



Iraq – Researched and compiled by the Refugee Documentation Centre of Ireland on 10 May 2017

Please provide any information/reports on communities seeking revenge on families in particular state lawyers suspected of collaboration with Daesh.

Information specifically referring to the treatment of lawyers suspected of collaboration with Daesh (ISIS) was not found among sources available to the Research, Learning and Development Unit.

A position paper published by the UN High Commissioner for Refugees, in Footnote 84, states:

“Tribes commonly resolve disputes in line with tribal customs. Typically, tribes would first seek a resolution through arbitration and the payment of financial compensation – ‘blood money’ – to the family of the victim (‘fasl’ or ‘diyya’) in cases of murder, physical harm and damage or loss of property. The injured party in turn gives up the right to retribution. Only where tribes fail to resolve disputes between them by peaceful means do such conflicts turn into blood feuds, which may give rise to long cycles of retaliatory violence and revenge. According to reports, these traditional forms of justice have come under severe strain in light of the widespread and serious crimes committed by individuals affiliated with ISIS. According to Lise Grande, the UN Humanitarian Coordinator for Iraq, ‘Many of the tribal mechanisms that are used by communities to manage social tensions and promote reconciliation are overwhelmed.’ As a result, parties may turn to violent retribution against those considered to have sided with ISIS.” (UN High Commissioner for Refugees (14 November 2016) *UNHCR Position on Returns to Iraq*, pp.11-12)

A report published by Amnesty International, in section “2.2 IS Crimes”, states:

“IS crimes have further exacerbated inter-communal tensions in Iraq with sectarian attacks rising to a level unseen since 2006-2007, the worst period of sectarian violence in the country’s recent history. While Sunni armed groups including IS have been targeting Shi’a civilians, government-backed predominantly Shi’a militias of the PMU have carried out revenge attacks against Sunni civilians, frequently perceived as complicit in IS crimes.” (Amnesty International (18 October 2016) *‘Punished for Daesh’s Crimes’: Displaced Iraqis Abused by Militias and Government Forces*, p.16)

See also Amnesty International report which, in a section headed “The Pmu’s History of Human Rights Violations”, states:

“PMU militias have carried out a systematic pattern of violations, including enforced disappearance, extrajudicial executions and other unlawful killings and torture of Sunni Arab men and boys, seemingly in revenge for IS attacks, and at times to extort money from the families of those they have abducted.” (Amnesty International (5 January 2017) *Iraq: Turning a Blind Eye: The Arming of the Popular Mobilization Units*, p.15)

In section 2.3 “Mass Displacement” this report states:

“The recapture of territory from IS has been accompanied by revenge attacks against Sunni communities, often perceived as having collectively supported or collaborated with IS. PMU militias, and in some instances security forces, have killed, forcibly disappeared and tortured hundreds of Sunni men with utter impunity, in apparent acts of revenge for the heinous crimes committed by IS, and have used such crimes as a pretext to forcibly displace Sunni communities or prevent Sunni IDPs who had fled conflict from returning home.

Sunni Arab IDPs from parts of the Salah al-Din and Diyala governorates cannot go back home as militias explicitly bar them from returning, claiming that they co-operated with IS, while others rightly fear revenge attacks by militias who are firmly in control and have committed gross human rights abuses in recent years with impunity.” (ibid, p.17)

A report from Human Rights Watch states:

“Iraqi forces have forcibly displaced at least 125 families said to have familial ties to affiliates of the Islamic State (also known as ISIS), Human Rights Watch said today.

Sunni tribal groups (known as the Hashad al-Asha'ri), within the Popular Mobilization Forces (known as the PMF or Hashd al-Sha'abi), which are under the control of Prime Minister Haider al-Abadi, and Iraqi soldiers forced the families out of their homes following the passage of a decree issued by local authorities. The families, all from Salah al-Din governorate, are being held against their will in a camp functioning as an open-air prison near Tikrit. The PMF also destroyed some of the families' homes.

‘While politicians in Baghdad are discussing reconciliation efforts in Iraq, the state’s own forces are undermining those efforts by destroying homes and forcing families into a detention camp,’ said Lama Fakih, deputy Middle East director at Human Rights Watch. ‘These families, accused of wrongdoing by association, are in many cases themselves victims of ISIS abuses and should be protected by government forces, not targeted for retribution.’” (Human Rights Watch (5 March 2017) *Iraq: Displacement, Detention of Suspected “ISIS Families”*)

This report also states:

“One woman from al-Shakrah village, three kilometers south of al-Shirqat, said that PMF fighters forced her and her relatives from their home on January 7, 2017, because her husband’s brother had joined ISIS. She said that the fighters ‘forced our whole family of 14 people out and onto the truck. They didn’t let us grab even a change of clothing.’ Two women from the

village of al-Aithah said that local PMF forces destroyed hundreds of homes with explosives after they retook the area on September 21, targeting not only some of the families they thought to be affiliated with ISIS, but also some families that had fled because of the fighting.” (ibid)

An article from the Los Angeles Times states:

“The Iraqi army general spoke calmly with tribal leaders in the oil town of Qayyarah, while delivering his message in no uncertain terms. The military had received reports of several homes being destroyed -- blown up, actually - - because some residents or their relatives had suspected ties to Islamic State, said Gen. Karim Shoeyli, deputy commander of the army's Nineveh Operations Command. Such retribution after government forces backed by a U.S.-led coalition pushed out extremist fighters was unacceptable, Shoeyli told about 15 leaders during a recent meeting outside the town's Ministry of Interior building.” (Los Angeles Times (10 October 2016) *Tribal payback and payoffs in Iraq: Sheiks' rulings and revenge bombings replace civil law in a town torn apart by Islamic State*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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