



BANISHED AND DISPOSSESSED

FORCED DISPLACEMENT AND
DELIBERATE DESTRUCTION IN
NORTHERN IRAQ

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INTERNATIONAL**



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Cover photo: Houses first burned then destroyed in the village of Um Khabari © Amnesty International

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SUMMARY

Over three million people have been displaced by the ongoing conflict in Iraq, the highest number and fastest rate of people displaced in the world in 2015 according to the International Committee of the Red Cross (ICRC).¹

In five provinces most of the displaced cannot return to their homes as their towns and villages, taken over by the armed group calling itself “Islamic State” (IS) since mid-2014, remain under IS control or have been recaptured by Iraqi and Kurdish forces and militias but remain unsafe or have sustained extensive damage in the fighting.

Many of the displaced are being prevented from returning by the Kurdish Peshmerga and Iraqi government forces and paramilitary militias who recaptured the areas from IS in an attempt to consolidate their control over territories which have long been disputed.²

This reports focusses on areas of northern Iraq where Peshmerga forces of the semi-autonomous Kurdistan Regional Government (KRG) are preventing residents of Arab villages and Arab residents of mixed Arab-Kurdish towns from returning to their homes, and in some cases have destroyed or permitted the destruction of their homes and property – seemingly as a way to prevent their return in the future.

Some of the displaced families fled their homes when IS fighters captured their villages in the second half of 2014. Others only fled when fighting broke out between IS and Peshmerga forces, as the latter drove IS fighters out from the areas in late 2014 and in 2015. Some families were expelled from their homes by Peshmerga forces after these had taken control of the areas.

Displaced families took little or nothing with them when they fled, thinking they would soon return home. Many farmed the land and herded animals in and around their villages, and have not only lost their homes but also their livelihood. Displaced families are now sheltering in camps for internally displaced persons (IDPs), where conditions are dire and humanitarian assistance woefully inadequate, or in disused or unfinished buildings lacking sanitation and basic facilities, many without access to humanitarian aid. Some are being hosted by relatives in already overcrowded homes and others rent accommodation which they may soon have to give up as their savings run out.

The displaced are also subject to restrictions on their movements imposed by the KRG authorities, which severely limit their ability to work, study or even access medical care.³ *“My children don’t go to school anymore because the primary schools near here teach in Kurdish and they only speak Arabic, and my two older daughters cannot finish university because getting to Erbil is too expensive as there is no public transport, and we can’t go to Kirkuk because we don’t have permits,”* a teacher displaced from Makhmur told Amnesty International.⁴

KRG officials have offered various explanations of why residents are not allowed to return to their villages: Because the areas are not yet safe; because Arab residents of these areas cooperated or may cooperate with IS or that residents have gone to IS-controlled areas and will not return. Officials have made such sweeping allegations

¹ Iraq: Highest number of displaced in 2015; ICRC, 29 December 2015 <https://www.icrc.org/en/document/iraq-highest-number-displaced-2015>

² “Jalawla is a Kurdish town. We took control of it with our blood. No other forces should be seen inside Jalawla,” General Mahmud Sangawi, head of Peshmerga forces in Jalawla, to Rudaw, 15 November 2015: <http://rudaw.net/english/middleeast/iraq/151120151>

“Aside from the Kurdistan flag, we do not accept any other flag rising over Sinjar,” KRG President Masoud Barzani in Rudaw, 13 November 2015: <http://rudaw.net/english/kurdistan/131120155>

³ Iraqi citizens who are not permanent residents of the Kurdistan Region of Iraq (KRI) need permits to access. Most of the displaced sheltering in areas now controlled by the KRG cannot obtain such permits which would allowed them to move freely within the KRI. Some of the displaced are subjected to additional restrictions imposed for security reasons.

⁴ Interview, Nineveh, 13 November 2015

about entire villages rather than about specific individuals following proper investigations, and seemingly discount outright the possibility that some of those who are today in IS-controlled areas may be trapped there due to shifting frontlines.⁵ “*These villages were terrorists, they didn’t just support IS, they were part of it,*” a security official told Amnesty International.⁶

As well, KRG officials have implicitly or explicitly justified the forcible displacement of Arab residents as a way to reverse the mass displacement of Kurds in previous decades, notably during the Saddam Hussein regime, which attempted to “Arabise” Kurdish regions through demographic engineering. “*We are just taking back some of what was ours,*” a KRG security official told Amnesty International.⁷

In Makhmur and Zummar (60 km south-west and 170 km north-west of Erbil), two mixed Kurdish-Arab towns which were briefly taken over by IS in the summer of 2014, Kurdish residents have long been back in their homes, while Arab residents have not been allowed to return to the towns. In Zummar, many of the homes and shops of the Arab residents have been vandalised or destroyed and some are being used by Kurdish residents.

While some homes and properties of displaced Arab residents may have been damaged or destroyed in the fighting, in many cases they were looted, intentionally burned down, bulldozed or blown up after the fighting had ended and Peshmerga forces were in control of the areas.

In five Arab villages (Umm Khabari, Jiri, Sibaya, Al-Sayir and Khazuka) north-east of Sinjar, houses were first ransacked and burned down by members of a Yezidi militia in January 2015, a month after the Peshmerga had recaptured there area from IS. Months later, the villages were attacked again and largely destroyed; houses which had previously been burned but were still standing and cultivated fields around the village were bulldozed.

Between October 2014 and November 2015 Amnesty International visited 13 villages and towns which were recaptured by Peshmerga forces between August 2014 and March 2015 and from which Arab residents remain banned – the towns of Jalawla, Zummar and Makhmur and the villages of Jiri, Sibaya, Umm Khabari, Khazuka, al-Sayir, Barzanke (north-west), Maktab Khaled, (centre), Bahiza, Jumeili, and Tabaj Hamid (north-east) - and reviewed Satellite images for eight of these 10 villages and two others, Nahrawan (centre) and Tubaykh (north-east), and interviewed displaced residents from these and 15 other villages in surrounding areas. However, increasing restrictions on access to these areas have been imposed by the Kurdish authorities in recent months, after reports by media and human rights organizations exposing forcible displacement and destruction of property.

Amnesty International has extensively documented war crimes, crimes against humanity and other gross abuses committed by IS fighters and other parties in Iraq.⁸

The organization is aware that a large number of Iraqis displaced by the conflict in Iraq, from all ethnic and religious communities, including many Arabs, have sought refuge in areas controlled by the KRG, and that the KRG authorities have been faced with significant humanitarian and security challenges as a result. However, the cases of forced displacement of residents and unlawful destruction of civilian homes and property highlighted in

⁵ Initially many residents of areas captured by IS did not leave for fear that their homes would be taken over by IS fighters and be bombed by the Iraqi army as a consequence. Others stayed because they did not want to become refugees. Subsequently IS fighters started to prevent residents from leaving areas under their control. Currently anyone trying to escape areas under IS control risks being killed.

⁶ Asayish deputy commander, Snuni, April 2015

⁷ Asayish officer, Tell Eskof, October 2014

⁸ Amnesty International, *Escape from hell: Torture, sexual slavery in Islamic State captivity in Iraq*, 23 December 2014, <https://www.amnesty.org/en/articles/news/2014/12/iraq-yezidi-women-and-girls-face-harrowing-sexual-violence/>;

Amnesty International, *Ethnic cleansing on historic scale: the Islamic State's systematic targeting of minorities in northern Iraq*, 2 September 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/mde140112014en_0.pdf

Amnesty International, *Absolute Impunity: Militia Rule in Iraq*, 14 October 2014, https://www.amnesty.org.uk/sites/default/files/absolute_impunity_iraq_report.pdf

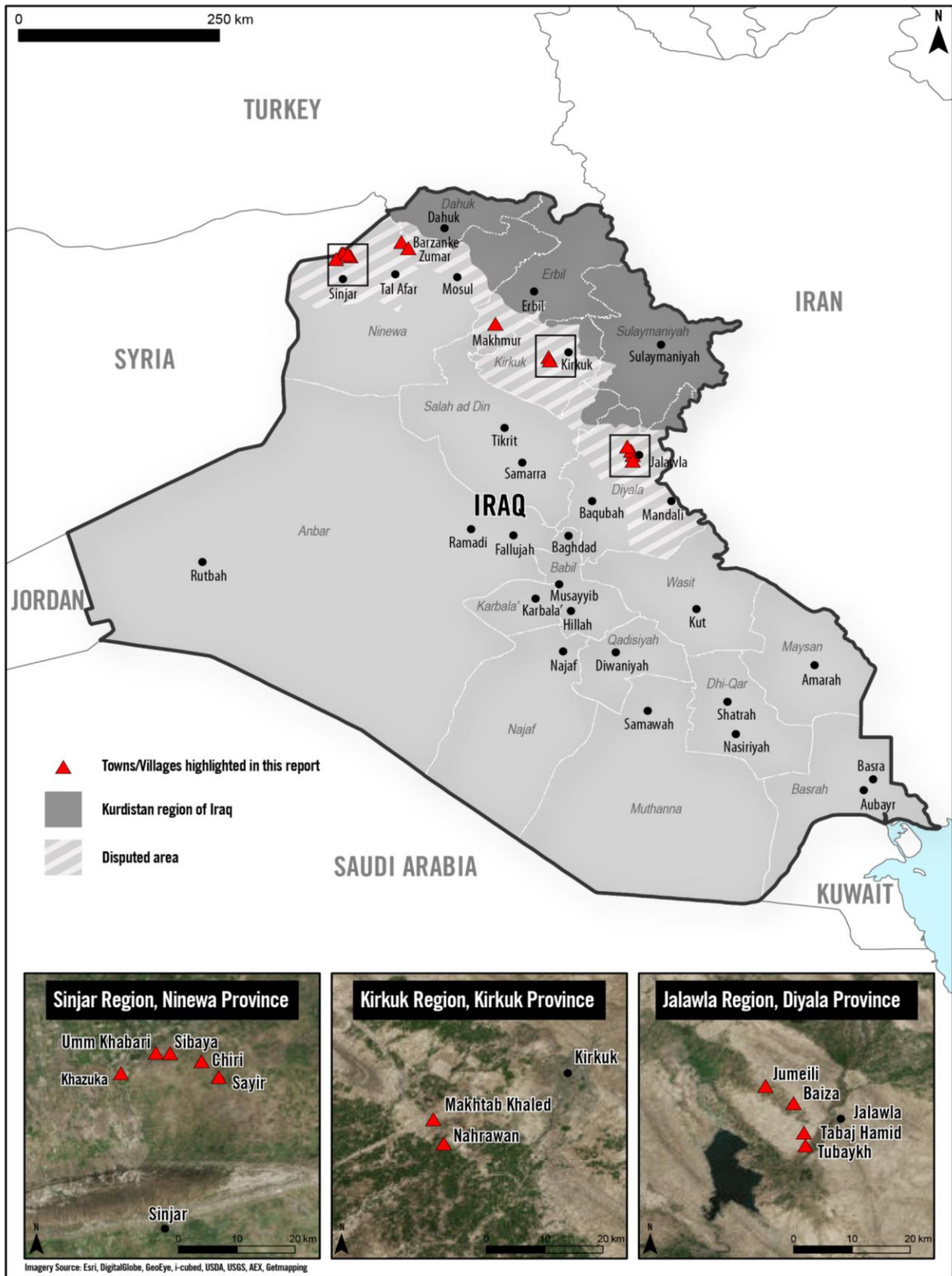
this report are not isolated incidents. Rather, they are examples of a wider pattern across the disputed areas of northern Iraq, where parties which had long vied for exclusive control of these areas are now intent on consolidating territorial gains they have made as a result of battlefield successes against IS. Further, these abuses appear to have at times been committed in retaliation for residents' family or community ties or perceived support for members of IS or other armed groups who perpetrated widespread atrocities against civilians and Peshmerga forces in the areas.⁹

Such practices are in violation of international law regulating the conduct of the parties to a non-international armed conflict, which prohibits the displacement of civilians and the destruction or seizure of property not required by imperative military necessity. Suspicions or vague allegations that a certain population group or community may support or cooperate with the enemy does not constitute imperative military necessity and cannot justify measures which amount to collective punishment. Amnesty International considers that such cases of forced displacement and unlawful destruction of civilian property should be investigated as war crimes.

Amnesty International calls on the KRG to put an end to the unlawful destruction of homes and property, allow those forcibly displaced to return to their homes, provide reparation to victims of such violations, and take steps to ensure those responsible for the abuses are held accountable. The KRG should establish a transparent process to inform residents displaced from areas under effective KRG control 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.

Amnesty International also urges all states providing military and other assistance to the KRG -including members US-led coalition fighting IS such as the UK and Germany, and others providing training and capacity building- to take concrete and measurable steps to ensure that any assistance they provide does not contribute to the commission of violations of international humanitarian law such as forced displacement and unlawful destruction, and to publicly condemn such violations.

⁹ In most cases where local officials or members of KRG security forces alleged to Amnesty International that displaced communities were somewhat involved with or supportive of IS, they also alleged that such involvement or support predated the arrival of IS in the area and that the communities had previously supported or cooperated with al-Qa'eda or other similar armed groups.



A map of disputed territories in Iraq © Esri, DigitalGlobe, Geoeye, i-cubed, USDA, USGS, AEX, Getmapping

METHODOLOGY

Amnesty International carried out field research in April and November 2015 in areas controlled by the KRG and other parts of the disputed areas of Iraq. The organization's researchers faced difficulties accessing many of the areas they wished to visit, were denied access to some areas and asked to leave or escorted out of other areas. Though at times the reason given for being denied permission to visit certain areas was insecurity, it appeared to be a concerted effort to prevent them from documenting the abuses which had occurred in those areas.

The researchers carried out field research in 13 towns and villages and interviewed displaced residents of 15 other villages in numerous other locations in the disputed areas and elsewhere in Iraq. They interviewed some 120 individuals who had experienced or witnessed abuses. All interviews with victims and witnesses were conducted in private, without the presence of officials and without any interference.

The organization's researchers also met with KRG officials and members of the security forces in different locations to request information about their operations. They also met with local and international human rights and humanitarian workers, lawyers and journalists.

Amnesty International also examined and analysed satellite imagery, as well as photo and video material from other sources, some publicly available, including reports by media and other organizations.

In most cases, the names of affected persons and witnesses whose cases and testimonies are included in this report have been changed in order to protect their identity.

In December 2015, Amnesty International wrote to the KRG seeking information about military operations and current status of the locations highlighted in this report. No response was received at the time of publication of this report.

BACKGROUND

A longstanding territorial dispute has been ongoing between the Arab-dominated Iraqi central government and the Kurdistan Regional Government (KRG) for control of the areas south of the Green Line, which demarcates the semi-autonomous Kurdistan region established in 1991 from the rest of Iraq. The disputed areas extend from Iraq's western border with Syria all the way to the eastern border with Iran.

The KRG had already established a significant presence and imposed a degree of effective control over parts of the disputed areas after the 2003 US-led invasion of Iraq, when the Peshmerga, the KRG's armed forces, were able to advance in the area with the help of the US-led coalition forces.

Peshmerga forces took effective control of most of these areas in early June 2014, when Iraqi central government forces withdrew from the whole of northern Iraq as IS fighters captured the country's second largest city, Mosul. In the months that followed IS fighters captured some of the territory which had newly come under sole Peshmerga control. Most notoriously on 3 August 2014 IS forces stormed the Sinjar region and abducted thousands of civilians from the Yezidi minority, massacred hundreds of men and subjected women and girls to sexual slavery and other forms of torture.

The IS takeover of Mosul caused shock and concern in Iraq and beyond, prompting the USA to launch military operation "Inherent Resolve"¹⁰ on 15 June 2014. However, it was the IS atrocities in Sinjar and its subsequent advance through nearby towns and villages populated by Christians and other minorities that instigated greater involvement of the international community in support of the KRG and their Peshmerga forces.

As the KRG faced unprecedented humanitarian and security challenges, with hundreds of thousands people displaced by the IS onslaught seeking refuge in KRG-controlled areas and the Peshmerga being the only force left on the ground to fend off the IS advance, the international community stepped in to provide humanitarian and military assistance to the KRG.¹¹

¹⁰ US Department of Defense, "Operation Inherent Resolve: Targetted operations against ISIL terrorists", [http://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve_\(Accessed_19_January_2016\)](http://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve_(Accessed_19_January_2016))

¹¹ A plethora of countries (including the US, Canada, the UK, Italy, Germany France and other European countries, Australia and Russia) have been providing military assistance to the KRG, in the form of weapons and other military equipment, training, advising and capacity building. For more details see for example International Crisis Group, "Arming Iraq's Kurds: Fighting IS, Inviting Conflict", 12 May 2015: <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Iraq/158-arming-iraq-s-kurds-fighting-is-inviting-conflict.pdf>

and American Enterprise Institute, "Congress should fact-check the Kurds", 28 July 2015: <https://www.aei.org/publication/congress-should-fact-check-the-kurds/>



Peshmerga in Snuni © Amnesty International

By the last quarter of 2014 PeshMerga forces started to make significant gains against IS, capturing the towns of Zummar and Snuni and surrounding villages in Nineveh governorate, in October and December respectively. Both towns had formally been under Iraqi central government control prior to the IS takeover. The trend continued throughout 2015, with the Peshmerga forcing IS fighters out of large parts of the disputed areas, finally ousting them from Sinjar city and surrounding areas in November 2015.

In some areas other armed groups fought alongside the Peshmerga. For example paramilitary Shi'a militias supported by the Iraqi central government carried out joint operations in and around the eastern town of Jalawla, as did Yazidi militias and Kurdish armed groups from Syria and Turkey in the Sinjar area. KRG officials have downplayed or outright rejected the role of forces other than the Peshmerga in the successes achieved against IS, but have blamed these other forces for abuses committed in those areas of joint operations.¹²

THE DISPUTED AREAS

Following Kurdish uprisings in the 1960s and 1970s, the Iraqi central government implemented a policy of forced displacement of Kurds and other minorities from the disputed areas. Sunni and Shi'a Arabs from other parts of the country were given land and encouraged to settle in an attempt to change the demographic composition of the

¹² Independent, "Jalawla: Iraqi city remains a ghost town after being recaptured from Isis", 12 December 2015, <http://www.independent.co.uk/news/world/middle-east/jalawla-iraqi-city-remains-a-ghost-town-after-being-recaptured-from-isis-a6770976.html> (Accessed 19 January 2016)

Scout Warrior, "Jalawla: A lost Iraqi city", 14 January 2015, <http://www.scout.com/military/warrior/story/1501741-jalawla-a-lost-iraqi-city> (Accessed 19 January 2016)

BasNews, "Yazidi Commander: PKK and YPG Creating Tension between Kurds and Arabs", 15 January 2016, <http://basnews.com/index.php/so/news/119869> (Accessed 19 January 2016)

areas.

In 1988 a series of military operations known as the Anfal campaign by the Iraqi army against the Kurdish population were characterized by mass human rights violations, including war crimes and crimes against humanity. These included large scale extrajudicial executions and enforced disappearance of civilians, chemical weapons attacks which killed thousands of civilians in the town of Halabja and several villages, wholesale destruction of hundreds of villages and several towns, forced displacement of hundreds of thousands of people, and arbitrary arrest and detention.

A Kurdish uprising in 1991 following the first Gulf War led to the establishment of the semi-autonomous KRG to the north of the disputed areas, protected by a no-fly zone established by the USA, the UK and France, making the area off-limits to the Iraqi air force.¹³

After the US-led invasion and occupation of Iraq in 2003, the KRG gradually imposed more control over parts of the disputed areas, whose fate was to be determined by a referendum to be held by the end of 2007, as stipulated by the Iraqi Constitution of 2005,¹⁴ but which has not yet been held.

Though both Kurdish and Arab politicians and community leaders claim sole ownership of the disputed areas, through ethnically exclusive narratives designed to bolster their claims, these areas make up one of the country's most diverse regions – home to many ethnic and religious communities. These include Assyrian and Chaldean Christians, Feylis, Kaka'is, Shabaks, Turkmen (Sunnis and Shi'a), Yezidis – as well as Arabs (majority Shi'a throughout the country) and Kurds (majority Sunni).

In post-2003 Iraq, ethnic and religious fault lines have widened and taken on new and dangerous dimensions. While a vicious Sunni-Shi'a sectarian strife has engulfed central Iraq for the past decade, the Kurdish authorities have seized the opportunity created by the vacuum to impose greater de-facto control on the disputed areas. They have sought to reverse the facts on the ground created by the forced "arabization" policy of the Saddam Hussein regime in previous decades, in the process contributing to a wave of displacement of Arabs,¹⁵ and have attempted to co-opt and pressure minority communities into identifying as Kurds.¹⁶

The events of 2014 have dramatically exacerbated inter-communal tensions in the disputed areas. The looming threat from IS, with its rhetoric against non-Sunnis and non-Arabs,¹⁷ unleashed a groundswell of anti-Arab feelings among the Kurds and other ethnic and religious communities in the disputed area.

¹³ A second no-fly zone was established in the south of Iraq at the same time, to protect Shi'a communities who were also at risk of reprisals following a Shi'a uprising there.

¹⁴ See Iraq's Ministry of the Interior, Nationality Directorate, The Iraqi Constitution, http://www.iraqinationality.gov.iq/attach/iraqi_constitution.pdf

Also see: The Kurdish National Congress, Article 140: Iraq's Constitution, Kirkuk and the Disputed territories http://www.kncna.org/docs/pdf_files/oleary_paper.pdf

¹⁵ Human Rights Watch "Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq", 2004 <https://www.hrw.org/reports/2004/iraq0804/>

¹⁶ Human Rights Watch, "On Vulnerable Ground: Violence against Minority Communities in Nineveh Province's Disputed Territories", 2009 <https://www.hrw.org/report/2009/11/10/vulnerable-ground/violence-against-minority-communities-nineveh-provinces-disputed>

¹⁷ Though most of the IS' victims are Muslims, its rhetoric is heavily anti non-Sunnis and non-Arabs.

DESTRUCTION OF HOMES AND PROPERTY

Amnesty International found widespread burning of homes and property in villages and towns in Nineveh, Kirkuk and Diyala governorates which Peshmerga forces captured from IS fighters between September 2014 and March 2015 and which currently remain under Peshmerga control. Ten of the 12 villages surveyed in field research and satellite image review were completely or almost completely destroyed, and two others sustained extensive damage and destruction a significantly higher level of damage than would be expected in the context of even intense ground fighting. In none of these areas were air bombardments reported as more than sporadic, where they occurred at all, and no craters from air bombardments were observed. Bulldozers tracks have been observed during field research in one of the destroyed villages and possible tracks have been noted in satellite images in three other villages, consistent with testimonies of residents and witnesses who told Amnesty International that Peshmerga forces and Yezidi militias had used bulldozers to destroy the villages. In five villages large numbers of burned down buildings were observed during field visits and in three other villages satellite images revealed that roofs were missing in a high percentage of building remaining standing, indicating that the structures were burned down, consistent with testimonies of residents and witnesses who told Amnesty International that they had seen fires in the villages in the days or weeks after these had been taken over by Peshmerga forces.

In towns and villages which Amnesty International researchers were able to access, they observed four patterns of destruction: Most or all the houses had been burned down or struck with bulldozers (bulldozers tracks visible) in such a manner as to make the walls collapse partially or entirely. Many of the bulldozed structures had previously been burned down. In one village where virtually every single house had been blown up members of the Peshmerga told Amnesty International that they had blown up the house so that the residents would never return. Two villages had been bulldozed and razed to the ground completely, one of which Peshmerga told Amnesty International had been bulldozed after it had been recaptured so as to create an empty area. In none of the villages visited did Amnesty International researchers find evidence of intense fighting, such as significant munition impacts or spent or unused shells and cartridges.

DIYALA GOVERNORATE, VILLAGES WEST OF JALAWLA CITY

IS fighters attacked Jalawla on 10 June 2014, capturing part of the city and surrounding areas in mid- June and the rest in August. Clashes in and around the city continued until late November 2014, when the city and surrounding areas were recaptured by Peshmerga forces and members of several Shi'a militias operating with the consent and support of the Iraqi central government and backed by Iran.¹⁸

The entire population of Jalawla, some 87,000 people, and thousands of residents of surrounding villages were displaced. Many fled when IS fighters arrived and others left after fighting broke out when Peshmerga forces and Shi'a militias moved to dislodge IS fighters from the areas. More than a year since Jalawla and surroundings were recaptured from IS fighters, residents have not been allowed to go back home. Many have nothing to go back to, as their homes and property have been looted and destroyed – some deliberately by IS fighters, some in the fighting, and some by Peshmerga forces and Shi'a militias after the areas were recaptured from IS. The city of Jalawla, most of whose residents were Arabs,¹⁹ sustained large scale damage in the fighting, especially in the

¹⁸ Reuters, "Rivalries resurface in Iraqi town recaptured from Islamic State", 8 December 2014, : <http://www.reuters.com/article/us-mideast-crisis-jalawla-idUSKBN0JM16E20141208> (Accessed 19 January 2016)

Rudaw, "Jalawla: a lawless ghost town of Peshmerga and Shiite militias", 16 December 2014, <http://rudaw.net/english/middleeast/iraq/161220141> (Accessed 19 January 2016)

The Daily Beast, "The Kurd-Shia War Behind the War on ISIS", 6 May 2015, <http://www.thedailybeast.com/articles/2015/06/05/the-kurd-shia-war-behind-the-war-on-isis.html> (Accessed 19 January 2016)

¹⁹ Jalawla was a mixed city, historically with a majority Kurdish population with a sizeable Turkmen minority and other communities, but many of its non-Arab residents were forced to leave in previous decades, notably in the 1970s – 1990s during the so-called "arabization" campaigns of the Saddam Hussein regime. Many Kurds returned to the city after 2003 but subsequently left again because of insecurity. Population figure given to Amnesty International by local KRG officials vary, with the percentage of Arab residents between 70 and 90 percent.

southern districts of Tajneed, where IS fighters were based, and nearby Wahda.²⁰ Peshmerga and Shi'a militias, both of whom battled IS and claim to have played the decisive role in recapturing the area, have blamed each other for the looting and destruction of homes and businesses.²¹ Blame for the destruction has not just been traded between Peshmerga and Shi'a militias but also between different militias who participated in the operation.²² Amnesty International has not been able to investigate in sufficient details the circumstances of the destruction and damage which occurred during the fighting and immediately after the recapture of the city in November 2014. Further investigation is necessary to establish the roles and responsibilities for the damage and destruction of the various actors operating at different time in the city since June 2014.



Destroyed markets in Jalawla © Amnesty International

²⁰ UNOSAT, "Damage assessment of Jalawla, Diyala Governorate, Iraq", 26 June 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/UNOSAT_A3_Portrait_Jalawla_Damage_20150206.pdf (Accessed 19 January 2016)

²¹ The Director of Jalawla, Abu Ahmad, appointed by the KRG in 2015, told Amnesty International: "89 percent of the police in Jalawla were terrorists, [prior to the capture of the city by IS] and 72 terrorists came to Jalawla after its liberation with the Khorasani militia as part of the Popular Mobilisation Forces (PMU, the mostly Shi'a militias operating independently of the armed and security forces, but under the authority of the Iraqi Prime Minister), and Khorasani militiamen burned and looted buildings in Jalawla and abducted residents who went back to Jalawla to retrieve their belongings and then demanded ransoms to release them. So we got them [the militia] out of Jalawla and now there are no more PMU in Jalawla." (Interview, Jalawla, 17 November 2015).

Also see: YouTube, "Islamic State (ISIS): The Sectarian Aftermath in Iraq's Jalawla; Journalist Rozh Ahmad follows local human rights activist Salam Abdullah documenting the aftermath of the Islamic State (IS) war in the multi-ethnic disputed town of Jalawla north Iraq"; 10 January 2015: <https://www.youtube.com/watch?v=KZh3ZxtZIKw> (Accessed 19 January 2016)

²² A member of the Badr militias told Amnesty International that members of the Khorasani militias were responsible for looting and burning down homes and businesses in Jalawla, and a member of the Saraya al-Salam militia told Amnesty International that Badr militiamen also looted and burned and vandalised property in the city.

Meanwhile, looting and damage to property in Jalawla is reported to be ongoing. Residents of nearby villages have told Amnesty International that as recently as December 2015 they have seen pick-up trucks going to Jalawla and returning loaded with doors, windows, sinks, electrical fixtures and other materials which are ripped out from houses and shops. Two policemen from the area have told the organization that both members of Peshmerga forces and private individuals are involved in such looting, the latter with the permission of Peshmerga forces who control access into the now deserted city. One of officer told Amnesty International:

“If Peshmerga go to Jalawla and come back with a few doors and a sink it doesn't mean anything as the material could be from their own houses, but that is obviously not the case when they bring such material by the truckload again and again. No Peshmerga has that many houses, and these people are not even from the city anyway.”²³

Nearby Arab villages which were recaptured by the Peshmerga suffered widespread destruction, much of it inflicted after the fighting had ended. Shaddad Hussein, a father of seven from Jumeili, a village 12 Km north-west of Jalawla which was home to some 570 families, told Amnesty International:

“I took my family and left Jumeili in June 2014, as soon as Da'esh came to the area. I have never been allowed back; nobody is allowed. The Peshmerga freed the area on 24 November 2014 and after that they destroyed the whole village. They are using five houses and have bulldozed the rest. We can see it from a distance but can't go back; anyway now there is nothing to go back to. My entire life's work and my children's future, they have bulldozes everything, destroyed it all.”²⁴

Another resident of Jumeili, Mohammed Ali, told Amnesty International that the Peshmerga destroyed his house and that of his brother, along with the rest of the village which was largely destroyed.

“Me and my brother have eight children each. Our homes have been destroyed and so has our livelihood. We were farmers, and now we can't go to our land anymore. We left everything in our homes and now everything has gone.”²⁵

Another resident, Said Hamid, said he had left Jumeili on 13 August 2014, when Peshmerga forces and Shia militias started to move towards IS fighters' position. He said that up to then IS fighters were based by the lake, some distance from the village:

“I took my family and we left because we feared that there would be clashes between the two sides and we would find ourselves in the middle. After the area was liberated in late November [2014] I tried to go the village but when I reached the Peshmerga checkpoint they said I could not pass, even though I had a paper from the PUK (the main Kurdish political party in the area) office in Qara Tapa giving me permission to go to my house to collect some of my belongings. Nobody has been allowed to go back, except for the Mokhtar (Village Chief) who was allowed to go at the beginning to bring the animals. I know the Peshmerga have destroyed the village because I saw it from the distance. The whole village was flattened, not just my house. We are all in the same situation. I don't know why they did this. There is no reason”.²⁶

²³ Interview, Diyala, 18 November 2015

²⁴ Interview, Diyala, 18 November 2015

²⁵ Interview, Diyala, 19 November 2015

²⁶ Interview, Diyala, 19 November 2015

Amnesty International researchers visited the area in November 2015. While there, they were apprehended by Peshmerga and taken to meet the commander in a house in Jumeili being used by Peshmerga as their base.²⁷ The commander denied the organization's researchers permission to visit the area and had them escorted out of the area by Peshmerga who did not allow them to take photographs or film the destruction. However, during the visit researchers observed a scene of utter desolation. With the exception of a small cluster of few houses occupied by Peshmerga, all other visible structures in the main part of the village were reduced to rubble. The ground was covered in rubble and crushed household goods that seemed to have been bulldozed. Satellite images analysis show that in Jumeili 95% of all walls and low lying structures in the main part of the village have been destroyed. Of the structures that remain, a majority of all rooftops and windows have been damaged or destroyed. Possible bulldozer tracks are noted near debris piles where walls and buildings once stood.

34.32 N / 45.05 E



DigitalGlobe Natural Color Imagery, 23 June 2014



20 January 2015

The destruction evident in Jumeili (before and after) © DigitalGlobe

²⁷ Jumeili village, Diyala, 18 November 2015

On the way to Jumeili Amnesty international researchers passed by the villages of Tabaj Hamid, 5km south-west of Jalawla, which they observed had been completely razed to the ground, and Bahiza, five km south of Jumeili, where they observed extensive destruction. Satellite images and analysis for these two villages reveal that Tabaj Hamid was completely razed to the ground, with not a single structure left standing. Possible bulldozer tracks are noted near debris piles where walls and buildings once stood; and in Bahiza 50% of all roofs were damaged or destroyed, seemingly by fire.



34.25 N/ 45.11 E

DigitalGlobe Natural Color Imagery, 20 January 2015

Tabaj Hamid completely razed to the ground © CNES 2015

Maher Nubul, a father of 11 and grandfather of 55, told Amnesty International that he and his family had left the village of Tabaj Hamid in August 2014:

“After the clashes in Jalawla the Peshmerga came to the main road near our village. Da’esh members were in the countryside on the other side of our village. We feared that they would fight over our heads and we’d be in the middle, or that one side or the other would come into the village and fight from there. I don’t know what happened or who did what. All I know is that when Peshmerga retook the village the houses were standing. We could not go back but could see it clearly from the distance. And later they bulldozed the village, I don’t know why. There is nothing left. They destroyed everything for no reason.”²⁸

Mohammed Hussein, a father of eight from Bahiza village, told Amnesty International:

“We left our home and our village on 20 August, because there were clashes in the area between the Peshmerga and Da’esh (IS). Da’esh came to our areas in July 2014 but they were not staying in the village and did not bother us. Only when the Peshmerga came and fighting broke out it became dangerous and so we left. The Peshmerga liberated the area around 10-11 November 2014 and we thought we could go back home but we have not been allowed to go back at all. The Peshmerga haven’t even let us go once to collect some of our things from home. I have eight children and one of my sons is married and has five children – we are 18 people in all. We left home with nothing and have been living in abject conditions. We get no help or assistance and I can’t farm my fields because I can’t go to the village. I heard that the Peshmerga destroyed our village but I don’t know because we are not allowed to go even just to see what happened”.²⁹

In Tubaikh, another village about 1km south-west of Tabaj Hamid, which residents of the area told Amnesty International had also been destroyed by Peshmerga, satellite image analysis revealed that the north-eastern half of the village, (the north-eastern section) was almost completely destroyed and approximately a quarter of the buildings in southern half of the village show damaged or destroyed rooftops, indicating likely destruction by fire. Possible bulldozer tracks are noted near debris piles where walls and buildings once stood.

NINEVEH GOVERNORATE, VILLAGES EAST OF MOUNT SINJAR

The Nineveh governorate is among the most diverse regions of Iraq, home to a plethora of ethnic and religious communities whose members were displaced in their hundreds of thousands between June and August 2014, when IS captured much of the region including Mosul, Iraq’s second largest city and the IS stronghold in Iraq. The western flank of the region borders an area of Syria under IS control and a majority Kurdish area of Syria run by a semi-autonomously Kurdish administration whose military wing, the People’s Protection Units (Yekîneyên Parastina Gel, YPG), the armed wing of the Partiya Yekîtiya Demokrat (Democratic Union Party, PYD, a Syrian Kurdish political party.) has been fighting IS alongside the Peshmerga on the Iraqi side of the border, in the Sinjar area and elsewhere in the Nineveh governorate.

²⁸ Interview, Diyala, 18 November 2015

²⁹ Interview, Diyala, 18 November 2015

Peshmerga forces and Yezidi militias who operate in the area in coordination with the Peshmerga have been accused of revenge attacks against Arab residents for the mass atrocities which IS committed against the Yezidi community.³⁰ KRG officials have also accused fighters from the Syrian YPG and from the Turkish Kurdistan Workers Party (PKK) who are operating in the Sinjar area alongside Yezidi militia and Peshmerga forces of having carried out the destruction in some of the Arab villages.³¹



Peshmerga at the entrance of Barzanke © Amnesty International

One of the first villages recaptured from IS by Peshmerga in the north-west was Barzanke, which was captured by IS on 2 August 2014 and recaptured by Peshmerga forces three weeks later. The village was home to some 800 - 900 families, most of them Arabs and a minority of Arabic speaking Kurds (who told Amnesty International that they were “Arabized” long ago and always lived with Arabs and never learned Kurdish, and that for this reason are not considered as “proper Kurds” and are discriminated against).

Some of the residents interviewed by Amnesty International said that they had left before IS ever got to the village. One Barzanke resident, Mahmoud Khaled, told Amnesty International:

“When the Peshmerga withdrew from the area on 2 August, we left. We have government employees and policemen in our family and were scared Da’esh would kill

³⁰ Several Yezidis interviewed by Amnesty International since August 2015 have called for the removal of Arab communities from the area.

³¹ In a meeting with Amnesty International, the Asayish Deputy Director in Snuni, Ahmad al-Bashki, said: “Maybe it was done by angry Yezidi residents, or by the PKK. The Arabs had looted everything from the Yezidi villages; in every house you enter in these Arab villages you find fridges and property they looted from the Yezidis. Snuni, Sinjar region, 17 April 2015.

us. When Da'esh was pushed out of the area by the Peshmerga, we expected that we would go back straight away. We certainly did not expect the Peshmerga to destroy our village. They reduced our homes to rubble for no reason and have never allowed us back into the village. We saw the Peshmerga destroy our homes as we passed by on the main road.”³²

Others said they remained in the village under IS rule until fighting broke out in the area as Peshmerga forces and YPG/PKK fighters tried to retake the area. Adnan Saleh told Amnesty International:

“Da'esh fighters blew up 13 houses while we were in the village. We stayed in the village for 17 days after the Peshmerga left and then we also left when the Peshmerga came back and started to shell Da'esh. The Peshmerga and the PKK recaptured the village quickly as Da'esh withdrew without much of a fight and there was little damage. They stayed in the village for about two weeks and during that time they looted it thoroughly – we saw them from the main road taking stuff out of the village - and then they destroyed the whole village. Just like that.”³³



Destroyed house in Barzanke © Amnesty International

In October 2014 three Peshmerga fighters told Amnesty International that their own colleagues had blown up Barzanke because the villagers supported IS. When Amnesty International researchers first visited the village at the end of October 2014, they observed that some of the houses had seemingly been bombed from the air by US-led coalition forces and some had been struck by the Peshmerga as they tried to dislodge IS fighters, but most

³² Interview, Nineveh, 22 November 2015

³³ Interview, Nineveh, 22 November 2015

had evidently been blown up one by one on purpose. The Peshmerga stationed in the village offered conflicting explanations for the mass destruction. Some said IS fighters blew up all the houses – which did not tally with the narrative of other Peshmerga fighters in the village. Others said they had to blow up the houses because they were booby-trapped and said most streets in the village were still rigged with explosives. Amnesty researchers spent hours examining destroyed houses in each street and found no evidence to support the Peshmerga claim that there had been intense fighting in the village. With the exception of two houses which appeared to have been destroyed by air strikes, there were few munition impacts on the walls and few spent munitions or cartridges. On several walls pro-Peshmerga graffiti had been written before the houses were blown up.³⁴



Peshmerga at the entrance of Barzanke © Amnesty International

Two Yezidi members of the Peshmerga in the village explained the rationale for destroying the houses, saying that the residents, Arab Sunni Muslims, were terrorists and had gone with IS and thus would not come back.³⁵ However, though some residents are reported to have indeed gone to IS-controlled area, Amnesty International found many sheltering in villages around Barzanke and further afield in Peshmerga-controlled areas, where they are subject to restrictions on their movements, cannot return to Barzanke and have difficulties obtaining permits to access KRG –controlled main town. When Amnesty International researchers tried to return to the village in April and November 2015 they were denied access by Peshmerga guarding the village, but were nonetheless able to visit part of the village, though Peshmerga then demanded that they erase any photos they had taken.

³⁴ The walls were broken apart by the explosion in the middle of the Peshmerga graffiti which had been written before the houses were blown up.

³⁵ Interview, Barzanke, 29 October 2014



Houses burned down and trashed in Jiri © Amnesty International

Several Arab villages near Barzanke have sustained large scale destruction since end of 2014 at the hands of Peshmerga, Yezidi and YPG/PKK fighters.

The four surveyed by Amnesty International all sustained large scale destruction, most which occurred outside the context of any fighting. Satellite image analysis shows severe destruction to Umm Khabari, al-Sayir, Jiri, and Sibaya, with more than three quarters of the structures damaged or destroyed in Sibaya, al-Sayir and Jiri, and more than half of the structure in Umm Khabari.

Several Arab villages in the area were largely destroyed shortly after Peshmerga forces, Yezidi, YPG and PKK fighters recaptured areas east of Mount Sinjar from IS in late December 2014.³⁶ Jiri, Sibaya, al-Sayir, Umm Khabari and Khazuqa were among the newly recaptured villages which were attacked in January 2015 by members of a Yezidi militia,³⁷ seemingly in

³⁶ Al-Monitor, "PKK forces impress in fight against Islamic State", 1 September 2014: <http://www.al-monitor.com/pulse/originals/2014/09/pkk-kurdish-fight-islamic-state.html#ixzz3x1Bjm2SL> (Accessed 19 January 2016) and: The Daily Beast, "Yazidi Child Soldiers Take Revenge on ISIS", , 8 July 2015: <http://www.yazda.org/yazidi-child-soldiers-take-revenge-on-isis/> (Accessed 19 January 2016). YPG and PKK fighters have been fighting IS groups in the Sinjar region since August 2014. The YPG is also often referred to as PKK, because of the YPG affiliation to the PKK. PKK fighters have been based for years in the Qandil Mountains, north of Erbil.

³⁷ Amnesty International has received reports of similar attacks in 15 other Arab villages nearby, but it is has not been able to visit them or obtain satellite images for them.

revenge for the mass atrocities perpetrated by IS against Yazidis.³⁸

New Yazidi militias were formed after the IS capture of Sinjar,³⁹ and they have been operating in north-western Iraq, together with YPG and PKK fighters, with the consent of and varying degrees of cooperation with the Peshmerga -though it is not clear the extent to which the Peshmerga are able or willing to exercise effective control over YPG and PKK fighters operating in the area.⁴⁰ Many Yazidis accused the KRG and the Peshmerga of abandoning the Yazidi population to the mercy of IS fighters, after the Peshmerga's withdrawal from the Sinjar region on the night of 2-3 August 2014, hours before IS stormed and captured the area.⁴¹ Such accusations may have contributed to the Peshmerga's reluctance to act to stop and prevent abuses committed by Yazidi militias and their YPG and PKK allies against Arab residents.

Residents of Jiri, Sibaya, al-Sayir, Umm Khabari and Khazuqa told Amnesty International that their villages were attacked by Yazidi, YPG and PKK fighters in full sight of the Peshmerga forces who did not intervene to stop the attacks. Amnesty International researchers who visited the areas in April and November 2015, observed that access to these villages was firmly controlled by Peshmerga forces.⁴²

³⁸ See, for example, Rudaw, "Yezidi survivors say they cannot forgive Arab complicity in ISIS atrocities", 5 January 2015, <http://rudaw.net/english/kurdistan/05012015> (Accessed 19 January 2016). Most Yazidis from the Sinjar region interviewed by Amnesty International since August 2014 have stated that they would not return to Sinjar if the Arab residents remain in the area, with some calling for the removal of Arab communities from the area.

³⁹ See for example: AINA, "Yazidis Form Militia To Protect Sinjar Mountain", 6 August 2014: <http://www.aina.org/news/20140806125221.htm> (Accessed 19 January 2016).

Yezidi militias have existed since at least 2007, with different militias allied to different Kurdish parties in Iraq and neighbouring countries. See for example: Ezidipress, "Yezidi forces form alliance against IS", 31 October 2015: <http://ezidipress.com/en/yezidi-forces-form-alliance-against-is/> (Accessed 19 January 2016).

⁴⁰ The region had previously been under Iraqi central government control until 10 June 2014, when Iraqi forces fled the area, leaving the Peshmerga to face the momentous challenge of securing the area and trying to stop the IS advance towards the KRI.

⁴¹ See for example: The Washington Times, "Kurdish diplomat debunks Yazidi claims of exploitation", 15 August 2014, <http://www.washingtontimes.com/news/2014/aug/15/kurdish-diplomat-debunks-yazidi-claim-exploitation/?page=all> and: al-Monitor, "After taking Sinjar, IS draws Iraqi Kurds into full-scale war", 7 August 2014, <http://www.al-monitor.com/pulse/originals/2014/08/iraq-kurdistan-yazidis-peshmerga-isis-islamic-state.html#ixzz3x17p0gNB> <http://www.al-monitor.com/pulse/originals/2014/08/iraq-kurdistan-yazidis-peshmerga-isis-islamic-state.html#> (Accessed on 19 January 2016).

⁴² The researchers were frequently stopped by Peshmerga checkpoint, who granted them access to some areas and denied them access to others. On 22 November 2015 the Peshmerga apprehended the researchers in Umm Khabari and who escorted them out of the village after having ordered them to delete all the photograph and video footage taken in the village.

It would have been impossible for such large scale and repeated attacks to have been perpetrated without the knowledge of the Peshmerga forces in the area.⁴³



Jiri – inside a burned house, all the rooms were similarly destroyed © Amnesty International

Sayir and more than half in Umm Khabari.

Most of the houses in these villages were first burned down in January 2015 and were subsequently destroyed or damaged by bulldozers between May and November 2015. Satellite images obtained by Amnesty International show more than three quarters of the structures destroyed, burned or damaged in Jiri, Sibaya and

⁴³ Also see contradictory version of events for the attacks on Jiri and Sibaya offered by a KRG security official and a Yezidi militia leader in: Amnesty International, *Iraq: Revenge attacks in Sinjar – Arab civilians pay the price for IS crimes*; 9 June 2015; pages 4 and 5: <https://www.amnesty.org/en/documents/mde14/1801/2015/en/> .



Jiri – inside a burned house, all the rooms looked like this © Amnesty International

The village of **Umm Khabari** was one of the first to be attacked in the first week of January 2015. Virtually every single house was burned down. Many of the residents had fled in early August 2014, when IS fighters had captured the area, and others left when the area was recaptured from IS in December 2014.

One of the displaced residents, Malik Hassan, 35-year old father of four, told Amnesty International:

“My family, other relatives, and I left between 5 and 10 August 2014, immediately after Da’esh came to the area. We went to stay in a nearby area which remained under the control of the Peshmerga. After the Peshmerga and the Yezidis and the PKK (meaning YPG and PKK) recaptured the area in December 2014 we were told by Peshmerga officers that we would be able to go back home within a few days. But then we started to hear that Yezidis and PKK militias were staying in our village and would attack any Arabs who went there. I was told this by a Yezidi friend that we should not go back to our village. A few days later our village was burned down. Three weeks later the Yezidis and the PKK burned several other villages nearby and killed several villagers. Some old men and women could not escape and burned to death in their homes. We were right not to go back. Then, from May onwards they started to bulldoze our villages and our farms and the destruction is ongoing; every time a bit more.”⁴⁴

⁴⁴ Interview, Nineveh, 22 November 2015



Remnants of a destroyed house in the village of Umm Khabari © Amnesty International

When Amnesty International visited the area in April 2015, virtually all the houses in Umm Khabari had been burned down but were still standing. However when the organization returned to the village in November virtually every single house had been destroyed or damaged beyond repair. The walls of each house had been struck near the base causing the walls to collapse or cave in and bulldozer tracks were visible through the village, leading right up to the walls of the destroyed houses. Analysis of satellite images taken on 28 November 2015 reveals that more than half of the structures in the village were destroyed or damaged. However the actual destruction surveyed by Amnesty International researchers in the village on 22 November 2015 is more extensive, with virtually every single house having sustained structural damage, many beyond repair. Many of the houses which remain standing were struck at the base, resulting in cracks in supporting walls which make the houses unsafe and at risk of collapse. Such structural damage may not be easily detectable in Satellite imagery but is often beyond repair.



Fresh Bulldozer tracts visible next to destroyed homes in Umm Khabari

Arab villagers acknowledge that some of their neighbours joined or supported IS, but they say that they should not have to pay for crimes committed by others.

Another resident of Umm Khabari, Ahmad Ibrahim, a father of four, told the organization:

“We did a lot to save many Yezidi women and families when Da’esh attacked Sinjar [on 3 August 2014]. We hid them and helped them to escape. But then it is as if that did not count for anything and we are being blamed for what Da’esh did. People are not all the same. I can’t blame all the Yezidis because some of them destroyed my village and I shouldn’t be blamed for what Da’esh did. But at the moment this is the way it is. I don’t want to speak against the Peshmerga, but they cannot do anything to stop these attacks by the Yezidis and the PKK; I don’t know why.”⁴⁵

A resident of another village, whose wife is now living in an area under IS control, said that not all those who are in IS-controlled areas are with or support IS, and that some ended up there because of circumstances: *“My wife is in Mosul but not by choice. She went to her family there and got stuck now can’t come back; there are no safe ways out of Mosul.”⁴⁶*

Four nearby villages -Jiri, Sibaya, al-Sayir and Khazuka – suffered even greater destruction. In Jiri, Sibaya and Sayir satellite images dated 28 November 2015 show more than three

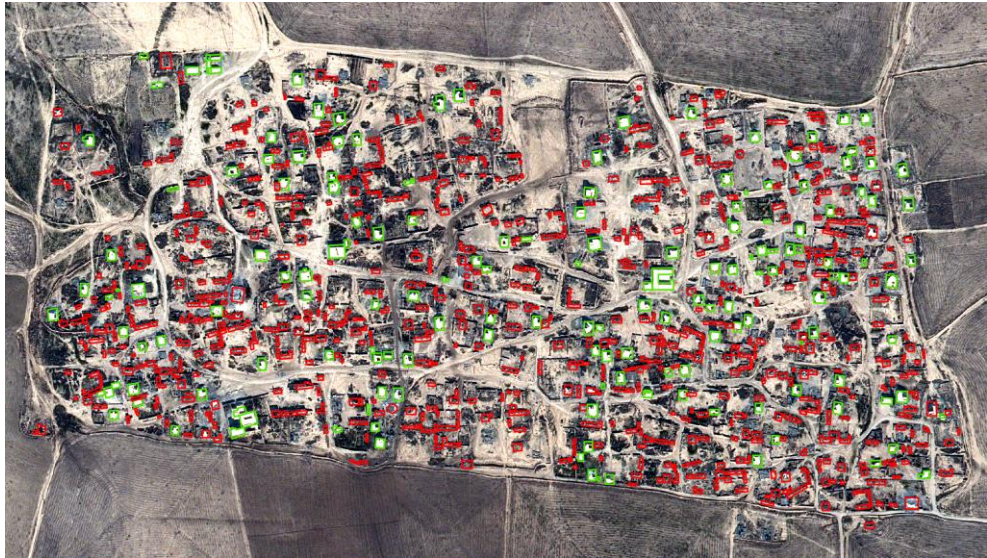
⁴⁵ Interview, Nineveh, 22 November 2015

⁴⁶ Interview, Nineveh, 22 November 2015

quarters of the infrastructure damaged or destroyed.⁴⁷

Sibaya and Jiri were attacked by members of a Yezidi militia on 25 January 2015. The assailants killed 21 civilians, half of them elderly men and women and children, in what appear to have been execution-style killings, and injured several others, including three children, and abducted some 40 residents, 17 of whom are still missing and presumed dead.⁴⁸ On the same day they set fire to many houses in the two villages. The attacks on Jiri and Sibaya prompted residents of al-Sayir, Khazuka and other nearby villages, who had returned home in December 2014, to flee their villages, fearing similar attacks. Indeed the following day, 26 January 2015, al-Sayir and Khazuka were likewise torched.

When Amnesty International researchers visited the area in April 2015 the damage they observed was mostly from arson attacks, as well as general vandalism and looting. In Jiri, a smaller village than the other three, Amnesty International researchers were able to inspect all the houses. Virtually all had been set on fire, with the resulting damage to homes varying from one room to entire houses. In the other three villages, the researchers also observed widespread burning of houses, though could not inspect the many hundreds of houses individually.



In Sibaya more than 700 structures were damaged or destroyed, out of an estimated total of 897 structures. Intact (green) and damaged or destroyed structures (red). 28 November 2015 © CNES 2015

⁴⁷ Amnesty International could not obtain satellite image for Khazuka, but in April 2015 its researchers observed extensive burning of houses. In November 2015 its researchers were denied access to the village but from the edge of the village observed that many of the houses which had been standing in April had since been destroyed.

⁴⁸ Amnesty International investigated and documented the attacks and published its findings in a report: Amnesty International *Iraq: Revenge attacks in Sinjar – Arab civilians pay the price for IS crimes*, 9 June 2015: <https://www.amnesty.org/en/documents/mde14/1801/2015/en/>

Khalaf Mohammed, a 28-year-old engineer from Khazuka, which was home to some 370 families,⁴⁹ told Amnesty International that he had sneaked into his village on 27 January 2015, the day after the first attack, and counted 226 burned down houses.⁵⁰

A community leader from Khazuka, Mohammed Jasem, told Amnesty International:

“Da’esh first came to our village on 3 August 2014 but stayed on the outskirts and only came into the village on 8 August. Any residents who worked for the government or security forces escaped immediately as Da’esh would kill them. On 8 August when Da’esh people came to my house I told them ‘we can’t be human shields for you’ and we all left. Only few residents stayed. On 18 December 2014 the Peshmerga freed the area and the displaced residents started to go back to Khazuka. About half went back and had no problems with the Peshmerga. Some of the displaced residents of al-Sayir, Jiri and Sibaya, also went back from late December and they also had no problems. I did not go back because my Yezidi friends warned me that all the Arabs were now considered as Da’esh and could be in danger. When the attacks happened in Jiri and Sibaya on 25 January 2015, the residents who had gone back to Khazuka and al-Sayir fled. So when the Yezidis attacked Khazouqa and Sayir, the following day, the two villages were empty. That is why there were no victims there, whereas in Jiri and Sibaya the Yezidis killed some of the residents.”⁵¹

From June 2015 displaced residents of these villages started to report to Amnesty International that Yezidi and PKK fighters were destroying their homes and properties in the villages, and their agricultural fields in the surroundings of the villages with bulldozers.

The Mokhtar (chief) of one of the villages told Amnesty International:

“I know some high-ranking Peshmerga officers and they tell me that they do not accept such behavior by the Yezidis and the PKK, but in the end they do not do anything to stop such behavior. In the area the main roads are under Peshmerga control but in the Arab villages the Yezidis and the YPG and the PKK are allowed to do what they want. I can understand that perhaps the attacks which took place in January took the Peshmerga by surprise, but now the attacks have been going on for many months. Our harvest was wasted, looted or destroyed by the Yezidis and the PKK, so the displaced residents are in dire conditions, with no home and no food, and for those who were farmers no livelihood either. We are not asking for humanitarian assistance; our priority is to be allowed to go back and rebuild our lives. But that seems a long way off now.”⁵²

⁴⁹ The Mokhtar (chief) of the village told Amnesty International that there were 372 families in the village.

⁵⁰ Interview, Nineveh, 22 November 2015

⁵¹ Interview, Nineveh, 22 November 2015

⁵² Interview, Nineveh, 22 November 2015; name of the village withheld to protect the identity of the witness

Manaf Banna, a 32-year-old father of two displaced from al-Sayir, told Amnesty International that he used to be small-scale farmer and is now destitute:

“After our village was attacked on 26 January 2015, I used to worry a lot about last the coming harvest. I hoped the problems with our Yezidi neighbours would be solved so that we could go back and look after the fields and the harvest would not be lost. But then on 15 May 2015 they started to go in with bulldozers and destroyed everything that was left. My farm used to feed my family, my two young children, my wife and my mother. Now we have nothing. We are camping out in a tent in the middle of a field with no facilities. Our living conditions are very, very bad, especially now in the wet and freezing weather, and we only eat thanks to people’s charity. I never thought I would be in a situation where I am not able to provide for my family.”⁵³

Muna Ibrahim, a mother of six from Sibaya, told Amnesty International that after her home was burned down she sank into depression:

“We had a good home and a good life; we were not rich but could provide for our children. Since my home was burned down [in January 2015] we found ourselves with nothing from one day to the next. I couldn’t bear it to see the children upset because they lost all their clothes, their schoolbook, their toys, everything. We received no help and could not afford to replace our lost possessions. I found it very difficult to cope. Then in the summer we learned that our village was destroyed and so there is no hope to go back home. Since then I have become more and more depressed. I see no future for my family, my children. I don’t know what will become of us. It is very unjust because we did not do anything to deserve such treatment.”⁵⁴

KIRKUK REGION

The oil-rich Kirkuk governorate has long been the most hotly contested region between Iraq’s three main population groups – Arabs, Kurds and Turkmen and some of the country’s ethnic and religious minorities, notably Assyrian Christians. The last semi-reliable census (which put the Kurds at around half the population, followed by Turkmen and Arabs) dates back to 1957 and a referendum to determine the fate of the province scheduled for 2007. There had repeated concerted campaigns, especially in the 1970s – 1990s (under the Saddam Hussein regime) to change the demographic composition of the area so as to increase the percentage of the Arab population, and subsequent attempts after the 2003 US-led invasion toppled Saddam Hussein to reverse the forced “Arabization” of the area. Competing claims for national identity, territorial aspirations and claims over control of resources have aggravated inter-communal tension, at times resulting in violent confrontations.⁵⁵

⁵³ Telephone interview, Nineveh, 14 December 2015

⁵⁴ Telephone interview, Nineveh, 30 November 2015

⁵⁵ For further details see for example: The Brookings Institution- University of Bern project on internal displacement, “The future of Kirkuk: the referendum and its potential impact on displacement”, -, 3 March 2008: http://www.brookings.edu/~media/research/files/papers/2008/3/03-iraq-ferris/0303_iraq_ferris.pdf and Human Rights Watch, “Reversing Arabization of Kirkuk” *Claims in*

The events that followed the IS takeover of large parts of Iraq have brought both threats and opportunities for the parties staking claims for the ownership of Kirkuk. On the one hand, the flight of the Iraqi central government forces from northern Iraq left the KRG in effective control of the area, raising concerns among Arabs and Turkmen leaders that the newly established Kurdish control of the area may be hard to reverse in future. On the other hand, the mass population displacement has brought a large number of Arabs displaced from the nearby governorates of Salaheddin, Mosul, Diyala and Anbar to seek refuge in Kirkuk, leaving Kurdish leaders worried that such population movement may become permanent.⁵⁶

Against this background of heightened inter-communal tensions residents of dozens of Arab villages recaptured by Peshmerga forces from IS in the past year who are not being allowed to return to their homes are concerned that the reasons for prolonging their displacement may be to force them out of the region.

Amnesty International has received reports and testimonies about more than 40 villages in the Kirkuk area which have suffered various degrees of destruction and to which residents are not allowed to return. From the accounts of the displaced residents from different villages a pattern emerges of what appears to be deliberate, large-scale destruction of homes and property – in some cases entire villages – which is being carried out after fighting in the areas has ended.

Mohammed Alwan, the Mokhtar (chief) of a displaced Arab village in the Kirkuk area told Amnesty International:

“At the end of the day the Arabs are not going to disappear, but if we are not allowed to go back home to our villages, this will leave some of the disputed lands now under Kurdish control free of Arabs. We will have to squeeze into other Arab villages where we have no land to farm, so we won't be able to stay there and we will have to go to Baghdad to look for work opportunities there – as we are not allowed to reside in Kirkuk.”⁵⁷

It may be too early to know if these fears risk being realized, but for residents of Arab villages whose homes have been destroyed these fears seem justified.

Conflict: Reversing

⁵⁶ Al-monitor, “Kirkuk governor: US must work with Iran to stabilize Iraq”, 6 November 2015: <http://www.al-monitor.com/pulse/originals/2015/11/iraq-governor-kirkuk-refugees-isis-oil.html#ixzz3x70Cdk3M> (Accessed 19 January 2016)

⁵⁷ Interview, Kirkuk, 14 November 2015



Maktab Khaled – A village razed to the ground © Amnesty International

Qahtan Fawaz, a teacher and father of six from Maktab Khaled, a village west of Kirkuk which has been completely razed to the ground, told Amnesty International:

“Da’esh fighters were in our area from June 2014 and in July I took my family and left to a safer area. For months I kept going back to check on my house but after a few months it started to become difficult to be allowed to pass through the Peshmerga checkpoint. In March 2015 the Peshmerga advanced a few km west of Maktab Khaled. I was hopeful that we would be able to go back home soon as the village was now clear of Da’esh. But when I went back in July 2015 I found that the village had disappeared; everything had been bulldozed to the ground. I think there is no chance for us to go back there as who is going to rebuild the village? So what are we supposed to do, where can we go?”⁵⁸

Satellite images dated 20 May 2015 show the village of Maktab Khaled largely destroyed. Further destruction took place after 20 May when Amnesty International researchers visited the village in mid-November 2015 -they found it had been razed to the ground, with not a single structure remaining standing, neither on the northern (residential) or the southern (industrial) side of the village. A Peshmerga fighter there told Amnesty International that the battle to recapture the area from IS fighters had taken place outside the village, to the west, and that the village was then bulldozed after IS fighters were pushed out of the area. He offered no reasons for the destruction of the village other than “to clear the area, and make a sort of empty buffer zone.”⁵⁹

⁵⁸ Interview, Kirkuk, 15 November 2015

⁵⁹ Interview, Maktab Khaled village, Kirkuk, 15 November 2015

While Amnesty International was visiting the site two men were collecting scrap wood and metal and loading it on two pick-up trucks, one with scrap wood and one with scrap metal. Nothing else remained from the content of the houses, suggesting that it had been looted previously.

It was not clear whether the men were members of the Peshmerga. In any case, the looting was being carried out in full view of the Peshmerga, who control access in and out of the area.

Marwan Saleh, the owner of a farm located about 5km south of Maktab Khaled, told Amnesty International:

“We left the farm around October 2014 and our farmer returned to the farm after the Peshmerga had advanced well beyond the area in March 2015. Our farmer stayed at the farm until October 2015, even though he was often harassed by the Peshmerga who told him he had to leave. On the morning of 5 October 2015 at 9 am Peshmerga went to the farm and told my farmer to leave by 12 noon. I went there the following day and found that everything had been looted and the farm destroyed. I have not been allowed back since. In any case there is nothing for me to go back to as everything is destroyed.”⁶⁰

Ali Salem, a 38-year-old trader and father of two from Nahrawan, a village west of Kirkuk which has been largely destroyed, told Amnesty International that shortly after the Peshmerga recaptured the village from IS in March 2015 he was allowed to go to his house to collect some belongings and found it in good condition but that when he returned to the village 10 days later he saw Peshmerga looting and destroying the houses. Satellite images dated 20 May 2015 show the village largely destroyed.

Ali Salem told Amnesty International that, having lost his home, he then obtained permission from the Peshmerga to live on his farm outside the village:

“When I got permission to go live on my farm on 20 March 2015 I took my family there, my wife and children and my brothers; eight of us in all. We stayed at the farm for a week and then were told that we had to get a permit to go in and out of the area because the permit we had was only to stay in the area but not to go in and out. When I went to get this permit I was told that my permit to stay at the farm was no longer valid and that I should leave that day by 12 noon. It was 8 am. I took my family and left that day as I was ordered to do. On 17 May I obtained a permit from the Ministry of Agriculture allowing me to go to my farm to get the harvest but I was not allowed to pass through the Peshmerga checkpoint. I went back to my farm at the beginning of November 2015 and found it had been looted; all the equipment had been stolen and the harvest burned. I heard from a contact that this happened around mid-April but I don't know the exact date. Yesterday I heard that my farm has also been bulldozed; I was told so by a reliable acquaintance who has access to the area. I have not been able to go check myself. If my farm has indeed been destroyed this means that I have lost everything. I have two

⁶⁰ Interview, Kirkuk, 15 November 2015

young children; I don't know what kind of future I can give them.”⁶¹

Satellite imagery corroborates reports of destruction and damage to civilian infrastructure after March 2015. The villages of of Maktab Khaled and Nahrawan appear to be largely razed as of 20 May 2015, with flattened buildings and debris visible. There is also an active fire visible in the same image, a potential oil pipeline on fire.



Nahrawan is completely destroyed © CNES 2015

⁶¹ Interview, Kirkuk, 15 November 2015

FORCED DISPALCEMENT

The destruction of homes and property in the Arab villages mentioned in this report and dozens others which have suffered the same fate has entailed mass displacement of the entire population of the villages.

In two majority Kurdish towns, which were recaptured by Peshmerga forces after brief IS incursions in August and September 2014, Kurdish residents have long returned to their homes whereas Arab residents continue to be denied permission to return.



Arab-owned shop in Zummar – trashed and burned © Amnesty International

Zummar, 200 km north-west of Erbil, was captured by IS at the beginning of August 2014 and recaptured by the Peshmerga at the end of October that year. More than a year on, Arab residents are still not allowed to return, whereas Kurdish residents began to returned to their homes within weeks. When Amnesty International first visited the town, two days after it was recaptured in October 2014, members of the Peshmerga told Amnesty International that no civilians were allowed into the town yet as it needed to be cleared of booby-traps left behind by retreating IS fighters. A group of young men in civilian clothes who told Amnesty International they had come to check on their property said that they would blow up the houses of Arab residents so that none would return.

When researchers from the organization returned in April 2015, they found that scores of houses and shops belonging to Arab residents had been ransacked or destroyed or were being used by Kurds. Some Kurdish residents told Amnesty International they would return the property to their Arab owners if they came back, while others said Arabs would never be allowed to come back. A Kurd who had taken over the shop of an Arab resident said he had been granted permission to use the shop by the party (the Kurdistan Democratic Party, KDP, the KRG's main governing party).

As they were being shown around by a Kurdish resident who pointed out Kurdish houses which had been destroyed by IS and Arab houses and shops which had been destroyed by local residents or by Peshmerga after the latter had recaptured the town, Amnesty International researchers were approached by a man who identified himself as a member of the KRG's Asayish Intelligence service who told them that if they required information they should go to the Asayish headquarters and told the Kurdish resident that he was not allowed to provide such information to foreigners.⁶² Other Kurdish residents of the town told Amnesty International that IS fighters had destroyed several houses belonging to Kurds, and some belonging to Arabs, but that Arab houses and shops had mostly been vandalised or destroyed by angry local residents and Peshmerga forces, after these had recaptured the town.

When Amnesty International last visited Zummar in November 2015, local residents said that they were not aware that any Arab residents had been allowed to return to the town yet. A committee to examine possible return of Arab residents has reportedly been set up and composed of senior Peshmerga and Asayish officers, the new Mayor of Zummar (a KDP member appointed in 2015) and an Arab tribal leader. Some displaced Arab residents of Zummar told Amnesty International they had heard that such a committee had been set up but that they did not know anything about it, while others were not aware of its existence.

In Makhmur, a majority Kurdish town 60 km south-west of Erbil which was captured by IS fighters in early August 2014 and recaptured by Peshmerga forces within three days, not a single Arab resident has been allowed to return. Most homes of Arab residents in the town have not been damaged. In November 2015 some Kurdish residents of the town told Amnesty International that they would make sure that the homes of their displaced Arab neighbours were not attacked.⁶³

A displaced teacher, Mahmud Salah, who is sheltering in a nearby village with his family, told Amnesty International that he had been able to go back to Makhmur to collect some belongings from his house:

⁶² Zummar, 18 April 2015

⁶³ Makhmur, 13 November 2015



Burned house in Makhmur © Amnesty International

“I was accompanied by Asayish officers who checked with my neighbours that I am indeed the owner of that house. My neighbours are looking after my house to make sure it is not looted. The Arabic school in Makhmur is now closed, because there are no Arab resident left, and therefore there is no work for me there, unless the Arab residents are allowed to return to the town. If we could go back we would; but that is not allowed at present”.⁶⁴

A 27-year-old-year former soldier in the Iraqi army displaced from Makhmur told Amnesty international:

“I was serving in the Iraqi army in al-Khazer and when the army withdrew from northern Iraq [in June 2014] I stayed at home in Makhmur. According to the Iraqi central government my post as a soldier is here in this area, but this area is now controlled by the Peshmerga and they don't want Arabs, so I can't be a soldier here. So I joined a PMU unit (a militia forces which operates under the

authority of the Iraqi Prime Minister) in a nearby area, but I joined locally and don't have

⁶⁴ Interview, Nineveh, 13 November 2015

*an administrative order from Baghdad, so I rarely get any salary. We Arabs are very mistrusted by the Kurds; they consider us all as supporters of the terrorists. The fact that I am fighting IS with the PMU does not make any difference. I am not allowed through Kurdish forces checkpoints like any other Arab, unless we have a permit. We can't just go to Erbil or Kirkuk without a permit, which we can only get if we have to go to hospital. At the moment we are not allowed to go back to Makhmur; I am not aware of any procedures through which we can ask. When the Kurds decide that we can go back they will tell us, they will tell our community leaders. We cannot complain; if I complain I will get no result and I may be arrested, so it would not be a good idea to complain. We just have to wait, but I don't know until when and in the meantime living as refugees in these conditions is very difficult."*⁶⁵

One of the extended Arab families from Makhmur told Amnesty International that some of their relatives are currently in areas controlled by IS. They said that they found themselves trapped in those areas when IS fighters stormed and captured the areas, and then feared getting caught in the crossfire between the two sides (IS and Peshmerga) or being arrested if they returned to Peshmerga-controlled areas.⁶⁶

⁶⁵ Interview, Nineveh, 15 November 2015

⁶⁶ Interview, Nineveh, 15 November 2015

KRG OBLIGATIONS UNDER INTERNATIONAL HUMANITARIAN LAW

International humanitarian law, or the laws of war, governs the conduct of the parties to an armed conflict. It sets out rules of humane conduct that aim to minimize human suffering and offer special protection to civilians and those not directly participating in hostilities.

These rules are legally binding on all parties to the conflict, state armed forces as well as non-state armed groups. Serious violations of international humanitarian law constitute war crimes and those who commit or order war crimes are individually responsible and must be brought to justice. States have an obligation to investigate alleged violations of the laws of war, to bring to justice those responsible, and to ensure reparation for the victims of such violations.

Iraq is a state party to the Geneva Conventions of 1949 and their Additional Protocol of 1977 relating to the Protection of Victims of International Armed Conflicts (Protocol I), which, together with the Hague Regulations of 1907, make up the backbone of the laws of war governing the methods and means of warfare. Under customary IHL⁶⁷, most of the rules on the conduct of hostilities -- and all those relevant to this briefing -- apply in non-international armed conflicts -- such as that involving Iraqi and Kurdish government forces, state-backed militias, and armed opposition groups and are binding on state and non-state forces.⁶⁸

The forced displacement and deliberate destruction of civilian homes and property documented in this report violate international humanitarian law.

DESTRUCTION OF HOMES AND PROPERTY

“Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict is prohibited⁶⁹; and constitutes a war crime in non-international armed conflict according to the Rome Statute of the International Criminal Court.⁷⁰”

The punitive destruction of homes and property on grounds of ethnicity or on other

⁶⁷ The authoritative list of rules of customary international humanitarian law is found in the ICRC's Customary IHL Study, Jean-Marie Henckaerts and Louise Doswald Beck, Cambridge University Press, 2005.

⁶⁸ The involvement of armed forces from other states in the conflict in Iraq does not make the conflict an international conflict, as it is taking place at the request/with the agreement of the Iraqi government

⁶⁹ ICRC Customary IHL Study, rule 50.

⁷⁰ Rome Statute of the International Criminal Court (ICC), Article 8(2)(e)(xii)

discriminatory grounds, or because a family member is suspected of affiliation with the adversary constitutes “collective punishment”, which is likewise prohibited and a war crime.⁷¹

In the cases investigated by Amnesty International some of the homes and property destroyed were or were likely to have been damaged or destroyed by IS forces prior to their withdrawal, in the context of IS-Peshmerga fighting, or because of explosive charges (booby traps) left by IS. However, all available evidence – the testimonies of victims and witnesses, including members of the Peshmerga forces, and the pattern and scale of the destruction observed by Amnesty International on the ground and through satellite imagery analysis – indicates that large scale destruction was carried out deliberately with no military necessity, after the areas had been captured and secured by Peshmerga forces. The denial of permission for residents to return/access to these areas also suggests that the destruction may have been intended to prevent the return of residents to the areas. Destruction of homes and property and forced displacement on such a basis is unlawful, whether carried out in retaliation for acts allegedly committed by members of families and the community or to “redress” decades-old “Arabisation” policies.

FORCED DISPLACEMENT

International humanitarian law prohibits the displacement of civilians during non-international armed conflicts except for their own security or for imperative military reasons.⁷² When displacement occurs, the displaced persons have the right to voluntary return in safety to their homes as soon as the reason for their displacement ceases to exist,⁷³ and their property rights must be respected.⁷⁴

The UN Guiding Principles on Internal Displacement⁷⁵ further underscore that every person has the right to be protected from being arbitrarily displaced from her or his home (Principle 6(1)). The Principles “shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction.” (Principle 2(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

⁷¹ ICRC Customary IHL Study, rule 103 and rule 156 (p 602-603).

⁷² ICRC Customary IHL Study, rule 129; https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule129

Rome Statute of the ICC, Article 8(2)(e)(viii), characterizing unjustified forced displacement of civilians as a war crime: https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

⁷³ ICRC Customary IHL Study, rule 132: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule132

⁷⁴ ICRC Customary IHL Study, rule 133: https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule133

⁷⁵ UN Guiding Principles on Internal Displacement, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>

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)).

In the cases investigated by Amnesty International the KRG authorities have not only failed to facilitate the safe return of the displaced, but have been actively obstructed it.

CONCLUSION

The forced displacement of Arab residents and the extensive, unlawful destruction of civilian homes and property described in this report violate international humanitarian law, which prohibits such practices and stipulates that victims of such abuses have a right to reparation.

In the cases investigated by Amnesty International the organization found that the forced displacement of civilians and the destruction of their homes and property were carried out without military necessity, and are thus unlawful and should be investigated as war crimes.

The circumstances of some of the instances of forced displacement and destruction of homes and property highlighted in this report suggest that such abuses were carried out in retaliation for residents' family ties to or suspected support for members of IS or other armed groups. The deliberate destruction of residents' homes and property (farms, businesses) appears to also have been used as a means to make their residents' forced displacement irreversible - that is to prevent them from returning to the areas in the future by leaving nothing for them to return to.

Such practices constitute collective punishment, which as noted above, is also in violation of international humanitarian law.

Amnesty International is concerned that, in addition to violating the rights of the individuals and families directly targeted/affected by these abuses, such practices are contributing to further aggravating inter-communal tensions and violence in the country, with grave implications for (social cohesion) and the security of the different communities.

The organization urges the KRG to promptly take concrete steps to put an end to such abuses, prevent them from recurring and provide reparation to those affected. To the end it makes the following recommendation to the KRG and to the states which assist and support the KRG.

RECOMMENDATIONS

Amnesty International urges the KRG to:

- Immediately cease the unlawful destruction of civilian homes and property;
- Provide reparation to all civilians whose homes or property have been unlawfully demolished or appropriated, or looted by security forces or by others acting with the consent or acquiescence of the forces controlling the areas;
- Allow civilians whose homes have been destroyed to rebuild or provide them with comparable alternative housing;
- Cease the forced displacement of civilians except for their own security or for imperative military reasons;
- Where displacement is unavoidable for imperative military reasons or the security of civilians, ensure that no action is taken by security forces or other actors which could delay or render more difficult the return of the displaced persons, ensure that displacement is for the shortest time possible, and ensure that the displaced have access to shelter and essential services (food and water, essential medical services and sanitation);
- Allow civilians who have been forcibly displaced to return to their homes as soon as feasible;
- Establish a transparent process to assess and document damage/destruction in towns and villages captured from IS and inform displaced residents of the (access and damage) status of their towns and villages, and of the procedures and criteria/requirements for residents to be allowed to return to their homes/villages.
- Facilitate immediate and unhindered access to all Peshmerga-controlled areas to independent observers, human rights and humanitarian workers, and relevant UN agencies, including the Office of the High Commissioner for Human Rights (OHCHR) and the UN Assistance Mission for Iraq (UNAMI).
- Investigate unlawful destruction of homes and property, forced displacement, and other serious violations of international humanitarian law, remove from the ranks those suspected of responsibility for ordering or carrying out such violations, and bring to justice in fair trials anyone against whom there is sufficient admissible evidence.

Amnesty International urges all states which assist and support the KRG, notably members of the US-led coalition fighting IS such as the UK and Germany, and others to:

- Take concrete and measurable steps to ensure that any military assistance, support or training they provide – whether the supply of weapons and other military equipment, or the provision of training and advice - does not contribute to or facilitate the commission of

serious violations of international human rights law or international humanitarian law, such as forced displacement and unlawful destruction;

- States considering transfers of arms or related equipment to the KRG must first undertake a rigorous risk assessment of the likelihood that any transfer under consideration would be used by the intended recipients, or by others through diversion, to commit or facilitate serious violations of international human rights or international humanitarian law;
- Adopt a preventive approach and apply concrete, enforceable, transparent and verifiable mechanisms to mitigate and remove the substantial risk of the arms being used directly by the intended recipients, or through diversion, to commit or facilitate serious violations of international human rights law and international humanitarian law;
- Publicly condemn unlawful practices that violate international humanitarian law such as unlawful destruction of civilian homes and property and forced displacement.

BANISHED AND DISPOSSESSED: FORCED DISPLACEMENT AND DELIBERATE DESTRUCTION IN NORTHERN IRAQ

Peshmerga forces of the Kurdistan Regional Government (KRG) and Kurdish militias in northern Iraq have bulldozed, blown up and burned down thousands of homes in Arab villages. Though KRG officials have tended to justify the displacement of Arab communities on grounds of security, it appears to be used to punish them for their perceived sympathies with so-called Islamic State (IS), and to consolidate territorial gains and establish control over “disputed areas” of the country, which the KRG authorities have long claimed should be part of the semi-autonomous Kurdistan Region of Iraq (KRI)

Such forced displacement of civilians and the deliberate destruction of homes and property without military justification should immediately cease and be investigated as war crimes, and such violations of international law should stop.

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