



May 2019

ARC Foundation and Dutch Council for Refugees comments on the EASO Country of Origin Information Report: Iraq Targeting of Individuals, March 2019

Asylum Research Centre Foundation (ARC Foundation) and the Dutch Council for Refugees (DCR) welcome the publication of the [EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

As our previous commentaries on EASO COI products and responses to EASO consultations and comments on EASO Work Plans have indicated, we are particularly interested in the EASO COI methodology¹ and await its publication following the formal consultation on its proposed revision in late 2017. We are pleased to note that the EASO COI report of March 2019 on 'Iraq: Targeting of Individuals' (from now on referred to as the EASO Iraq report) does not 'draw conclusions' (as provided for in the current EASO COI Methodology report), or include distinct 'summary' or 'analysis' sections as for example earlier EASO COI reports did.²

Our comments are intended as constructive feedback based on an initial reading of the report, first making some general observations and recommendations and further focusing on the situation of Sunni Arabs as can be found in, for example sections *1.2 Sunni perceived to be ISIL collaborators or sympathisers*, *1.3.1 Denial of return*, *1.3.2 Eviction and forced return*, *1.4 Family members of actual or perceived ISIL members, affiliates and supporters*, *1.5 Members of tribes with (perceived) affiliation with ISIL affiliates and supporters*, *1.15 People with Sunni names*, and *1.18 Treatment of detainees*. The final section of this report includes a non-exhaustive list of additional sources not included in the EASO Iraq report relevant for an assessment of the situation of Sunni Arabs.

As active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of the report and to be able to provide the following comments in advance of the reports' final publication.

¹ See ARC and Dutch Council for Refugees (DCR), [Comments on the EASO Country of Origin Information report methodology](#), November 2012

² See for example the EASO, [EASO Country of Origin Information report: Afghanistan: Insurgent strategies – intimidation and targeted violence against Afghans](#), December 2012

1. General observations and recommendations

1.1. Acknowledgements

It is observed that whilst the EASO Iraq report benefited from the quality review of two state COI units, no non-state actor was invited to peer review the report. We strongly recommend that as a matter of principle EASO invite UNHCR and other relevant external bodies, institutions, civil society actors or country experts to also be involved in the review process of every EASO COI report prior to publication as is provided for in section 1.4 of the EASO COI Report Methodology³. We too would have welcomed the opportunity to submit our comments in advance of the report's final publication.

1.2. Methodology - Terms of Reference

The Terms of Reference (provided in Annex III of the EASO Iraq report) sets out the topics of the report and were "defined by EASO based on discussions held and input received from COI experts and policy experts from EU+ countries". We strongly recommend that EASO invite relevant external bodies, institutions, civil society actors or country experts who are not linked to a state to also be involved in this process, modelled on the Dutch practice which involves civil society actors in drafting the Terms of Reference for the Netherlands Ministry of Foreign Affairs *Ambtsbericht*. This is particularly relevant as these country reports are the only reports taken into account for the subsequent Country Guidance issued by EASO.

1.3. Methodology - Use of interlocutors

We note that the drafter of the report, a CEDOCA researcher, conducted "desk research of public, specialised paper-based and electronic sources until 30 November 2018. Additional research was carried out during the review and finalisation phases through December 2018". Yet, Annex II lists under 'oral source' "ISW (Institute for the Study of War), 11 July 2018, email correspondence sent to EASO". This source is only mentioned once in the whole report as a reference in footnote 86, with no further information or clarification provided there or elsewhere as to the background and context for the email correspondence.

As COI researchers on Iraq ourselves we would welcome the publication of email exchanges or transcripts of interviews undertaken as an Annex for two reasons: 1) to put new COI in the public domain to the benefit of all users of this report and 2) to improve transparency. In our view not publishing these also undermines the transparency of the EASO Iraq report as we are unable to see the questions posed to the expert nor the nuance of their answers.

To illustrate, note the following excerpt from the report (emphasis added):

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 1.2 Sunni perceived to be ISIL collaborators or sympathisers [...]

Earlier reporting makes note of retaliatory violence against suspected ISIL collaborators and sympathisers, perpetrated by associated forces of the ISF, including PMU and minority militias, as well as elements of the ISF (84). As the military battle against ISIL wound down, there were fewer reports of such abuses (85), **despite the considerable freedom of action militias maintain in Iraq** (86).

³ See EASO, [Country of Origin Information report methodology](#), 2012, Section 1.4, p.7

(86) ISW, 11 July 2018, email to EASO; Dury-Agri, J.R. et.al., Iraqi Security Forces and Popular Mobilization Forces: orders of battle, December 2017, url, pp. 28-54; Denmark, DIS, Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, 5 November 2018, url, p. 19.

As we do not know the context in which the Institute for the Study of War (ISW) acted as an interlocutor, what questions were posed, and generally the full context of their answer it is very difficult to determine in how far militias were potentially less involved in retaliatory violence.

1.4 Structure of the report

As stated in the 'Introduction' of the EASO Iraq report, the choice was made to "organise the content of different profiles under various targeting actors". Whilst it is highlighted that profiles "may be targeted by multiple agents" and that sometimes violations are not clearly attributable to one or several specific perpetrator(s), no reason is given for *why* this conceptual choice was made.

According to the standards set out in the EASO COI Methodology report, the structure of the report should be "logical" and "clearly arranged".⁴ In our view, by structuring the report by its perpetrators instead of by the profiles of targeted individuals, it is very hard to properly assess the situation for a person asking for international protection as the information describing the possible risk for a particular profile is dispersed throughout the report and can therefore be easily overlooked. Moreover, as highlighted further above, because the COI in this report and that contained in the other EASO Iraq reports will form the basis of the EASO Iraq Country Guidance it is vital that all information pertaining to one particular profile is easily identifiable and internal links marked within the report.

To exemplify, in the *Targeting by society* section there is information included on human rights abuses committed against civilians by militias, as can be see in the following excerpt:

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 3.1.2 Criminals. Traffickers and unknown perpetrators [...]

PMUs were reportedly engaged in criminal activities and abuses against civilians.(1008) Norman Cigar notes that 'in many areas the departure of army and police units to the front created a security vacuum that was exploited by criminal elements that engaged in kidnappings, extortion and robberies. Often, the perpetrators claimed to belong to one of the militias.' [...]

(1008) Australia, DFAT Country Information Report Iraq, 9 October 2018, url, p. 10.

This is not necessarily the most obvious location in the report as militias in the Iraqi context can both be state and non-state affiliated.

Another example is the sub-section on atheism, also found in the *Targeting by society* section, which makes reference to the *legal framework* in Iraq. This does not refer to the way atheists are seen and treated by *societal* actors.

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 3.2 Treatment of people perceived to transgress Islam

3.2.1 Atheists

The Constitution establishes Islam as the state religion and guarantees religious freedom for certain groups, but does not explicitly protect atheists.(1021) Under the Iraqi Penal Code of 1969, Section Two deals with 'Offences that violate religious sensibilities'. Article 372 of the Code states that:

⁴ EASO, [Country of Origin Information report methodology](#), 2012, Part 1 Standards, Usability, p.6

'The following persons are punishable by a period of detention not exceeding 3 years or by a fine not exceeding 300 dinars:

- (1) Any person who attacks the creed of a religious minority or pours scorn on its religious practices.
- (2) Any person who willfully disrupts a religious ceremony, festival or meeting of a religious minority or who willfully prevents or obstructs the performance of such ritual.
- (3) Any person who wrecks, destroys, defaces or desecrates a building set aside for the ceremonies of a religious minority or symbol or anything that is sacred to it.
- (4) Any person who prints or publishes a book sacred to a religious minority and deliberately misspells the texts so that the meaning of the text is altered or who makes light of its tenets or teachings.
- (5) Any person who publicly insults a symbol or a person who constitutes an object of sanctification, worship or reverence to a religious minority.
- (6) Any person who publicly imitates a religious ceremony or celebration with intent to deceive.'

Political and legal analyst Ali Jaber al-Tamimi informed Al-Monitor 'there aren't any articles in the Iraqi Penal Code that provide for a direct punishment for atheism, nor are there any special laws on punishments against atheists.' However, 'there are articles that punish the desecration of religions.'

(1023) An article on growing atheism in the Muslim world, published by the Washington Times in August 2017, noted that atheism is not illegal in Iraq; however state actors equate atheism with blasphemy.

1021 USDOS, 2017 Report on International Religious Freedom - Iraq, 29 May 2018, url. 1022 Iraq, Penal Code No. 111 of 1969, July 1969: url 1023 Al-Monitor, Iraqi courts seeking out atheists for prosecution, 1 April 2018, url. 1024 Washington Times (The), Atheists in Muslim world: Silent, resentful and growing in number, 1 August 2017, url. 1025

This re-emphasises our view that when structuring the report according to the risk profiles of individuals it is much easier to have all of the relevant information in one place.

2. Section specific observations and recommendations

Position of Sunni Arabs

In locating information about the situation of Sunni Arabs in the EASO Iraq report, we would like to highlight the following observations and recommendations. We chose this particular profile because of their perceived linkage to ISIL and degree of retaliatory violence against Sunni Arabs in former ISIL controlled areas. We further would like to highlight, as already done further above in our more general comments, that in reviewing relevant sections to assess the country information included on the situation of Sunni Arabs we found it challenging to locate all of the information pertaining to this profile as it was scattered throughout the report.

2.1 Prosecution of ISIL suspects

In section 1.2.1 *Prosecution of ISIL suspects* extensive information is included on the prosecution of ISIL suspects by state actors and affiliated armed groups who have lived in a territory under ISIL control. For example a senior Human Rights Watch researcher was quoted as stating:

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 1.2.1 Prosecution of ISIL suspects

[...] Belkis Wille, a senior researcher on Iraq with Human Rights Watch, explained during an 2017 EASO cooperation meeting on Iraq that 'every person who has lived in a territory under the control of the IS in the past three years is a potential terrorist' adding that persons perceived to be ISIL affiliates were detained by the PMUs, usually without a warrant. (91)

(91) Wille, B., cited in: EASO, Practical Cooperation Meeting on Iraq, 25-26 April 2017, url, p. 13.

For a thorough risk assessment of Sunni Arabs, information is required on the perceived risk of people who have not been living under ISIL, but are returning to the territory after they had previously left. Limited such information on this point has been included in section 1.2.2 *Retaliatory violence*, quoting the Danish Immigration Service/Landinfo report on the situation for IDPs:

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 1.2.2 Retaliatory violence [...]

The same source further observes that 'people, who lived in areas under ISIS' control, seem to suffer more from discrimination and abuses than people who lived outside of ISIS' control.' (113)

(113) Denmark, DIS, Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, 5 November 2018, url, p. 20.

Additional information found in this particular source would also have been useful to see included in the EASO Iraq report:

[Denmark, DIS, Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons \(IDPs\) in the disputed areas, 5 November 2018, p. 28](#)

[...] The more time a person has spent away from an area of origin, the more suspicion it can raise in the sense that the reason why the person cannot go back, is perceived ISIS-affiliation. (182) The same is true for people who fled at the same time, ISIS was defeated. (183)

(182) Norwegian Refugee Council: 156

(183) US Consulate 241

The EASO Iraq report would have also benefitted from current insights from for example the Human Rights Watch senior researcher, Belkis Wille, or other Iraqi country experts specifically interviewed for this report.

2.2 Retaliatory violence after 2016

Section 1.2.2 *Retaliatory Violence* includes a list of “the majority of reported incidents” which took place between 2014 – 2016 targeting perceived ISIL members [emphasis added]:

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 1.2.2 Retaliatory violence [...]

[...] Examples of treatment of local population by government actors and affiliated armed groups include the following lists of incidents below, however, it should be noted that perceived ISIL affiliation is not necessarily explicitly cited as the reason for the abuses in the sources given. Whilst the incidents happened in the context of the battle against ISIL, other factors may have played a role. This list shows the majority of reported incidents occurred in the [sic] 2014-2016. (122)

(122) Comment made by the drafters of this report, Cedoca/Belgium

We positively note that here and elsewhere across the EASO Iraq report that when a contextual clarification/comment is made by the authors of the report and not from a cited source, this is clearly mentioned in a footnote – in this case footnote 122.

However, the above excerpt can lead users of the EASO Iraq report to conclude that after the described period (2014-2016) the threat for Sunni Arabs decreased. Information included in section 1.4 *Family members of actual or perceived ISIL members, affiliates and supports*, suggests otherwise. Here just a few examples included [emphasis added]:

[EASO, Country of Origin \(COI\) report Iraq: Targeting of Individuals, March 2019](#)

[...] 1.4 Family members of actual or perceived ISIL members, affiliates and supporters [...]

A November 2018 DIS/Landinfo report observes that **people with direct or indirect family relation to an ISIL member may be targeted by security actors**. Such discrimination and abuses ‘primarily affect women and children, whose husbands, fathers or brothers were members of ISIL and are either killed or detained. **But also people whose name or the name of their more distant family members is similar to that of an ISIL suspect can raise serious suspicion**’. (347)

(347) Denmark, DIS, Norway, Landinfo, Iraq: Security situation and the situation for internally displaced persons (IDPs) in the disputed areas, 5 November 2018, url, p. 20.

[...] In **April 2018 Amnesty International reported that government forces, including PMUs, have been preventing families with perceived ties to ISIL from returning to their home or places of origin. Iraqi forces, including the PMUs, have also regularly arrested and forcibly disappeared men with perceived ISIL ties directly from IDP camps. Women and children with perceived ties to ISIL have been subjected to human rights violations and collective punishment**. Sexual exploitation of women in IDP camps by members of the PMUs was also reported. Upon returning to their places of origin families with perceived ISIL ties have been subjected to forced displacement, evictions, arrests, looting of their homes, house demolitions, threats, sexual abuse, harassment and discrimination by, amongst others, PMU and local militias. (353)

(353) AI, *The condemned. Women and children isolated, trapped and exploited in Iraq*, 17 April 2018, url, pp. 5, 17, 29, 34, 36.

[...] In its report on **human rights in Iraq in the July to December 2017 period**, UNAMI expressed its concern **about attacks on families of suspected ISIL members, seemingly intended to expel them or**

prevent them from returning to their homes. (357) UNAMI further stated that ‘attacks targeting families of suspected ISIL members and their property continued, with the reported objective to expel them, or prevent them from returning to their homes, particularly in Anbar and Salah al-Din governorates.’ (358)

(357) UNAMI/OHCHR, Report on Human Rights in Iraq: July to December 2017, 8 July 2018, url, p. vi.

(358) UNAMI/OHCHR, Report on Human Rights in Iraq: July to December 2017, 8 July 2018, url, p. 3.

A similar situation is presented through the information included in sections *1.3.1 Denial of return* and *3.1.1 Society, family/community and tribes*, which highlights retaliatory violence *after* the 2014 – 2016 period.

Moreover, although the US Commission on International Religious Freedom (USCIRF) 2018 annual report is quoted throughout the EASO Iraq report, the following information on the situation of Sunni Arabs following the 2014-2016 period has been omitted:

[USCIRF – US Commission on International Religious Freedom, Freedom 2018 Annual Report: Country Reports: Tier 2 Countries: Iraq, April 2018](#), page 13

[...] Violations by the Iraqi Government [...]

Throughout 2017, the fight to defeat ISIS was the top priority for the Iraqi government. However, as more cities were liberated from the group’s control, suspicion of Sunni Muslims significantly increased; as a result, Sunni Arabs were denied return to their homes and, in some instances, were attacked, tortured, killed, or forcibly disappeared. For example, following the liberation of Mosul in June 2017, members of the local Sunni Muslim community reported that they were not able to return home—either because they were denied entry through checkpoints or because of delays by local authorities in processing documentation required to return. Families suspected of any possible ties to ISIS are still denied the right to return home and some are being placed in “ISIS family camps.” This is being done under the guise of “de-ISIS-ification,” similar to the informal “de-Baathification” policy that was carried out after the fall of Saddam Hussein. Additionally, throughout the Mosul offensive, numerous reports surfaced that some elements of the ISF and the Iranian-backed PMF, in addition to local Shi’a community members, committed systematic and egregious violations, including killing, torturing, and forcibly disappearing Sunni Muslim men and boys who they claimed were ISIS supporters. Footage was released in February 2017 showing Shi’a militia groups carrying the Iraqi government flag, dragging the body of a man through the streets of east Mosul and maiming his and two other bodies in public. In the summer of 2017, multiple human rights organizations reported that Sunni Muslim males were washing up on the banks of the Tigris River, while another 15 bodies were found shot between the village of Athba and Hammam al-Alil, south of Mosul. As in Syria, As-Saib Ahl Al-Haq and Harakat Hizballah Al- Nujaba, two militia groups controlled by Iranian Revolutionary Guard Corps (IRGC) Commander Qassem Soleimani, were identified as having committed sectarian crimes, including raping, attacking, and abducting Sunni Muslims in Iraq. They fought in battles to recapture territories from ISIS on behalf of the Iranian-backed PMF. In the aftermath of ISIS, Sunni-Shi’a tensions have increased, and local leaders and activists have relayed to USCIRF repeatedly that the Iraqi government must address Sunni grievances to prevent the re-emergence of sectarian violence [...]

2.3 Internal Flight or Relocation Alternative for Sunni Arabs

As stated in the ‘Introduction’ of the EASO Iraq report, this report is written “in conjunction with additional reports on Iraq”, including on the topic of ‘Internal mobility’. For ease of access and reference in assessing the risk for Sunni Arabs on return and considering a possible internal flight or relocation alternative we would recommend to make direct reference to the relevant sections in the [EASO, Country of Origin Information \(COI\) report Iraq: Internal Mobility](#) of February 2019. Particularly we would recommend such linkages to make reference to the following sections in that report: *1.3 Internally displaced Persons*, *4. Mobility issues for certain groups; paragraph*, and *4.1 IDPs with ISIL links or perceived affiliation*.

Relevant information included in section 3.4 *Religious and ethnic minorities* that might be easily overlooked due to its location in the report (see our comments made about the structure of the report further above at 1.4) is also relevant for an internal flight or relocation alternative assessment:

[EASO. Country of Origin \(COI\) report Iraq: Targeting of Individuals. March 2019](#)

[...] 3.4 Religious and ethnic minorities [...]

Whilst commending the KRG for supporting and providing a safe haven for displaced communities, the Special Rapporteur on minority issues also remarks that some communities, notably some Sunni Muslims, do not enjoy the same freedoms of other groups. The KRG cites security grounds for limiting the movement of some groups who may be suspected of membership of ISIL. (1085)

Discussing the possibility to seek protection from Kurdish authorities UNHCR informed the Danish Immigration Service that the possibility to seek protection from the authorities in KRI and other Kurdish controlled areas in case of harassment based on religious and/or ethnic affiliation depends on the personal connections of the person in question. Correspondingly, visiting Scholar Renad Mansour said that the Kurdish forces would protect Kurds before other minorities. (1086)

The United States Commission on International Religious Freedom further noted that within the disputed territories a policy of 'Kurdification' is pursued. It further explains that 'there is extensive evidence that points toward a policy (implicit or otherwise) aimed at permanently displacing certain non- Kurdish populations from some part of the disputed territories in the Ninewa plains area, Kirkuk Governorate, and Sinjar.' (1087)

The Special Rapporteur on minority issues also reported that Shia and Sunni Arabs in some locations also find themselves under threat, displaced, or facing violations of their human rights. (1088)

1085 UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, url, p. 8.

1086 Denmark, DIS, The Kurdistan Region of Iraq (KRI); fact finding mission, 26 September to 6 October 2015, 12 April 2016, url, p. 51.

1087 USCIRF, Wilting in the Kurdish sun; the hopes and fears of religious minorities in Northern Iraq, May 2017, url, pp. 30-32.

1088 UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Iraq [A/HRC/34/53/Add.1], 9 January 2017, url, p. 6.

3. Additional Country of Origin Information

The following non-exhaustive list presents sources in reverse chronological order published in 2018 that might be useful for an assessment of the situation of Sunni Arabs that were not included in the EASO Iraq report:

- Human Rights Watch, *Iraq/Kurdistan Region: Risk of Double Trials for ISIS Ties*, 23 December 2018, <https://www.hrw.org/news/2018/12/23/iraq/kurdistan-region-risk-double-trials-isis-ties>
- Internal Displacement Monitoring Centre (IDMC)/Norwegian Refugee Council (NRC), *Nowhere to return to, Iraqi's search for durable solutions continue*, November 2018, <http://www.internal-displacement.org/sites/default/files/publications/documents/201811-iraq-case-study-report.pdf>
- The New Humanitarian, *In Iraq, families linked to so-called Islamic State suffer for their relatives' sins*, 9 August 2018, <http://www.thenewhumanitarian.org/news-feature/2018/08/09/iraq-families-islamic-state-camps-return-Anbar-rebuild>
- Center for Civilians in Conflict, *Mosul: Civilian protection challenges post-ISIS*, May 2018, https://civiliansinconflict.org/wp-content/uploads/2018/05/FINAL_MosulCIVProtectChallengesMay2018-1.pdf
- Dr. Elie Abouaoun (U.S. Institute of Peace), *The Long Road Back for Iraq's Minorities*, 12 March 2018, <https://warontherocks.com/2018/03/the-long-road-back-for-iraqs-minorities/>
- UN High Commissioner for Refugees (UNHCR), *UNHCR Letter to Legal Counsel in the Netherlands re Guidance on the Application of an IFA/IRA in Baghdad, Iraq*, 5 February 2018 <https://www.refworld.org/docid/5a9e5a434.html>
- Human Appeal, *Challenges Upon Return in West Mosul: An Assessment of the Neighbourhoods of Al-Yarmouk, Tal Al-Rumman, and Al-Mamoun*, 22 January 2018 <https://reliefweb.int/sites/reliefweb.int/files/resources/2.%20Return%20Challenges%20in%20West%20Mosul%20Research%20Report%20-%20Human%20Appeal%20and%20UNHCR.pdf>