

## **I. United Nations Security Council, Implementation of Resolution 2367 (2017). Report of the Secretary-General, S 2018/677 (9 July 2018):**

### **Security**

The Iraqi security forces have continued operations to clear ISIL remnants in Anbar Governorate and in the Tall Afar, Ba'aj and Sinjar districts of Ninawa Governorate. Nevertheless, asymmetric attacks have continued in Ninawa, Salah al-Din, Kirkuk, Anbar, Diyala and Baghdad Governorates, with ISIL targeting security forces and community leaders and also destroying farms and residential buildings. On 16 May, an ISIL suicide bomber detonated his explosive vest during a funeral in the Tarmiyah area of Baghdad Governorate, killing at least 7 civilians and wounding 25 others. According to an official report, the suicide bomber was a 9-year-old boy. The group also claimed responsibility for a suicide attack on 23 May in which 13 people were killed and 25 wounded in Saqlawiyah Park in Baghdad. On 8 June, an explosion in the city of Kirkuk reportedly killed 2 people and wounded 14 others.

### **Human rights and rule of law developments and activities**

Armed conflict, terrorism and acts of violence continued to take a heavy toll on civilians. Civilian casualties increased in May, compared with April, with 95 civilians killed and 163 wounded, owing largely to two ISIL mass-casualty suicide bombings, one carried out by a 9-year-old child and the other by a juvenile aged between 15 and 16 years. This was, nonetheless, a far lower number than in the same month in 2017. In the first half of June, at least 31 civilians were killed and 92 wounded. Of these, 2 were killed and 50 wounded when improvised explosive devices detonated in civilian populated areas in Kirkuk city centre and in Khalis district centre, in Diyala Governorate. The overall trend since October 2017, of relatively low civilian casualties, nevertheless continues, reflecting a reduction in hostilities between the Iraqi security forces and ISIL.

The leading cause of civilian casualties remains the use by ISIL of improvised explosive devices, a particular threat to civilians in Baghdad, Diyala, Ninawa, Kirkuk and Anbar Governorates. Other tactics used by the terrorist group included targeting first responders assisting victims, killings and abductions at fake checkpoints, organized attacks on remote villages and the shelling of polling stations during the elections.

## II. UNHCR, Iraq: Relevant COI for Assessments on the Availability of an Internal Flight or Relocation Alternative (IFA/IRA) (12 April 2017)

### I. General Considerations

UNHCR's Position on Returns to Iraq, dated 14 November 2016, states:

*"In the current circumstances, with large-scale internal displacement, a serious humanitarian crisis, mounting inter-communal tensions, **access/residency restrictions in virtually all parts of the country** and increasing pressure exercised on IDPs [internally displaced persons] to prematurely return to their areas of origin following the retaking of these areas from ISIS, UNHCR does not consider it appropriate for States to deny persons from Iraq international protection on the basis of the applicability of an internal flight or relocation alternative. An internal flight or relocation alternative would only be available in the exceptional circumstances where an individual can legally access and remain in the proposed area of relocation, would not be exposed to a new risk of serious harm there, and has close family links in the proposed area, with the family willing and able to support the individual".*

UNHCR considers that in the vast majority of cases the relevance and/or reasonableness requirements for an IFA/IRA would not be met. As outlined in UNHCR's Guidelines on International Protection No. 4, it is for the decision-maker to identify a proposed area of relocation and the decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If an IFA/IRA is considered relevant, the decision-maker is responsible for providing evidence establishing that it is a reasonable alternative for the individual concerned.

Iraqi nationals, irrespective of their area of origin, can practically and legally access Iraq by air through airports in Baghdad, Erbil, Sulaymaniyah, Najef and Basra, provided they hold the necessary documentation. To that end, Iraqi embassies abroad can issue temporary one-way travel documents (laissez-passer) to Iraqi nationals seeking to return to Iraq. UNHCR does not provide reception assistance or undertake individual returnee monitoring.

With more than three million Iraqis from conflict areas having been displaced into relatively safer areas of the country since 2014, and the corresponding high levels of humanitarian needs in many of these areas, local authorities have increasingly introduced stringent entry and residency measures, including sponsorship requirements, registration with local authorities and security clearance from various security agencies. While Iraq is faced with many security challenges, in response to which authorities introduce measures to limit risks to the population, available reports provide evidence of the often discriminatory practices in terms of who is granted permission to access and remain in relatively safer areas. Access and residency requirements vary from governorate to governorate and do not only involve a security screening, but are reported commonly to depend on the person's profile, including a person's ethnic/religious background, place of origin, and family composition.

Access and residency restrictions imposed by local authorities are reported mostly to affect Sunni Arabs and Sunni Turkmen from (previously or currently) ISIS-held and conflict areas, who are reportedly considered a security threat and are often denied permission to access and/or residency in areas of relative safety on the basis of broad and discriminatory criteria. In contrast, Shi'ites, Kurds and members of religious/ethnic minority groups do generally not face specific access or residency requirements in any part of the country (with the exception of Erbil Governorate).

Road movements (e.g. from Baghdad Airport to Baghdad City, or between governorates) may expose Iraqis of certain ethnic or religious backgrounds to a risk of discriminatory

treatment at checkpoints including arbitrary arrest, on the basis of broad and discriminatory profiling. This reportedly applies in particular to Sunni Arabs and Sunni Turkmen originating from (previously or currently) ISIS-held areas or areas affected by conflict, for reasons of their perceived support for ISIS.

When assessing an individual's ability to remain in a proposed area of relocation, decision-makers must also take into account the increasing pressure put on IDPs to return to their areas of origin following the retaking by the ISF/Kurdish forces of these areas from ISIS. Areas where individuals are pressured or coerced by local authorities or other actors to return to their areas of origin would not constitute a relevant internal flight alternative.

## II. Entry and Residency Requirements

This section provides an overview of the information available to UNHCR about access and residency requirements in force at the time of writing in parts of Iraq not directly affected by armed conflict.

### Baghdad Governorate

Iraqis can access Baghdad via Baghdad International Airport. According to information available to UNHCR, Iraqis of certain profiles who do not originate from Baghdad may be at risk of arbitrary arrest at any of the checkpoints between Baghdad International Airport and Baghdad City. This concerns in particular Sunni Arabs and Sunni Turkmen originating from (previously or currently) ISIS-held areas or areas affected by conflict, in relation to whom there are reports of arbitrary arrest and *incommunicado* detention on the basis of their perceived support for ISIS.

Requirements for those seeking to reside in a particular area of Baghdad, including required documentation, are reported to vary from one neighbourhood to another, and reportedly often depend on the person in charge in that specific neighbourhood (e.g. the *Mukhtar*, the officer in charge at checkpoints run by Iraqi Security Forces [ISF] or Popular Mobilization Units [PMU]). In general, requirements to settle in Baghdad are reported to be stricter in districts with a high concentration of IDPs (mostly Sunni areas such as Adhamiyah, Karkh, Abu Ghraib and Mahmoudiyah Districts). Persons originating from (previously or currently) ISIS-held areas or areas affected by conflict and who seek to settle in these areas of Baghdad must in general meet the following cumulative requirements:

1. A support letter from the *Mukhtar* and the Local Council confirming that the individual is an IDP residing (or intending to reside) in the particular neighbourhood/local council area;
2. Security clearance from five different security authorities (National Security, Federal Police Intelligence, Local Police Intelligence, Baghdad Operations, ISF Intelligence); and
3. Sponsorship from a resident of the neighbourhood in which s/he seeks to settle. The sponsor must present four pieces of personal documentation, i.e. ID card, nationality certificate, address card (only accepted if issued in the sponsor's name) and ration/PDS (Public Distribution System) card. In some cases, the sponsor is reportedly asked for additional documentation such as a support letter from the *Mukhtar* or Local Council confirming that the sponsor is a resident of that area.

The support letter, security clearance and local sponsorship must be obtained without delay upon arrival in the neighbourhood in which the person seeks to settle. Even when meeting all the above requirements, residency is not guaranteed and remains at the discretion of the concerned local authorities.

Given the widespread prejudice and suspicion vis-à-vis persons of Sunni Arab origin, particularly when they originate from an area currently or previously under ISIS control, Sunni Arabs who return to Iraq from abroad are reported to find it difficult to secure a sponsor or obtain a support letter from the *Mukhtar*/Local Council if they have no pre-existing family or other links in Baghdad.

Even when individuals are able to obtain a support letter and to secure a sponsor, they still need to obtain security clearance from the five security agencies listed above, where they need to apply in person. Applying for security clearance may itself be fraught with difficulties for Iraqis of certain profiles, including in particular for Sunni Arabs and Sunni Turkmen from (previously or currently) ISIS-held and conflict areas, who may at that point be arrested and detained under the Anti-Terrorism Law of 2005 (Law No. 13 of 2005) on the basis broad and discriminatory profiling.

Similarly, anyone who resides in Baghdad without having met all residency requirements listed above is not allowed to reside in Baghdad; at checkpoints in the city or during security raids they would be at risk of arrest and detention under the Anti-Terrorism Law of 2005.

Based on UNHCR's observations, the implementation of residency requirements usually becomes stricter following security incidents in Baghdad. Responsibility for such incidents is often broadly attributed to persons of Sunni Arab origin, especially those originating from (previously or currently) ISIS-held areas or conflict-affected areas, on account of their perceived sympathies for or affiliation with ISIS.

Sunni Arab IDPs in Baghdad face pressure to return to their areas of origin.