The paralysis of the Iraqi economy, the sharp decline in oil prices, the unlimited spending on the war against IS, in addition to the absence of strategic planning and the rampant financial and administrative corruption since 2003, has left the Iraqi treasury nearly empty. The country, officials say, has poverty levels that are unseen since a poverty reduction plan was put in place five years ago. (...) More than (...) 13 percent of those who live in Baghdad, which now has a population of 7.6 million out of 36 million Iraqis in total, live in poverty"; Middle East Eye, *Poverty in Iraq Grows as Budgets Squeezed by War with IS*, 25 September 2015, <http://bit.ly/1WZXO7A>. See also, The Arab Weekly, *Poverty in Iraq Dramatically Rises*, 4 March 2016, <http://www.thearabweekly.com/?id=4112>; Borgen Magazine, *Poverty in Baghdad*, 22 February 2015, <http://bit.ly/25MLkGh>.

¹⁷⁵ OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 23.

¹⁷⁶ "The situation of displaced families remains dramatic. Spread across the country and living in more than 3,500 locations, 85 per cent of displaced people are in debt, most unpayable, locking families into generations of impoverishment and immiseration"; OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 7.

¹⁷⁷ "During a one-week period in late April [2015], UN implementing partners reported eight attacks on IDPs in Aamel and Shula camps in Baghdad and violence against IDPs seeking refuge in Baghdad's Al Jihad District, signifying increased tensions between IDPs and host community residents. Host community members have also expressed resentment toward displaced populations and harassed truck drivers transporting humanitarian aid. According to UN and GoI [Government of Iraq] representatives, some individuals have expressed safety concerns and fears of leaving displacement camp sites, as IDPs in Baghdad have reportedly experienced attacks in both camp and non-camp settings"; USAID, *Iraq – Complex Emergency Fact Sheet #6, Fiscal Year (FY) 2015*, 26 June 2015, <http://bit.ly/1qlltVJ>, p. 5. See also, UNHCT, *Humanitarian Needs Overview 2016*, November 2015, <http://bit.ly/1RoAqvO>, pp. 29-30.

¹⁷⁸ OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 7.

¹⁷⁹ WFP, *Iraq - Bulletin #16: Although PDS Access Has Improved, IDPs Are Using more Negative Coping Strategies*, March 2016, <http://bit.ly/1qr98IP> (hereafter: WFP, *Iraq – Bulletin #16*, March 2016), p. 4.

¹⁸⁰ "(...) many respondents complained about the low quality of the food delivered via PDS and delays in distributions"; WFP, *Iraq – Bulletin #16*, March 2016, p. 5. "Due to the escalation of conflict and resulting waves of displacement, the PDS has been irregular and unable to provide the Iraqi population with rations in a timely and effective manner"; WFP, *WFP in IRAQ: 2015 in Review*, 31 December 2015, <http://bit.ly/1qr98IP>, p. 8.



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been described as lengthy, and not all IDPs have been able to successfully transfer their PDS registration.¹⁸¹ IDPs may face difficulties to transfer their PDS registration if they do not hold all necessary documentation.¹⁸² Despite assistance provided via the PDS, WFP reports that many IDP families are unable to cover their food needs and resort to negative coping mechanisms, particularly in camps across Iraq.¹⁸³ Overall, 2.4 million Iraqis are estimated to be in need of food assistance across Iraq,¹⁸⁴ of which 1.6 million are considered to be the most food insecure and therefore targeted for emergency food assistance by humanitarian organizations.¹⁸⁵ In Baghdad governorate, over 200,000 persons are considered to be among the most vulnerable and receive food assistance from WFP and its partners.¹⁸⁶

6) Internal Displacement

Iraq is facing a major displacement crisis as more than 3.4 million persons (over 569,700 families), nearly half of them children, have been forced to flee their homes in several large waves of displacement, and multiple smaller ones since January 2014.¹⁸⁷ An additional 1.1 million people remain displaced from earlier conflict in 2006 – 2008.¹⁸⁸ Further new displacements are expected as conflict and human rights abuses.¹⁸⁹

¹⁸¹ UNHCR information, April 2016. “The public distribution system provides the only safety net for the vast majority of the poor, and is currently being stretched to its limits in much of the country, and is not available in some governorates”; World Bank, Iraq Overview, last updated 1 April 2016, <http://bit.ly/1TyrYzW>. WFP further noted that “[A] transition from WFP food assistance to assistance complementary to the PDS has been delayed; the Government was unable to fully implement and re-register IDPs on the PDS and the PDS ration is either incomplete or sporadically distributed in some areas, as observed in the field and data shared from PDS offices. This situation is improving but will remain a challenge in 2016, especially with the loss of Government revenues due to falling oil prices”; WFP, *Budget Revision 06 to Iraq Emergency Operation 200677*, 1 January 2016, <http://bit.ly/23qN8pU>, para. 27.

¹⁸² The required documents are: Civil ID card, old PDS card (or a copy of it), and a support letter from the city council in the place of displacement. A new alternative office has opened in Hay Al-Adel for IDPs from specific areas under control of ISIS in Al-Anbar governorate (Haditha, Al-Baghdadi, Khaldiyya, Barawana and Ameriyat Al-Fallujah); UNHCR information, April 2016.

¹⁸³ “While the Government’s PDS provides much needed assistance, with disruptions and limited capacity, it is not sufficient to fully meet the needs;” UNHCT, *Humanitarian Needs Overview 2016*, November 2015, <http://bit.ly/1RoAqvO>, p. 17. See also, WFP, *Iraq – Bulletin #16*, March 2016, p. 1.

¹⁸⁴ “Assessments completed by WFP and Food Security Cluster (FSC) partners, including the REACH Multi-Cluster Needs Assessments (MCNA) and the HNO, indicate that 2.4 million people are currently food insecure. This figure includes IDPs living in camps, host communities, returnees to newly liberated areas, and other conflict-affected groups. The primary drivers of food insecurity are displacement and poor food access due to sporadic access to livelihoods, volatility of food prices in conflict affected areas and uneven performance of the PDS”; WFP, *Budget Revision 06 to Iraq Emergency Operation 200677*, 1 January 2016, <http://bit.ly/23qN8pU>, para. 8. See also, WFP, *WFP Iraq Situation Report #35*, 23 March 2016, <http://bit.ly/1PEStMZ>, p. 1.

¹⁸⁵ “Of the 2.4 million deemed to be food insecure, 1.5 million people are considered to be the most vulnerable: noted by a significant food consumption gap or managing to achieve a minimum level of consumption only with the help of food assistance, while they engage in severe, intense and irreversible coping strategies”; WFP, *Budget Revision 06 to Iraq Emergency Operation 200677*, 1 January 2016, <http://bit.ly/23qN8pU>, para. 8. WFP has revised the figure of 1.5 million considered to be most vulnerable to food insecurity to 1.6 million, see, Food Security Cluster (FSC), *Map: Beneficiaries Reached, Iraq FSC Partners in February 2016 Cycle*, 30 March 2016, <http://bit.ly/1ROuYa8>.

¹⁸⁶ FSC, *Map: Beneficiaries Reached, Iraq FSC Partners in February 2016 Cycle*, 30 March 2016, <http://bit.ly/1ROuYa8>; FSC, *Map: Beneficiaries Reached, Iraq FSC Partners in January 2016 Cycle*, 2 March 2016, <http://bit.ly/1SKN7SD>. “In Baghdad, where access to markets is not an issue, WFP aims to transition its assistance from voucher to cash modality where and when possible for the most food insecure families”; WFP, *Budget Revision 06 to Iraq Emergency Operation 200677*, 1 January 2016, <http://bit.ly/23qN8pU>, para. 29.

¹⁸⁷ From January 2014 to 31 March 2016, IOM identified 3,418,332 internally displaced individuals (569,722 families), dispersed across 105 districts and 3,785 locations in Iraq; IOM, *DTM - Round 42*, 14 April 2016.

¹⁸⁸ OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 6.

¹⁸⁹ “More than 500,000 people are expected to flee their homes during the year, the majority from towns and districts along the Mosul and Anbar corridors. Perhaps an additional 1 million will be impacted by the battle for Mosul”; OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAl>, p. 6.



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Baghdad hosts the second largest IDP population in Iraq. The governorate currently hosts over 602,000 IDPs displaced since 2014, or nearly a fifth of the total post-2014 IDP population.¹⁹⁰ This comes on top of large numbers of persons who remain displaced from earlier periods of conflict.¹⁹¹ The vast majority of IDPs displaced to Baghdad since 2014 originate from Al-Anbar governorate (409,674 IDPs), followed by IDPs from Salah Al-Din (59,826), Ninewa (56,682), Baghdad (50,496),¹⁹² Diyala (15,354), Babel (7,092) and Kirkuk (3,270).¹⁹³ Since 2014, IDPs arrived in five distinct waves in Baghdad, with the largest number, more than 240,000, displaced as a result of ISIS capturing the provincial capital of Ramadi in April 2015.¹⁹⁴ IDPs reportedly settled mostly in Baghdad's Karkh, Abu Ghraib and Mahmoudiyah districts.¹⁹⁵

¹⁹⁰ IOM, *DTM - Round 42*, 14 April 2016, pp. 2, 3.

¹⁹¹ OCHA/UN Country Team, *Iraq Humanitarian Response Plan 2016*, December 2015, <http://bit.ly/1U3LFAI>, p. 6.

¹⁹² Due to instability and human rights abuses in Baghdad, people are also displaced from and within Baghdad; IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 2.

¹⁹³ IOM, *DTM - Round 42*, 14 April 2016, p. 5.

¹⁹⁴ IOM, *DTM - Round 42*, 14 April 2016, pp. 6, 7. For an overview of displacement trends, see also, IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, p. 2.

¹⁹⁵ IOM, *Baghdad Governorate Profile*, 31 May 2015, <http://bit.ly/1RHGLsH>, pp. 1, 2, 3.