

## **'Where are we supposed to go?': Destruction and forced displacement in Kirkuk**

### **1. EXECUTIVE SUMMARY**

Arabs displaced to Kirkuk and Arab residents of the governorate have suffered a backlash following the deadly and well co-ordinated surprise attack by the armed group calling itself the Islamic State (IS) on Kirkuk governorate on 21 October. Amnesty International's research reveals that, in response to the attack, the authorities in Kirkuk have demolished the homes of hundreds of Sunni Arab residents of Kirkuk and Arabs who had fled there from the governorates of Anbar, Diyala and Salah al-Din, forcibly displacing hundreds of families to camps or expelling them from Kirkuk governorate. The research also shows that the security forces in Kirkuk have ordered other Arab residents and internally displaced persons (IDPs) to return to their places of origin and confiscated their identity documents. While the threat against these individuals has not been carried out to date, they remain at risk of expulsion and forced return.

While the authorities in Kirkuk face tremendous security challenges and have the duty to protect the lives and security of everyone in their jurisdiction or effective control, security measures must be necessary and proportionate, and must safeguard other rights. Testimonies gathered by Amnesty International researchers – on the ground in northern Iraq since 24 October – from IDPs and other Kirkuk residents, community leaders, activists and politicians, supported by photographic evidence of destruction and official statements, show that the response of the semi-autonomous Kurdistan Regional Government (KRG), in de facto control of Kirkuk, to security threats has been marred by violations of international humanitarian law and human rights law.

Hundreds of thousands of IDPs have found shelter in Kirkuk since IS swept through Iraqi territory in mid-2014, but have faced increasingly stringent restrictions on their freedom of movement and ability to secure residency in the city of Kirkuk. Calls by Kirkuk officials and politicians to return IDPs to their places of origin that have been retaken from IS have grown even louder in the aftermath of the attack, amid accusations that IDPs harboured IS fighters in their homes.

The Kirkuk authorities have focused their backlash on areas that witnessed IS incursions on 21 October. They have forcibly evicted residents and demolished homes in the Wahed Huzairan neighbourhood of the city, populated by Arab residents and IDPs from other governorates. The authorities claim that they only demolished informal settlements, built by residents on government land without permits. Regardless of their status, these residents still have the right to be protected against forced evictions, which are prohibited under international law. The authorities also forcibly displaced residents from the villages of Qotan and Qoshkaya in the Dibis district of Kirkuk governorate on 21 October, and destroyed homes in Qotan.

"Muhayman", whose name has been changed to protect his identity, a 40-year-old father of 10 from a village in Kirkuk, has been forcibly displaced twice by Kurdish forces, first in 2015 and again on 25 October 2016. He described to Amnesty International how men in military uniform forcibly evicted residents on 25 October from Wahed Huzairan as bulldozers demolished homes late into the night.

*"I was ordered by Peshmerga [Kurdish armed forces] out of my own village, so I built a home here... Now we are homeless again, and we are all sheltering with my brother. Where are we supposed to go?"*

Kirkuk Governor Nijm al-Din Karim has denied that there is an official policy of forced displacement and has publicly committed not to return IDPs to areas still under IS control or where clashes are ongoing, notably Mosul and surrounding areas. However, Amnesty International believes that all returns should be voluntary. This is particularly important as safe return remains a distant prospect for hundreds of thousands of IDPs due to continued fighting, insecurity and revenge attacks carried out with impunity by paramilitary militias, as well as explicit bans by both the Iraqi and Kurdish authorities on some IDPs going back to their places of origin despite the fact that have long been recaptured from IS and secured by government forces.

Amnesty International is urging the Kurdish authorities to immediately put an end to forced displacement and the unlawful destruction of homes of Arab residents and IDPs and to commit not to expel IDPs outside of KRG-controlled areas, or arbitrarily force Arab residents out of their homes and into the confinement of camps.

## 2. METHODOLOGY

The findings in this briefing are based on information gathered in the course of an ongoing Amnesty International research visit to northern Iraq. Between 24 October and 31 October Amnesty International researchers carried out interviews over the phone or in person with 11 individuals who had been forcibly displaced from the city of Kirkuk or villages in Dibil district since 21 October. They also spoke to five men from Kirkuk governorate displaced to camps in Erbil governorate, who had been separated from their families and remain unable to join them in Kirkuk. Amnesty International's researchers also met with or interviewed over the phone other Kirkuk residents, lawyers, activists, politicians and humanitarian workers. The findings are supported by photographic evidence of damaged homes inside the city of Kirkuk and the village of Qotan, as well as statements by Kurdish leaders and politicians.

Amnesty International has communicated its concerns regarding patterns of forced displacement and restrictions on freedom of movement of Sunni Arab IDPs on numerous occasions to the Kurdish authorities, in writing and in meetings, including during meetings with President Masoud Barzani, Prime Minister Nechirvan Barzani and Chancellor Masrour Barzani in May 2016. In their most recent responses to findings submitted by Amnesty International, dated 4 and 20 October, the authorities maintained that no deliberate destruction or forced displacement had taken place, but committed to investigating some instances of violations highlighted by Amnesty International. The authorities proceeded to conduct investigations into some instances. However, the findings rejected conclusions by Amnesty International and other organizations on the patterns of forced displacement and destruction of homes of Sunni Arabs despite overwhelming evidence. The KRG authorities continue to maintain that restrictions on freedom of movement are necessary for security purposes. Amnesty International wrote to the KRG authorities on 2 November to raise concerns about the specific documented in this briefing and will reflect any response in future publications.

## 3. BACKGROUND

### 3.1 DISPLACEMENT IN KIRKUK

Kirkuk has been under the de facto control of the KRG since Iraqi central government forces retreated from northern Iraq in June 2014 as IS captured large swathes of territory. Kirkuk has long been a highly contested part of the so-called "disputed territories", south of the Kurdistan Region of Iraq (KR-I), subject to sole ownership claims by the Iraqi central government and the KRG for

decades.<sup>1</sup> Tensions between Kirkuk's three largest communities (Kurds, Arabs and Turkmen) have heightened following the emergence of IS, and have periodically spilled into violence.

Hundreds of thousands of IDPs from the governorates of Anbar, Salah al-Din, Ninewa and Diyala have sought refuge in Kirkuk since the IS takeover of large parts of Iraqi territory in June 2014,<sup>2</sup> raising fears among Kurdish leaders and residents about the impact of the population movement on the demographic composition of the governorate, which had already witnessed decades of "Arabization" policies under Saddam Hussein. On the other hand, Arab leaders and community members fear that the KRG's territorial claims to Kirkuk and other "disputed territories" will lead to the removal, shrinking and marginalization of the Arab population. Their fears are compounded by the KRG forces' repeated forcible displacement of Arab residents from towns and villages in the "disputed territories" including in Kirkuk governorate, deliberate destruction of homes and property and bans on the return of Arab residents.<sup>3</sup>

Authorities in Kirkuk, including Governor Nijm al-Din Karim, have increasingly signalled that the presence of a large number of Sunni Arab IDPs is undesirable and, since 2015, have rendered procedures for entering and residing in the governorate increasingly onerous. Following the IS attack on 21 October, several officials laid the blame on IDPs for harbouring "terrorists", and calls by political leaders for the removal of IDPs, particularly those originating from areas that had been recaptured from IS, have grown louder. The Governor of Kirkuk maintained that IDPs were welcome, but linked the existence of IS " sleeper cells " to the large number of Sunni Arab IDPs.<sup>4</sup> Despite evidence that hundreds of people were forcibly displaced by Kurdish armed and security forces within the span of a few days from several neighbourhoods in the city of Kirkuk and villages in the Dibis district, the Governor of Kirkuk, who also heads the Security Committee of Kirkuk, denied that there was an official policy of forced displacement and claimed that there were only "individual cases" resulting from "people pressuring for the return of IDPs".<sup>5</sup>

### 3.2 IS ATTACK

In the early hours of 21 October, IS launched a surprise attack on Kirkuk targeting government and security personnel and infrastructure including the Governorate building, police stations and the

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<sup>1</sup> The Iraqi Constitution of 2005 stipulated that their fate should be determined by 2007 through a referendum, but this has not taken place.

<sup>2</sup> The Ministry of Migration and Displacement and the Kirkuk Governor's official statements put the number of IDPs in Kirkuk at 600,000, but, according to the International Organization of Migration's Displacement Matrix, there are nearly 374,000 IDPs in Kirkuk.

<sup>3</sup> For further details, see Amnesty International, *Banished and dispossessed: Forced displacement and deliberate destruction in northern Iraq* (Index: MDE 14/3229/2016), 20 January 2016, available at <https://www.amnesty.org/en/documents/mde14/3229/2016/en/>, and Amnesty International, *'Punished for Daesh's crimes': Displaced Iraqis abused by militias and government forces* (Index: MDE 14/4962/2016), 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>

<sup>4</sup> Rudaw, "Nijm al-Din Karim: there are sleeper cells in the governorate and we must strengthen security measures", 22 October 2016, available at <http://rudaw.net/arabic/kurdistan/221020167>

<sup>5</sup> See Kirkuk Governor's Media page, statement of 25 October, available at [https://www.facebook.com/permalink.php?story\\_fbid=1685691461746372&id=1509329539382566](https://www.facebook.com/permalink.php?story_fbid=1685691461746372&id=1509329539382566)

headquarters of the Kurdistan Democratic Party. Forces present in Kirkuk, including the local police, the Asayish (the Kurdish security agency) and the Peshmerga (the Kurdish armed forces), supported by reinforcements including the Anti-Terrorism Directorate of Sulaimaniya, were able to re-establish full control of the city by the evening of 22 October. Official sources reported that 81 suspected IS fighters were killed. According to information available to Amnesty International, about 90 others were killed, mainly members of the police, Asayish and Peshmerga. A nine-year-old boy was among those killed, apparently in crossfire. A further 190 people were injured, none of them suspected IS fighters.

In response to the attack, local authorities announced a curfew on 21 October and deployed additional forces to secure the city. Witnesses told Amnesty International how residents from Kirkuk's Kurdish, Arab and Turkmen communities assisted security forces by providing intelligence and establishing roadblocks to repel the IS attack.

#### 4. HOME DEMOLITIONS AND FORCED DISPLACEMENT

According to Amnesty International's research, the authorities in Kirkuk have carried out a wave of house demolitions and driven out hundreds of Arabs from the city of Kirkuk or villages in the Dibis district of Kirkuk governorate since 21 October. The displaced residents from Kirkuk governorate have either been forcibly moved to IDP camps in Kirkuk governorate or have found shelter with host communities in nearby villages. Hundreds of IDPs who had sought shelter in Kirkuk, including many from Anbar and Diyala governorates, have been expelled since 21 October.

The Kirkuk authorities also verbally notified Arab residents of majority Arab and mixed neighbourhoods in the city of Kirkuk that they must leave within days, confiscating their identity cards. These notifications not only affect IDPs from other governorates, but also Arab residents of Kirkuk governorate, including those from areas that continue to be under the grip of IS, such as the district of Hawija, and from villages long recaptured by Kurdish forces to which the Arab population has been prevented from returning by the Kurdish forces themselves.

No official statistics on the number of those affected are available, but activists, humanitarians and residents estimate that at least 250 families originating from outside the Kirkuk governorate have been expelled, while dozens of other families have had their homes demolished in the city of Kirkuk. An additional 190 families from villages in Dibis district have been uprooted from their homes.

##### 4.1 WAHED HUZAIRAN NEIGHBOURHOOD, KIRKUK CITY

IS fighters attacked the predominantly Arab neighbourhood of Wahed Huzairan, in the south of the city of Kirkuk, on 21 October, targeting security personnel and bases, with intermittent clashes continuing between IS fighters and security and armed forces until the evening of 22 October.

Residents told Amnesty International that officials from the Asayish and Peshmerga had started rounding up men from 22 October, confiscating their identity cards and ordering them to vacate the area. In the following days, security forces went around the neighbourhood notifying residents that their homes would be destroyed.

"Muhayman" (not his real name), a 40-year-old father of 10 from a village south-west of Kirkuk, who has lived in the Manshiya area of the Wahed Huzairan neighbourhood since being forcibly displaced from his home in early 2015 by Kurdish forces, was forcibly evicted from his new home, which was demolished on 25 October. The night before, a group of men in military dress, whom he identified

as a mixed force of Asayish affiliated to either the Kurdistan Democratic Party or the Patriotic Union of Kurdistan based on their uniforms,<sup>6</sup> went around the neighbourhood instructing him and his neighbours to vacate their homes by the following morning. At about 8.30am on 25 October, “Muhayman” saw dozens of armed men in military uniform carrying out evictions as bulldozers demolished homes late into the night. He told Amnesty International:

*“I am from Kirkuk, and I was ordered by Peshmerga out of my own village. So I build a home here, and my children are attending school in [Wahed] Huzairan. Now we are homeless again, and we are all sheltering with my brother. Where are we supposed to go? Almost our whole neighbourhood has been levelled to the ground. There are only about 10 houses left standing, while there were hundreds before.”*

“Ahmed” (not his real name), another resident of the city of Kirkuk, whose house was bulldozed on 25 October, told Amnesty International: “I built this house brick by brick from the day my eldest son was born [13 years ago].” He described the mayhem as residents struggled to save their belongings, while tractors and bulldozers were making their way into the neighbourhood and Asayish and Peshmerga officials were ordering people through loudspeakers and in person to vacate within hours or have their belongings destroyed along with their homes. He described the scene:

*“A man who was given no warning ran out [of his house] with his wife... He was like a mad man. He did not know which room his children were sleeping in. He was begging and shouting for the tractor to stop.”*

Ahmed said that a 31-year-old neighbour who was insulted as he tried to stop the destruction of his home shot himself in desperation. Other residents interviewed by Amnesty International corroborated his account.

IDPs from other governorates, who were renting or had built homes in Wahed Huzairan, were not only evicted, but expelled from the governorate altogether. Among them was a 45-year-old IDP from Diyala governorate who had lived in the neighbourhood since August 2014 after fleeing his village in Jalawla with his wife, mother, mother-in-law and four children. He told Amnesty International that on 22 October he was rounded up by security forces along with other men from the neighbourhood and had his identity card confiscated. IDPs from outside Kirkuk were instructed to go to the Asayish headquarters in the area. He did as instructed and was told that his identity card would not be returned until he vacated his house. He and 10 other families from Diyala scrambled to rent vans to transport their belongings. His home was demolished on 25 October, while his identity card was only returned after he had crossed the checkpoint exiting Kirkuk. He told Amnesty International that security forces evicting him were blaming IDPs for the attack carried out by IS: “Asayish and

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<sup>6</sup> Kirkuk falls within the sphere of influence of the Patriotic Union of Kurdistan (PUK), one of the two leading Kurdish parties. The PUK and the second party, the ruling Kurdistan Democratic Party (KDP), run their own security and intelligence agencies in the areas within their spheres of influence, although efforts have been made in recent years to co-ordinate security policy in the KRG-controlled areas, including through the establishment of the Kurdistan Region Security Council in 2011. Security agencies of both the PUK and the KDP have been involved in the response to the IS attack, and the forced evictions and returns of the Sunni Arab population.

Peshmerga told us: ‘We give martyrs to fight Daesh and you bring them here and harbour them in these houses.’”

Homes had been previously demolished in the Wahed Huzairan neighbourhood over the course of several days in September 2016 in the presence of members of the Asayish, but the attack on 21 October appears to have served as a catalyst for destruction on a much wider scale.

No official statistics are available on the number of homes destroyed, but residents and activists claim that hundreds have been made homeless as a result. Officials maintain that only informal settlements (known as *tajawizat*) were destroyed. However, authorities failed to provide any of those affected with adequate safeguards, including written notice and legal remedies, such as adequate compensation for losses or alternative housing.

In carrying out forced evictions, authorities failed to consult with the community, consider alternatives, provide adequate notice, provide compensation for losses or offer alternative housing to those who cannot provide for themselves. Many of those who lost their homes in Wahed Huzairan had been forcibly displaced by conflict in Kirkuk governorate and further afield, had lost their homes and are destitute. Some, including residents of villages in Yaychi and in Jalawla, are barred by Kurdish forces from returning to their homes in areas those forces had recaptured from IS.

#### 4.2 OTHER NEIGHBOURHOODS OF KIRKUK CITY

Following the IS attacks on 21 October, the Asayish intensified their patrols in predominantly Arab neighbourhoods as well as mixed neighbourhoods, such as al-Kadra, Hay al-Nasr, al-Asra wa al-Mafkudin, al-Wasiti and Shikat Tarek, and issued verbal warnings to Arab residents that they must return to their places of origin. The Asayish also confiscated identity cards and at times other essential documents such as food ration cards<sup>7</sup> and sponsorship certificates, and instructed Arab men to report to local Asayish headquarters. Once men appeared at Asayish headquarters, some, particularly IDPs from outside Kirkuk, were told that their identity cards would only be returned once they gathered their families and belongings and left the governorate.

“Khaled” (not his real name), a 26-year-old father-of-two displaced from Karma in Anbar to Kirkuk in early 2014, told Amnesty International that his entire family, comprising some 15 people and other Anbar residents renting flats in three buildings in the Hay al-Nasr neighbourhood in Kirkuk, were ordered to leave by members of the Asayish on 22 October, and that they were given two days to make arrangements. They rented trucks and vans and set off on 24 October as instructed. They are currently sheltering in the Abu Ghreib camp near Baghdad.

Attempts by Kirkuk authorities to forcibly return Sunni Arab IDPs and local residents pre-date the IS attack on 21 October. For instance, on 20 October, the Asayish went to several homes of Arab families in the city of Kirkuk, confiscating essential documents.

“Ali” (not his real name), a 27-year-old driver and father-of-six, told Amnesty International that five men in Asayish uniform and two men in civilian dress came to his rented apartment in the al-Wasiti neighbourhood of Kirkuk on 21 October, confiscating his identity card and food ration card. Later in

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<sup>7</sup> Every family unit in Iraq has the right to a food ration card, which gives access to some essential foodstuffs and cleaning supplies at no cost.

the evening, he was called by a man who identified himself as a member of the Asayish and instructed him to go the Asayish headquarters in al-Wasiti with his family and belongings. He reported to the headquarters alone trying to persuade officials that he had nowhere to go as his village in Kirkuk governorate had been retaken by Peshmerga forces in March 2015 but remains depopulated of Arab residents. His identity card has not been returned and he lives in constant fear of expulsion or arrest. He told Amnesty International:

*"I cannot move freely as they [the security forces] might arrest anyone without identification. I cannot work as a driver without it. I am essentially stuck at home. All I want is to make a living and provide for my children. They [the Kurdish authorities] are not letting me go back home and don't want me to stay here. When I told them [the security forces] that I had nowhere to go, they just shrugged and said it wasn't their problem."*

Two of his cousins are in the same situation.

#### 4.3 DIBIS DISTRICT, KIRKUK GOVERNORATE

Following the IS attack on 21 October on the Dibis power station and the killing of a reported 12 guards and employees, Kurdish forces have forcibly displaced the population of two villages in the district of Dibis, north-west of Kirkuk. Villagers and other observers believe that, while the move was partially motivated by revenge for some of the villagers' alleged links to IS, it also served as a pretext to displace additional Arab villagers from "disputed territories".

One of the affected villages, Qotan, with an estimated population of 75 Arab families, according to local residents, has been entirely emptied of its Arab population. Activists and local sources told Amnesty International that, on 21 October, IS fighters briefly took control of Qotan village and called out for support to overthrow the government from a local mosque loudspeaker. A witness told Amnesty International that Peshmerga forces then entered the village and, after a brief confrontation with IS fighters, removed all residents from their homes to carry out searches. Residents were not allowed to return to the village, and instead were taken to IDP camps in Kirkuk. In the meantime, their homes were demolished, according to a witness from the area.

Residents of the nearby village of Qoshkaya have also been forced to leave their homes by a mixed force of the Asayish and Peshmerga, which entered the village on 21 October. Villagers told Amnesty International that some 115 families, making up the entire village population, were ordered to leave within hours. One of those forcibly displaced told Amnesty International that villagers who could not arrange their own transportation were taken to IDP camps in Kirkuk governorate by security officials after their identity cards had been confiscated, while others found shelter with relatives in surrounding villages.

Residents fear that other Arab villagers nearby, particularly from Kif and Badjan, might be at risk of similar forced displacement.

## 5. CONTINUED FORCED DISPLACEMENT AND TIGHTENED RESTRICTIONS ON FREEDOM OF MOVEMENT

The Governor of Kirkuk has publicly committed not to return IDPs to areas still under IS control or

where clashes are ongoing, notably Mosul and surrounding areas.<sup>8</sup> However, the prospects of safe and sustainable return continue to be grim for hundreds of thousands of IDPs from areas that have long been recaptured from IS and secured by government forces. For instance, Sunni Arab IDPs from parts of the governorates of Babel, Salah al-Din and Diyala cannot go back as Popular mobilization Units militias explicitly bar them from returning under the pretext that they co-operated with IS; others rightfully fear revenge attacks by such militias, who are firmly in control and have committed gross human rights violations in recent years with impunity.<sup>9</sup> Families of suspected IS members are also explicitly barred from returning. Peshmerga forces are preventing residents of Arab villages and Arab residents of mixed Arab-Kurdish towns from returning to their homes. Others cannot go back as their homes and livelihoods have been destroyed, or they are awaiting clearance of mines and other explosive remnants of war and the resumption of services. Those who wish to return have to go through elaborate and onerous bureaucratic and security procedures, which lack transparency and are often arbitrary and beset by corruption.

Sunni Arab IDPs in Kirkuk, like those in other areas controlled by the KRG, have long faced restrictions on their freedom of movement.<sup>10</sup> Following the attack on 21 October, restrictions already in place in the KR-I, as well as areas under its de facto control south of the KR-I, have become even more rigid.

Since 2015, procedures for IDPs to enter the city of Kirkuk have become increasingly onerous and frequently change, and generally require a local sponsor to vouch for IDPs. The situation is further complicated by the Governor's sporadic decisions to suspend the sponsorship and registration system entirely and prevent any IDPs from entering the city. Restrictions even apply to residents of Kirkuk governorate, including IDPs fleeing from conflict in the district of Hawija. In a meeting on 10 August, the representative of the Ministry of Migration and Displacement in Kirkuk told Amnesty International that IDPs, including those from Hawija, can only enter the city of Kirkuk if they own property there, have a civil service job, or have a local sponsor to vouch for them. Since the IS attack on 21 October, the sponsorship system for new arrivals appears to have been suspended and efforts to forcibly expel IDPs originating from governorates other than Kirkuk from Kirkuk governorate and to confine residents of Kirkuk governorate to IDP camps have intensified. The suspension of the sponsorship system has also led to the continued separation of families unable to join their loved ones in Kirkuk.

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<sup>8</sup> See Kirkuk Governor's Media page, statement of 25 October, following meetings with leaders from the Ninewa governorate available at [https://www.facebook.com/permalink.php?story\\_fbid=1685691461746372&id=1509329539382566](https://www.facebook.com/permalink.php?story_fbid=1685691461746372&id=1509329539382566)

<sup>9</sup> Amnesty International, *'Punished for Daesh's crimes': Displaced Iraqis abused by militias and government forces* (Index: MDE 14/4962/2016), 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>, and Amnesty International, *Absolute impunity: Militia rule in Iraq* (Index: 14/015/2014), 14 October 2014, available at <http://www.amnesty.org/en/documents/MDE14/015/2014/en/>

<sup>10</sup> For more information see Amnesty International, *'Punished for Daesh's crimes': Displaced Iraqis abused by militias and government forces* (Index: MDE 14/4962/2016), 18 October 2016, available at <https://www.amnesty.org/en/documents/mde14/4962/2016/en/>



An IDP from Hawija told Amnesty International on 29 October:

*“My family escaped Daesh two months before me, and were able to go to Kirkuk. I am stuck here in Dibaga camp [in the Makhmur district of Erbil] and I am not allowed to join them, even though I am from the Kirkuk governorate... They are not allowed into Erbil. All I ask is either for them to be allowed to come here, or for me to be able to go to them. Is that unreasonable?”*

Another IDP at the Dibaga camp in Makhmur told Amnesty International that he was separated from his family as they took different escape routes out of their village in Hawija, and that he is unable to join them in Kirkuk. He continued:

*“Asayish went to my relatives’ home [on 25 October] in the neighbourhood of Nidaa in Kirkuk, ordered them to leave and took my brother’s identity card. They [the Asayish] haven’t implemented the decision yet, but my family is on edge. We don’t know what to do, they cannot come here to Erbil or go back to Hawija, which is still under Daesh.”*

The IS attack on Kirkuk on 21 October has had ripple effects in other KRG-controlled areas. For instance, on 26 October, the local authorities in the city of Khanaqin in Diyala governorate, under de facto KRG control, ordered IDPs to move into the camps, if they could not go back to their places of origin, for “security reasons”, citing the Kirkuk attack.<sup>11</sup> Tribal elders were asked to provide lists of IDP families to the authorities. This decision has not yet been implemented following interventions by Iraqi politicians, but thousands of IDPs from Diyala, driven out by conflict and militia abuses, who have found shelter in Kaniqin in recent years, remain at imminent risk of renewed forced displacement.

## 6. INTERNATIONAL LAW AND STANDARDS

International humanitarian law, which applies in situations of armed conflict, prohibits the displacement of civilians during non-international armed conflicts except for their own security or for imperative military reasons.<sup>12</sup> It guarantees displaced persons’ right to voluntary return in safety to their homes as soon as the reason for their displacement ceases to exist,<sup>13</sup> and stipulates that their property rights must be respected.<sup>14</sup> International humanitarian law prohibits the destruction or seizure of property of an adversary, unless required by imperative military necessity. Such

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<sup>11</sup> Roj News, “Any family that doesn’t return to their area must settle in Alwand camp”, 26 October 2016, available at <http://www.rojnews.org/haber/8470.html>

<sup>12</sup> International Committee of the Red Cross study, *Customary International Humanitarian Law: Volume 1: Rules*, J-M Henckaerts and L Doswald-Beck, eds, 2005 (“ICRC Customary IHL Study”), Rule 129, available at [https://www.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule129](https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule129); and Rome Statute of the International Criminal Court, Article 8(2)(e)(viii), characterizing unjustified forced displacement of civilians as a war crime, available at [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

<sup>13</sup> ICRC Customary IHL Study, Rule 132, available at [https://www.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule132](https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule132)

<sup>14</sup> ICRC Customary IHL Study, Rule 133, available at [https://www.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule133](https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule133)

destruction can constitute a war crime.<sup>15</sup> The UN Guiding Principles on Internal Displacement<sup>16</sup> underscore that every person has the right to be protected from being arbitrarily displaced from her or his home (Principle 6(1)). Prior to displacement, authorities must explore all feasible alternatives (Principle 7(1)). Whatever the original circumstances of the displacement, the competent authorities have the responsibility to help establish conditions for, and to facilitate, the safe, voluntary return of the displaced to their homes (Principle 28(1)). And they have the duty to help the displaced recover their property and possessions and, where this is not possible, to obtain appropriate compensation or another form of just reparation (Principle 29(2)). The Guidelines also stipulate IDPs' right to move freely in and out of camps, and to choose their place of residence.

As a state party to the International Covenant on Economic, Social and Cultural Rights, Iraq is obliged to refrain from, prevent and protect people against forced evictions.<sup>17</sup> For an eviction to be lawful, appropriate procedural protections have to be followed, including authorities being required to explore all options to avoid, or at least minimize, evictions. Evictions can only be carried out as a last resort and when all safeguards required by international law are in place. States and their agents must take steps to ensure that no one is subjected to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

## 7. CONCLUSION AND RECOMMENDATIONS

Sunni Arab IDPs in central Iraq and the KR-I have frequently endured multiple abuses at the hands of different actors: while living in territories controlled by IS, in the course of their escape journeys, and in the very places where they seek shelter and protection. Many are left with very few choices, as they can neither return home safely nor rebuild their lives elsewhere. Their freedom of movement is at the mercy of opaque and unpredictable bureaucratic procedures that vary between and within governorates, are riddled with corruption and, in practice, mean that the lion's share of suffering is reserved for the most vulnerable and destitute, who have no sponsors, connections or money.

The Kurdish and Iraqi authorities must work together to create an environment conducive to the voluntary and safe return of IDPs. To redress the abuses faced by IDPs and Arab residents of Kirkuk and prevent their repetition in other areas, including the city of Khanaqin in Diyala governorate, Amnesty International makes the following recommendations:

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<sup>15</sup> ICRC Customary IHL Study, Rule 50, available at [https://www.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule50](https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule50), and Rome Statute of the International Criminal Court, Article 8(2)(e)(xii), available at [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

<sup>16</sup> UN Guiding Principles on Internal Displacement, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>

<sup>17</sup> UN Committee on Economic, Social and Cultural Rights, General Comments No. 4 (Right to Adequate Housing) and No. 7 (Forced evictions), available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11)

To the Kurdish authorities:

- Stop ordering the displacement of civilians, except when demanded for their own security or for imperative military reasons. In situations where displacement is unavoidable, ensure that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, that proper accommodation is provided to the displaced persons, and that members of the same family are not separated.
- Immediately cease all unlawful destruction of civilian homes and property; the forced return of internally displaced persons; and the forced eviction of residents of Kirkuk governorate from homes they own or rent in the city of Kirkuk or villages and their confinement to camps.
- Provide reparation to all civilians whose homes or property have been unlawfully demolished by security forces and to victims of forced evictions; and allow civilians whose homes have been destroyed to rebuild them or provide them with comparable alternative housing.
- Unconditionally return all confiscated identity cards and other essential documents to Arab residents of Kirkuk and IDPs.
- Lift all arbitrary or discriminatory restrictions on the freedom of movement of Sunni Arab IDPs and cease the expulsion of IDPs on security grounds.
- Allow and facilitate the voluntary, safe return of those forcibly displaced to their homes and establish transparent processes to inform displaced residents of the access and damage status of their villages and of the procedures and required criteria for residents to be allowed to return to their homes and villages.

To the central Iraqi authorities:

- Allow and facilitate the voluntary, safe return of those forcibly displaced from their homes; and establish transparent processes to inform displaced residents of the access and damage status of their towns and villages, and of the procedures and required criteria for residents to be allowed to return to their homes.
- Immediately end the policy of barring relatives of suspected IS members from returning to their homes.
- Protect returnees from any revenge attacks, including by immediately implementing effective command and control over paramilitary militias by Iraqi armed forces, and establish effective oversight and accountability mechanisms by civilian bodies.