

QUO VADIS, NINEWA?**KEY SOCIAL COHESION CONCERNS IN THE IRAQI GOVERNORATE FOR 2018**

Understanding the complex social fabric of Ninewa Governorate is critical to ensuring that reconstruction in one of the most heavily ISIS affected areas in Iraq is not simply rebuilding over shaky foundations. Key issues coming into even sharper focus in 2018 in this regard include: reconstruction and restitution of housing, land, and property; inequality of aid provision; old and new returnee tensions; Ezidi-Arab relations; the emerging landscape in Tal Afar; collective blame and protection; accountability for serious crimes; and militarization of the populace.

Iraq and its international partners, meeting in Kuwait recently, pledged significant funds to reconstruct the country in the aftermath of the ISIS conflict. Ninewa Governorate, having borne the brunt of ISIS violations and occupation as well as military operations to remove them, is likely to be a central focus for this assistance. Rebuilding alone however will not forestall instability in the governorate. Even with the ouster of ISIS from Mosul City and Tal Afar in June and July 2017, thus officially ending the conflict in the country, the risk of violence remains high across the governorate. In the last five months, flashes of violence have occurred between Kurdish and Iraqi forces in the northern disputed areas, asymmetric ISIS attacks in the southeast, and between rival Popular Mobilization Units (PMUs) in Sinjar, among others.

Working in Ninewa Governorate therefore means understanding how truly multidimensional conflicts and tensions are. It entails grappling with ethno-religious polarization, disputed territories, unredressed historical grievances, development neglect, remnants of extremism, violations from the ISIS conflict and its aftermath, and old and new forced displacement including blocked and unblocked returns – to say nothing of the potential for further upheaval in the midst of forthcoming national elections. Addressing this complexity is critical to ensuring that reconstruction is not simply a return to a fragile status quo ante, but a genuine transformation toward peace, justice, and stability.

As such, we have selected key issues related to social cohesion to take into account for policy and programming in the governorate as the year unfolds. These highlights are based on conversations with key stakeholders including donors, civil society, and local authorities as well as from our own most recent quantitative and qualitative fieldwork with residents in the governorate and internally displaced people (IDPs).

TECHNICAL FACTSHEET

All figure data and quotations come from the following sources unless otherwise specified:

- 82 qualitative semi-structured interviews with community members from the subdistricts of Rabbia, Sinuni, Wana, and Zummar in February 2017.
- 41 qualitative semi-structured interviews with community members from the subdistricts of Bashiqa, Rabbia, Sinuni, Wana, and Zummar between December 2017 and February 2018.
- 1,252 quantitative interviews with community members and IDPs from the subdistricts of Bartella, Hamdaniya Center, Rabbia, Sinuni, Tel Kaif Center, Rabbia, Wana, and Zummar between January and February 2018.¹
- Sampling took into account the different ethno-religious groups present in each subdistrict as well as tribal affiliation, where appropriate. Different population segments based on age, gender, occupation, and displacement status were interviewed.

¹ This research was designed and implemented in conjunction with United States Institute for Peace. Full USIP report forthcoming April 2018.

1. FROM RUBBLE TO RECONSTRUCTION AND RESTITUTION

Mosul City is likely the first place that comes to mind when thinking about urban destruction and reconstruction, not only in Ninewa Governorate but in Iraq as a whole, as a result of the recent ISIS conflict. As widely noted, preliminary UN assessments found that, of the 54 residential districts in the west of the city alone, 15 are heavily damaged, 23 moderately damaged, and 16 are lightly damaged.² This is particularly challenging given that people are returning to the city from displacement while it is also hosting the largest number of IDPs in

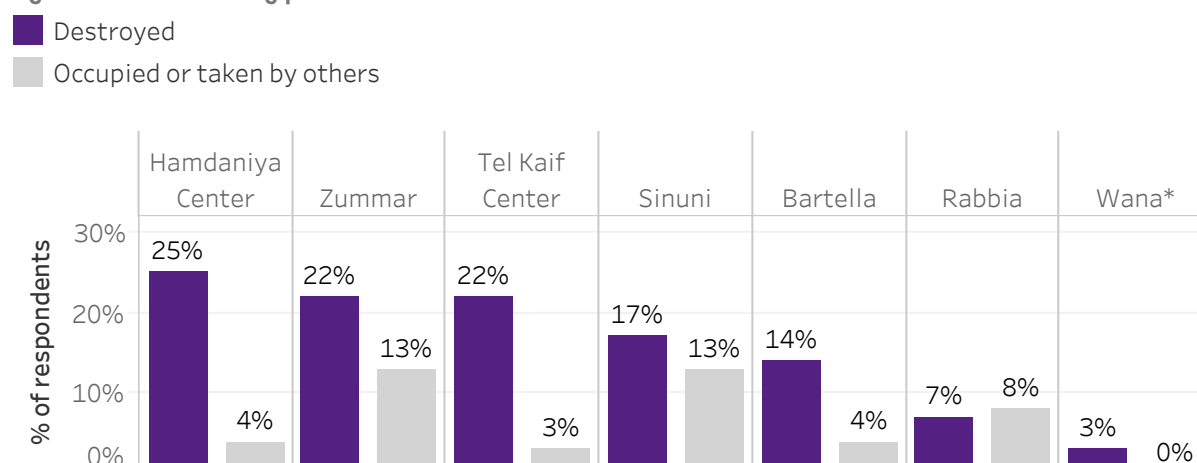
Table 1. Top 5 locations hosting the most IDPs in Iraq

IDP site	Families	Individuals
Mosul city	42,524	255,144
Jada'ah and Qayara IDP camps	28,705	172,230
Erbil city	21,498	128,988
Kirkuk city	16,313	97,878
Baghdad city	16,177	97,062

Source: IOM DTM (Round 88)

Iraq – an estimated 42,525 families from elsewhere in the governorate, based on IOM's Displacement Tracking Matrix (DTM). It is also important to note that other districts of Ninewa have experienced widespread destruction as well, including wholesale levelling of villages both during and after military operations: in the disputed territories of northern Ninewa and the Ninewa Plains, for instance, 15% of our sample reported their house as being destroyed.

Figure 1. State of housing per subdistrict



* Interviews in Wana Center only.

One of the biggest open questions now is whether or not residents of these areas will have access to mechanisms for restitution and protection of their property (and property rights) – and if so, how to ensure that these processes are trustworthy, efficient, and yield an outcome. This is particularly challenging in the case of Ninewa given that all parties to the conflict (as well as civilians) have participated in the destruction of civilian infrastructure. Which claims are taken forward and who is responsible for providing restitution or restoring them will need to be addressed. Furthermore, particularly in the rural, disputed areas, housing, land, and property disputes date back decades and issues related to occupation will require some means of arbitration.

Because of this complexity, a recent pilot study found that 60% of IDPs from Ninewa interviewed did not think that the government would provide compensation for conflict-related damages to

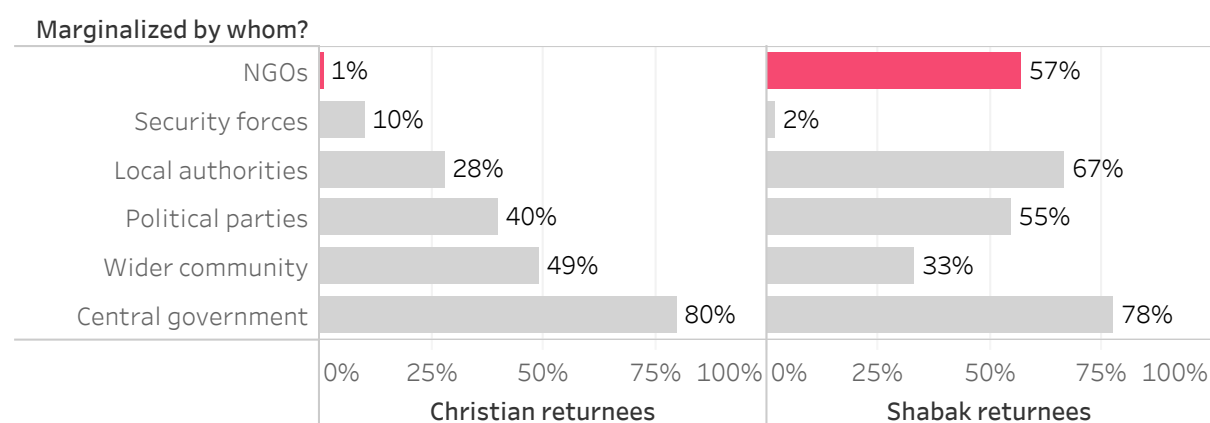
² For this and other statistics related to number of physical structures destroyed, see UNHABITAT Mosul Portal, <http://unhabitatiraq.net/mosulportal/>

their property.³ This sentiment is not without merit given previous institutional failures in this regard.⁴ Concerns over this were also raised during the recent Kuwait Conference because there remains no functioning mechanism in place to disburse funds for those who would be eligible for compensation under such a scheme.⁵ Getting housing, land, and property right is necessary however because unjust or unfruitful processes run the risk of further entrenching grievances and raising tensions within communities. Simply doing nothing will leave many families destitute.

2. INEQUALITY OF AID, ESPECIALLY IN THE NINEWA PLAINS

While national institutions have for the moment been relatively absent in providing assistance for individual reconstruction of houses and businesses, international aid organizations have provided support to returning families across the governorate, but not always in conflict-sensitive and equitable ways. Ninewa Plains is a site of particular concern. From interviews conducted with residents in the area and informal discussion with stakeholders, identity-based targeting of livelihoods and reconstruction assistance appears to be applied to the benefit of Christians and Ezidis, bypassing Shabaks and Arabs who also live there.

Figure 2. Perceptions of marginalization in Bartella and Hamdaniya Center



Note: Respondent sample are those who reported feeling marginalized in the preceding question.

"I still feel like I belong to Bashiqa, but I want to migrate to Europe . . . There is no future here."
(Christian female community member, new returnee to Bashiqa subdistrict, interviewed in December 2017)

"Most of the organizations here only help Christians and Ezidis. There is a house here, partially destroyed, that belongs to Christians. It was fixed, but a Muslim house that was more destroyed, they didn't help."
(Shabak female community member, new returnee to Bashiqa subdistrict, interviewed in December 2017)

"When we returned, Muslim and Christian leaders did not cooperate. We see Christian leaders getting money from organizations to help their people fix homes and churches . . . Muslims aren't getting any help . . . Communities across groups are using religion to make things divided . . . We get nothing while they get everything."
(Shabak female community member, new returnee to Bashiqa subdistrict, interviewed in December 2017)

³ Data from the project "Housing, Land, and Property and the Use of Technology for Documentation Among Displaced People in Iraq," carried out in August 2017 by Digitally Designed HLP and Social Inquiry, see: <https://digitalhlp.com/2017/10/17/infographic-monitoring-housing-land-and-property-in-erbil-iraq/>

⁴ Iraq's 2006-2008 experience in establishing property claims and compensations mechanisms provide some valuable lessons learned. See, for instance, IOM, A Preliminary Assessment of Housing, Land and Property Right Issues Caused by the Current Displacement Crisis in Iraq, June 2016, https://www.iom.int/sites/default/files/our_work/DOE/LPR/A-Preliminary-Assessment-of-Housing-Land-and-Property-Right-Issues-Caused-by-the-Current-Displacement-Crisis-in-Iraq.pdf

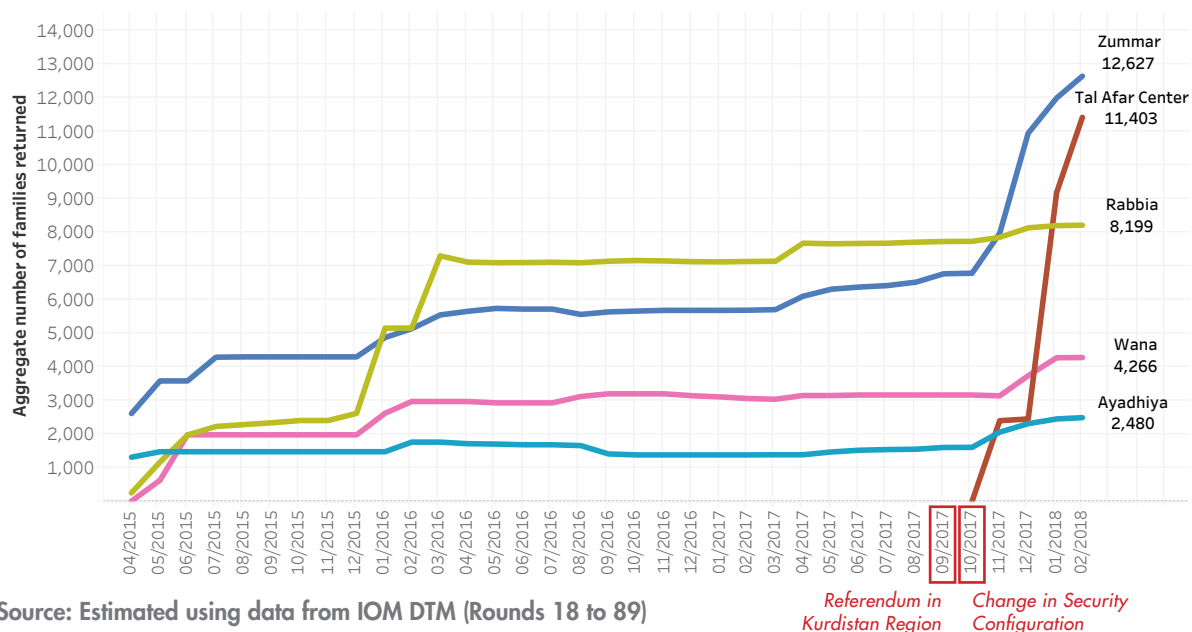
⁵ Tom Westcott, "Donors Talk Big on Iraq Reconstruction, but Mosul Residents Go it Alone," IRIN, February 15, 2018, <https://www.irinnews.org/feature/2018/02/15/donors-talk-big-iraq-reconstruction-mosul-residents-go-it-alone>

While recognizing that a focus on Christians and Ezidis may be to prevent these groups from migrating and to preserve their presence in the governorate, this bias can be actively divisive as all groups interviewed seem aware of it, particularly because they share the same physical space. This perceived difference is generating a sense of anger regarding assistance and may serve to further reinforce existing divisions within these communities, making it less likely for those targeted for support to remain. Therefore, organizations should ensure that assistance is not given at the expense of others in need, who often cannot leave, and adhere to a do-no-harm approach that should be in their mandate.

3. OLD AND NEW RETURNEE DYNAMICS IN NORTHERN NINEWA

Northern Ninewa has been the site of an unplanned influx of new returns since October 2017, when the security and administrative configurations abruptly switched from Kurdish to Iraqi control. Out of the 20,654 families that returned to Tal Afar and Tel Kaif districts alone between this change and February 2018, one-third (6,960 families) took place in Zummar and Wana sub-districts.⁶ This is the second big wave of returns to occur in these two subdistricts; the first took place in early 2015, after the area was retaken from ISIS. Now, of the estimated total number of returnees in these two subdistricts, 59% are comprised of predominantly Kurdish and, to a lesser extent, Arab families that have been back for over two years (*old returnees*), and the remaining 41% is formed by this recent group of mostly Arab families previously blocked from return by Kurdish forces and local tribes (*new returnees*).

Figure 3. Historical evolution of the total number of returnees per subdistrict between April 2015 and February 2018



This second wave of returns poses significant challenges for humanitarian, development and peacebuilding actors who have operated in these areas for the last two years. In the current context, the challenge is how to readjust existing programs, especially in early recovery and social cohesion, to become more inclusive of these new populations within a more “competitive” humanitarian setting, with other areas like Mosul City and Tal Afar requiring larger-scale and urgent interventions. Shifting focus from this area now, after two years of investment in only the portion

⁶ Estimated through mapping and comparing data from IOM DTM in October 2017 and February 2018 (Rounds 81 and 89).

of the population able to return in the first instance, may undermine any positive impact past interventions have had given the underlying fragility that new returns have resurfaced.

For instance, the fact that a significant portion of population was blocked from return for two years comes in part from a collective belief that most were ISIS affiliated, a perception that also led to serious violations of these families' housing, land, and property, including wholesale destruction of villages while they were displaced. These acts, while linked to the current conflict, are also rooted in deeper and older fractures between Kurds and Arabs in northern Nine-wa. These fractures relate to disputes over the predominance of one group over the other – an omnipresent effect of previous Arabization policies. The resulting social fabric is extremely fragile. Old returnees report feeling uneasy and fearful of the newly returned families because they believe no proper vetting of them took place in relation to ISIS affiliation. They are concerned about new returnee resentment and anger with respect to damaged and destroyed homes and villages. New returnees, on the other hand, express deep anger towards the old returnees at having been blocked for so long, for the large-scale destruction of their areas, and a feeling of being unwanted and unwelcomed back.

Thus, integrating new populations into existing programming is difficult in terms of resources available but also because the gulf between the two populations is widening despite living together again. It is imperative however to mitigate these tensions. One avenue to explore that may yield innovative results is to better link humanitarian, development, and reconstruction initiatives with programming geared toward rebuilding trust, cohesion, and understanding between groups.⁷

4. EZIDI-ARAB RECONCILIATION IN SINJAR

The one area in northern Ninewa retaken from ISIS in 2015 where returns have remained significantly low is Sinjar district. Less than half of the Ezidi population has returned to their towns, while none of the Arabs who are from the villages in the north and east sides of the district are back. The majority of Ezidis remain displaced mostly in Dohuk and others have

ON TENSIONS

"There may be risk of revenge from the villages. When they [new returnees] come back and see their houses destroyed, they will have a reaction again 'people' – whichever 'people' they think are the perpetrators of their destruction. They are all ISIS, they what has been done to their villages." (Kurd male community member, old returnee to Wana subdistrict, interviewed in December 2017)

"We are upset about having been blocked from return. We have to speak clearly and loudly about this. If it wasn't for the change in security forces in control of Zummar, we would have never been able to return. The other group blocked us . . . They are upset for our presence here; they are bothered by us. Many houses that were stolen from us are still being sold by them. (Arab male community member, new returnee to Zummar subdistrict, interviewed in December 2017)

"I returned in December 2017 and the reason I returned so late was because we were blocked from return by the Peshmerga . . . The [return] process was easy, with no problem. We received paperwork and were vetted by national security. We don't feel very comfortable living here. First, because of the lack of services, water, electricity, and schools. And because of the harassment we face . . . there are tensions because of destruction: they accuse us of ISIS, we accuse them [old returnees] of burning and looting our village." (Arab male community member, new returnee to Wana subdistrict, interviewed in January 2018).

⁷ Nadia Siddiqui, "Balancing the rights of the displaced, returning and remaining populations: learning from Iraq," Forced Migration Review 57, February 2018, <http://www.fmreview.org/syria2018/siddiqui.html>



migrated out of the country. Factors hindering Ezidi returns include the continuing lack of reconstruction and services after three years and the heavily divided political and security factions operating in the area. These factions reflect the disputed nature of the territory between Kurdish and Iraqi authorities, Ezidis' push for self-protection, and Syrian and Turkish Kurdish interests – as such, many displaced Ezidis fear Sinjar could still be a theatre of internal and regional fighting. The reason Arabs are not back is much more straightforward: they are prevented from returning by Ezidi armed groups while their villages remain destroyed and lands occupied, allegedly by these same groups. Recent attempts by some Arab tribe members to return have been met with alleged violence by Ezidi fighters.⁸

This reaction to potential Arab return is a consequence of members of some neighbouring Arab tribes taking part in the horrific ISIS crimes against Ezidis in Sinjar. Thus, the way Ezidi-Arab relations are managed, in terms of justice, resolution of displacement, and peacebuilding, among others, remains crucial for the stability of the area.

Both Ezidi and Arab leaders we spoke with indicated the need for a reconciliation process in this regard, recognizing that the current state of affairs cannot hold. From this data, the Shammar Arab clans in Rabbia emerge as those best-placed to help in brokering some kind of reconciliation between the groups in conflict about ISIS crimes, given their large size and influence, good relations with regional power structures, and because they are seen by nearly all in the area as having resisted ISIS and in helping Ezidis to escape. The Shammar have advocated for at least the last year in facilitating a reconciliation process between Ezidis and other Arab tribes.⁹ They

FEBRUARY 2017

“Material damages and even killings to some extent can be forgiven; but the honor and the women being taken, this is not going to be forgotten. We will not accept living together again.” (Ezidi male community member, IDP in Dohuk Governorate, originally from Sinuni subdistrict, interviewed in February 2017)

“Ordinary Ezidis stopped any contact with Arabs, we are seeing all Arabs the same. But our leadership still have contacts and remind us of the Shammar Arabs being friends and their role in protecting us.” (Ezidi male community member, old returnee to Sinuni subdistrict, interviewed in February 2017)

“To solve the conflict between Johesh Arabs and Ezidis, I think Arabs need to make some compromise. Also, they need to point to those in the tribe who have helped ISIS and hand them to the government to take action against them. And Ezidis need to be convinced about this reconciliation, even though everyone knows it is not easy for them because they did not just lose their properties, they lost their family members.” (Arab male community member, old returnee to Rabbia subdistrict, interviewed in February 2017)

JANUARY – FEBRUARY 2018

“The Shammar can be the mediators in the conflict between the Johesh and the Ezidis. There is dire need for reconciliation here. One side suffered a lot during ISIS, the other side did so after ISIS. We have a good relationship with both parties to the conflict. But, for this, Ezidis should stop equating ISIS with all Sunni Arabs, because what was done to them was against our will.” (Arab male community leader, old returnee to Rabbia subdistrict, interviewed in January 2018)

“The biggest problem with reconciliation is that when international organizations and agencies come, they go talk to political, tribal, and religious leaders. This is not useful because of the scale of damage to Ezidis is too high. These leaders cannot represent all views; need to talk to victims instead . . . Ezidis are good people: some things they can forgive, but others they cannot including killing, damage to honor, kidnapping of women and girls. These latter are difficult and will take more time. Any reconciliation should start from the perpetrators' side. The Shammar can play the role of mediator, they are the only ones who can.” (Ezidi male community leader, old returnee to Sinuni subdistrict, interviewed in February 2018)

⁸ Human Rights Watch, “Iraq: Yezidi Fighters Allegedly Execute Civilians,” December 27, 2017, <https://www.hrw.org/news/2017/12/27/iraq-yezidi-fighters-allegedly-execute-civilians>

⁹ Social Inquiry, Scenarios of Fragility: Baseline Assessment for the Subdistricts of Wana, Zummar, Rabbia, and Sinuni, April 2017, <https://social-inquiry.org/scenarios-of-fragility-in-northern-nineveh-a5c64888a272>

envision this process to be tribal but with government-funding to provide compensation for all losses across groups and the reconstruction of villages. In addition, Arab tribes would agree to hand over known ISIS perpetrators to the formal justice system. Under such an agreement, the Shammar see no reason why Arabs should not be able to return to Sinjar.

Despite this willingness to start reconciliation, neither side has been in much contact with each other. Given the internal political divisions among the Ezidis, the Shammar have not yet found an interlocutor for such a process. While some Ezidis reject any compromise or a tribal process, others do not feel comfortable speaking for the whole group because of the magnitude of crimes and violations perpetrated against them as a community. Precisely because of this, the Shammar's predetermined view of what reconciliation should entail may not fit with Ezidis' needs. They may require greater acknowledgement of what happened to them and more guarantees of protection for fear of returning to a previous, unjust status quo. The risk in ignoring this stalemate is that what recently occurred in other parts of northern Ninewa would happen here, but with even graver consequences given the multitude of security actors and level of violations.

5. STABILIZING TAL AFAR

As the second largest city in Ninewa and the last place to be retaken from ISIS, with proximity to Syria and a watchful eye from Turkey, as well as the strategic role it played in the last decade for extremist groups in Iraq, Tal Afar should grab critical attention this year. The city pre-2014 was inhabited by Turkmen, with a Sunni majority and Shia minority. Returns of both population groups have started to take place recently and the district council, that also governs on the subdistricts of Rabbia, Zummar and Ayadhiya, resumed its activities in the city. Despite this, with the central government as well as humanitarian, development, and peacebuilding interventions largely still absent from the area, the impact of military operations and new and old unredressed grievances are limiting Tal Afar's ability to change course in a more positive direction.

Tal Afar is a textbook case for how marginalization and extremism intertwine in post-2003 Iraq. The majority Sunni Turkmen population was removed from both local public administration and security forces, at the same time that extremist groups were targeting Sunni individuals that sought to collaborate with the new authorities and the Shia community, furthering their marginalization. Given this history and the fact that many local ISIS leaders came from this area,¹⁰ in addition to the violations that took place there, Tal Afar is a notorious city in Ninewa's public imagination. At the same time, the city also has some success, albeit short-lived, regarding how engaging with marginalized segments of society has the potential to bring stability.¹¹ This involved reintegrating Sunnis into the local police force to help contribute to a feeling of representation, fair treatment, and protection for all communities. That experience seems to have opened a door for reconciliation as both Sunni and Shia Turkmen indicate a willingness to work together on the necessary issues to bring stability, namely around security configuration.¹² It is important not to leave these communities alone in this process but offer the support they require.

¹⁰ Global Public Policy Institute, "Iraq After ISIL: Tal Afar City," August 2017, <http://www.gppi.net/publications/iraq-after-isil-tal-afar-city/>

¹¹ George Packer, "The Lesson of Tal Afar," *New Yorker*, April 10, 2006, <https://www.newyorker.com/magazine/2006/04/10/the-lesson-of-tal-afar>

¹² Middle East Research Institute, *Turkmen in Tal Afar: Perceptions of Reconciliation and Conflict*, July 2017, <http://www.meri-k.org/wp-content/uploads/2017/07/Turkmen-in-Tal-Afar-Report.pdf>

6. COLLECTIVE BLAME AND PROTECTION ISSUES

Because ISIS occupied significant parts in Ninewa for three years, when people displaced, where they displaced to, and when they returned (if they could return), matters. Individuals and communities alike, across groups, seem to make judgements on ISIS affiliation based on these factors even though most recognize that one's identity often determined where, when, and how people moved.¹³ For example, although 67% of returnees in our sample across northern Ninewa and Ninewa Plains note that the Arab families who have not yet returned are not all ISIS by default, many remain uneasy and suspicious of those who have recently been able to come back to their communities.

Part of this comes from an uncertainty over what it means to be ISIS, what it means to be “guilty.” People across different ethnic and tribal groups in Ninewa interpret ISIS affiliation (and perpetration) differently. The lack of consensus around what constitutes a crime in relation to ISIS is leading to further confusion and anger, producing not only collective blame but collective punishment as well in terms of destruction of villages, killing, blocked return, banishment and/or detention of whole families, and, most recently, the prevention of the receipt of aid and identity documents.¹⁴ This collective blame is not only felt by Sunni Arabs or about ISIS affiliation however. Other groups also report feeling that they are blamed and recognize the blame cast upon others, related to pre-2014 factors and post-ISIS actions as well (see Section 3). Taken together, these perceptions and actions raise complex protection issues across groups that must be handled in transparent and equitable ways to ensure grievances do not further entrench. Part of this will entail establishing mechanisms for individuals and communities to share narratives, understand one another's experiences, and unpack these feelings as they figure out if and how to live together again.

ON BLAME

“We accuse people of Wana of destroying our homes, looting and burning them with the Peshmerga. They counted the whole village as ISIS.” (Arab male community member, new returnee to Wana subdistrict, interviewed in January 2018)

“Old returnees are being accused of being traitors . . . But why are the residents of my village here and were never displaced? Why did other villages embrace ISIS so much? [These neighbors] killed many Peshmerga, so of course they deserve their village to be destroyed. The same would happen to us if we killed a member of the security forces now.” (Arab male community leader, stayee in Zummar subdistrict, interviewed in January 2018)

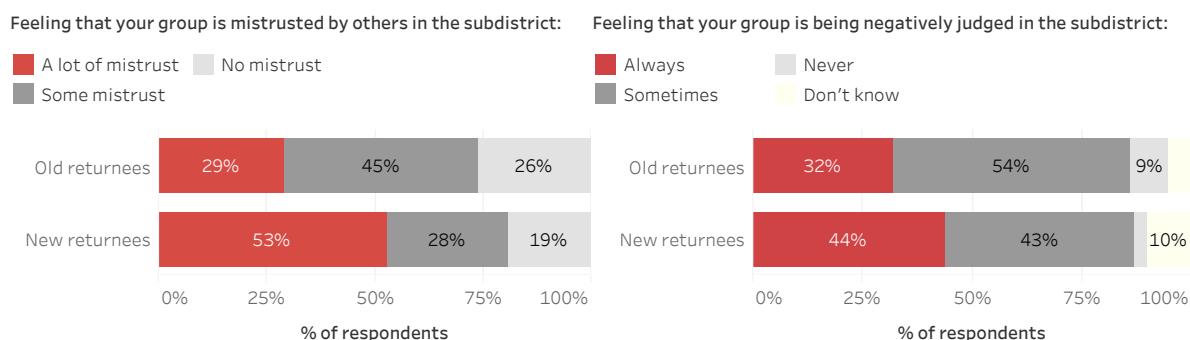
“All the Arabs are back in Zummar and it makes us feel afraid . . . Most supported ISIS and they are back. We know many people were ISIS and we see them. We don't go to the bazaar anymore. We do not welcome them.” (Kurd female community member, old returnee to Zummar subdistrict, interviewed in January 2018)

“The only thing that we should have done is to have treated the Arabs better. We should not have purposefully destroyed their villages. And we should have let those Arabs who were not with ISIS to come back.” (Kurd male community leader, old returnee to Zummar subdistrict, interviewed in December 2017)

“We should start to think in a different way: we were all displaced, all suffered under ISIS, all faced this together. All Christians suffered. Ezidis suffered. So did Muslims. The thinking that only one group suffered is what makes it worse. We all live for now. As they lost people, so did we.” (Shabak female community member, new returnee to Bashiqa subdistrict, interviewed in December 2017)

¹³ Social Inquiry, “We Don't Want Them Back,” Policy Brief, October 2017, <https://social-inquiry.org/policy-brief-october-2017-d6c222f2e82f>; Nadia Siddiqui, Roger Guiv, and Aaso Ameen Shwan, “Among Brothers and Strangers: Identities in Displacement in Iraq,” November 30, 2017. Available at SSRN, <https://ssrn.com/abstract=3130647>

¹⁴ See, for example, Social Inquiry, Scenarios of Fragility; Human Rights Watch, “Families in Iraq with Alleged ISIS Ties Denied Aid,” February 15, 2018, <https://www.hrw.org/news/2018/02/15/families-iraq-alleged-isis-ties-denied-aid>; and Human Rights Watch, “Iraq: Families of Alleged ISIS Members Denied IDs,” February 25, 2018, <https://www.hrw.org/news/2018/02/25/iraq-families-alleged-isis-members-denied-ids>

Figure 4. Perceptions of mistrust and negative judgment among returnees in northern Ninewa

Note: Respondent sample for Rabbia, Wana, and Zummar subdistricts.

ON WHAT IT MEANS TO BE ISIS

“When all [ISIS-affiliated individuals] are found and detained, maybe there can be a reconciliation process . . . But, if the son or brother of an ISIS member is here, how can we reconcile? How am I going to trust a family with a member in ISIS? They may re-group.” (Turkmen male community leader, old returnee to Wana subdistrict, interviewed in January 2018)

“We are complaining that people continuously refer to us as being ISIS. But, as residents here, we were forced to obey ISIS, to cooperate with them as you do when a new authority comes in. It does not absolutely mean we loved them, but we did need to continue with our own lives as best we could . . . These guys [from this village] who were persuaded by ISIS – they were just kids, so young, they joined because of being told about angels and paradise – they tried to return home recently but were taken to prison by the authorities . . . But what about their kids and families? It is not fair that, because of one person, all the family has to suffer the same fate. Their families are not able come back.” (Arab male community member, new returnee to Wana subdistrict, interviewed in January 2018)

7. ACCOUNTABILITY FOR SERIOUS CRIMES

Out of this collective blame is also a clear call for justice, across groups, for those responsible for ISIS violations during the conflict via formal rule of law processes. The concern here remains over whether alleged perpetrators will receive appropriate due process at all, particularly when guilt is already presumed. This scenario is currently playing itself out in Iraqi courts where rapid adjudication of guilt and harsh punishment in relation to ISIS affiliation, to say nothing of actual perpetration of crimes, is taking place.¹⁵ This is problematic not only because it does not allow victims to face their perpetrators and present evidence, but also because it runs the high risk of harming those who have committed no crime, further perpetuating a cycle of victimization.

Beyond this, what is missing from this discourse and emerging criminal justice processes is that ISIS was not the sole perpetrator of abuses during and after the conflict. Among our respondents, individuals who have returned to their places of origin after October 2017 and those still displaced are raising such issues, particularly in relation to destroyed villages and homes. This comes in addition to reports of extrajudicial killings, enforced disappearances, and targeting of

¹⁵ Tamer El-Ghobashy and Mustafa Salim, “Iraq’s Rapid-Fire Trials Send Alleged ISIS Members – Including Foreigners – to the Gallows,” Washington Post, December 28, 2017, https://www.washingtonpost.com/world/iraqs-rapid-fire-trials-send-alleged-isis-members-including-foreigners-to-the-gallows/2017/12/22/b65d903a-e598-11e7-9ec2-518810e7d44d_story.html?utm_term=.efc2f34a68b1

civilians and civilian infrastructure.¹⁶ Addressing only violations perpetrated by one side risks imposing a victor's justice and again, further marginalizing and punishing certain groups over others. Any accountability mechanism put forward then needs to demonstrate independence, credibility, and inclusivity, be accepted by all victims, all perpetrators, and all affected communities, and must adhere to recognized standards of due process and have the investigative and prosecutorial capacities necessary for the scope and scale of crimes.¹⁷

Finally, focusing on punitive approaches to justice alone may not bring the closure and healing necessary for communities and the country to be able to move on. Only 15% of respondents in our sample for instance reported being satisfied with how past experiences of violent conflict and abuses had been dealt with in the country, while the majority of respondents, across ethno-religious groups, felt the government did not acknowledge their suffering. Thus, more restorative justice processes such as reparation, compensation, acknowledgement, truth-seeking, and institutional reforms also need to be included and prioritized within any accountability scheme.

8. MILITARIZATION VS. EARLY RECOVERY

One of the characteristics of the post-ISIS security configuration in Ninewa is that nearly every ethno-religious community or tribe is part of an existing security force or have formed their own armed group. Even relatively smaller communities, such as Ezidis and Christians, are split among several different and sometimes competing groups. These different actors are nominally under the Federal Government's PMUs, officially a part of the Iraqi Defence System. For people in these areas, particularly youth, the armed groups raise new and steady livelihoods opportunities. This is not an entirely new phenomenon since security forces have always been the main livelihood option in these districts, especially in rural areas, with a significant proportion of households having at least one member in the Iraqi Army, Kurdish Peshmerga, or the local or federal police.¹⁸ With livelihood options even more scarce in the current post-conflict context, security remains the best option for steady employment.

These forces created their own war economies with relatively well-paid jobs or pensions – with higher remuneration than aid-related opportunities like short-term cash-for-work programs. Related research reinforces this, indicating that youth do not tend to join armed forces necessarily out of ideology, but for the expected benefits that one can get from being part of them.¹⁹ These benefits are not only monetary, but also can help protect the individual, family or tribe from retaliation and guarantee better access to power centres and better treatment – including the possibility of returning home from displacement. Not surprisingly, 40% of our sample in

¹⁶ See, for example, Human Rights Watch, *Kurdistan Regional Government: Allegations of Mass Executions*, February 2018, <https://www.hrw.org/news/2018/02/08/kurdistan-regional-government-allegations-mass-executions>; Ghaith Abdul-Ahad, "After the Liberation of Mosul, an Orgy of Killing," *The Guardian*, November 21, 2017, <https://www.theguardian.com/world/2017/nov/21/after-the-liberation-of-mosul-an-orgy-of-killing>; Azmat Khan and Anand Gopal, "The Uncounted," *New York Times*, November 16, 2017, <https://www.nytimes.com/interactive/2017/11/16/magazine/uncounted-civilian-casualties-iraq-airstrikes.html>

¹⁷ Physicians for Human Rights, "Building Forensic Capacity to Document, Collect, Identify, Analyze, and Preserve Evidence of War Crimes and Crimes Against Humanity in Northern Iraq," July 2017.

¹⁸ Roger Guiv, "Early Recovery Programming as a Means of Combating Civilian Recruitment and Militarization in Iraq," October 21, 2017, <https://social-inquiry.org/early-recovery-programming-as-a-means-of-combating-civilian-recruitment-and-militarization-in-iraq-25e03bf212e6>

¹⁹ Mamoun Abdulsamad and Audrey Watne, "Recruitment to Armed Groups Among Displaced Communities in Ninewa Governorate," Presentation at the Migration and Displacement Conference, Erbil: IOM, University of Kurdistan-Hawler and Georgetown University, April 2017; and Mara Revkin, "How Militants in Iraq and Syria Recruit and Use Children," *Washington Post*, February 14, 2018, https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/14/a-new-study-illuminates-child-recruitment-by-militants-in-iraq-and-syria/?utm_term=.d79889e5cf03



northern Ninewa and the Ninewa Plains reported preferring for themselves or a member of their household to be employed in the security forces as opposed to any other job in the public or private sectors.

For the sake of protection and feelings of safety, communities prioritize having security forces comprised of the local population. However, the bulk of the population cannot be employed solely in security forces, especially if there are so many with competing interests. Partly because of this, the Federal Government seems likely to engage in a process of reform and even downsizing of the PMUs within this year.²⁰ Changes in security configuration will then presumably become even more contentious. Under this scenario, the government, donors, and early recovery actors will need to begin institutionally scaling interventions toward disarmament, demobilization, and reintegration of these recruits and actual long-term economic development for communities as a whole.

²⁰ Omar Al-Nidawi and Michael Knights, "Militias in Iraq's Security Forces: Historical Context and U.S. Options," Washington Institute, February 22, 2018, <http://www.washingtoninstitute.org/policy-analysis/view/militias-in-iraqs-security-forces-historical-context-and-u.s.-options>

ABOUT SOCIAL INQUIRY

Social Inquiry is an Iraq-based not-for-profit research institution focused on influencing policy and praxis that establishes civic trust and repairs social fabric within and between fragile communities, and communities and the state.

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