UNDP

# Pathways to Reintegration: IRAQ

Families Formerly Associated with ISIL

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# FOREWORD

Following years of occupation by the Islamic State in Iraq and the Levant (ISIL), recovery efforts by UNDP and partners focus not only on rebuilding infrastructure and strengthening local government in Iraq, but on creating an enabling environment for peace to facilitate the safe return of the displaced, whose daily lives are still affected by this catastrophic period, and to enhance community preparedness that addresses hostile social dynamics, crime and violence. Community acceptance is as important for the return and reintegration of Internally Displaced Persons as adequate infrastructure and services and livelihoods in the communities of origin, which are vital for sustainable community-based reintegration.

In order to forge social cohesion and communal peace in Iraq today, the reintegration of families back into their communities is vital, including those who are perceived to have been affiliated with ISIL, or those who have family members who have been directly affiliated. These families, who remain displaced today, are often living in camps or informal settlements, fearful to return home because of the stigma that surrounds their often-uncontrollable past circumstances, and other barriers - including lack of income generating opportunities, destroyed or occupied houses, security concerns and lack of civil documents.

As an important analysis of pathways to reintegration for these families, this report puts forward the results of evidence-based assessments implemented within the project *Community-based Reconciliation and Reintegration in Iraq* launched by UNDP in 2020 for the return and reintegration of families perceived to be affiliated with ISIL. The project is dedicated to implementing targeted reintegration support, increasing community acceptance, and strengthening the capacities of national and local institutions and mechanisms in reintegration, social cohesion, and crisis response. Accordingly, multiple comprehensive assessments have been undertaken in four identified pilot areas to support the returns of thousands of families, analyzing the social and economic elements of their reintegration.

On a wider scale, UNDP is co-leading with IOM the UN Joint Approach for community-based reconciliation and reintegration of children, young people and adults formerly associated with ISIL in Iraq, and will continue to strive to support long-term peacebuilding and conflict prevention programmes to build widespread and sustainable peace in Iraq.

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# EXECUTIVE SUMMARY

Throughout five chapters, this report provides an analysis of the current situation of families perceived as formerly associated with the ISIL in Iraq, reviews a range of state- and local-level mechanisms that are being used to facilitate the reintegration of these families into their communities of origin and ultimately offers a set of recommendations to develop a framework for the successful return of ISIL-affiliated families.

Association or affiliation to ISIL is broadly defined as all persons of whom the Iraqi authorities believe had contact with the UN-designated terrorist organization – either directly or indirectly, in combat or non-combat roles. While the former category is almost always subject to harsh punishments under Iraq´s Anti-Terrorism Law, the latter category – including families perceived as associated with ISIL – often must return to communities strongly victimized by ISIL where they face social stigmatization at best and violent acts of retaliation at worst.

In turn, the stigmatization of individuals perceived as having family ties to ISIL often results in their economic and social exclusion, leading to difficulties in finding employment, labor or financial discrimination, a lack of access to education, public shaming and in some cases even permanent bans of return by local authorities. An even more serious consequence of this stigmatization is the occurrence of extrajudicial violence in the form of revenge killings, other means of physical assaults, property destructions as well as forced displacement – all of which are spurred by widespread distrust within the population towards the state police and legal institutions as well as by the strong influence of tribal traditions in rural parts of Iraq such as the principle of collective guilt.

Two recent developments may further complicate the reintegration of families with perceived ISIL association: COVID-19 and a resurgence of ISIL activity in Iraq. The growing fear of Covid-19 has not only increased the pressure to close crowded internal displacement camps and to speed up the return process of IDPs across the country but has simultaneously reduced the readiness of some communities to receive returnees due to the stigmatization of IDPs as risks for infection. Furthermore, an increase in the frequency and sophistication of ISIL attacks in Iraq in 2020 and related fears of a possible resurgence of the group may pose an obstacle to reconciliation with and reintegration of families with perceived association, particularly in regions that were strongly affected by ISIL.

To address all these challenges highlighted above, the report assesses several state- and local-led mechanisms for reintegration. The three main state-level mechanisms for the return and reintegration of perceived ISIL associated families are the issuance of security clearances, the deliverance of identity documents and the payment of compensation to victims of ISIL. Security clearances are required by IDPs to return to their home communities but while this process provides a mechanism for the return and reintegration of families with perceived ISIL association, flaws and regional inconsistencies in the process create opportunities for corruption and abuse of power. Lack of documentation is another significant barrier to reintegration that the Iraqi government in cooperation with its partners tries to overcome through different mechanisms such as the establishment of special courts or mobile magistrates. A process to compensate ISIL victims has further been established by the Iraqi government and can serve as another mechanism for successful reconciliation, however lack of funding and administrative hurdles often hamper the pace of the process and lead to unfulfilled expectations with the claimants.

In addition to state-level mechanisms, two closely related local-level mechanisms, tribal agreements and arrangements facilitated by Local Peace Committees (LPCs) are being implemented to facilitate return and reintegration, with varying degrees of success. Two tribal law traditions that are currently being used to facilitate the return and reintegration of families with perceived ISIL association are: (1) sponsorship (kafala) based on assurances from a community leader that the families no longer have ties to ISIL and (2) disavowal (tabriya) referring to renunciation of close family members associated with ISIL in front of the community. As a more successful bottom-up local mechanism, communities have been organizing Local Peace Committees to facilitate fair and context-specific reconciliation processes, to support the return and reintegration of IDPs, to facilitate community peace agreements

between conflicting parties, to enhance local capacities to resolve conflicts and to improve social cohesion and trust within the community in ISIL-liberated areas. While the report showcases success stories of LPCs in the areas of promoting inter-religious tolerance, facilitating the return of families with perceived ISIL association, resolving conflicts unrelated to ISIL, and helping to improve the quality of local governance and services, Local Peace Communities still face significant challenges such as lack of funding from the Iraqi government, uncooperative tribal leaders and security forces, lack of adequate services and infrastructure in communities or return as well as opposition from community members victimized by ISIL.

The report concludes with a set of recommendations at three levels: (1) national policies, (2) programming (including LPCs) and (3) international coordination and assistance. At the national level, the set of recommendations revolves around the development of a national roadmap and strategy for reintegration through a holistic "whole of government" approach by the Iraqi government in which local actors (civil society, religious as well as tribal leaders) should play a central role in its implementation, which should be tailored to the unique needs of vulnerable population groups and which should also prioritize reconstruction and economic development in ISIL-affected areas. As far as programming-related recommendations are concerned, the report emphasizes the need to strengthen LPCs geographically as well as financially and to enhance partnerships between LPCs with other programs that aim to build social cohesion and facilitate reconciliation. The recommendations further emphasize the need to establish restorative justice programs for provenly-innocent individuals with perceived ISIL affiliation as well as an enhanced reparations programme to address material and non-financial grievances of victims. All national policy and local programming activities on the reintegration of persons with perceived ISIL association need to be supported internationally by a close cooperation between UNDP, other UN agencies and international partners through a "Joint One-UN" approach to facilitate a unified methodology to programming, to divide labor efforts efficiently and to share results and lessons learned.

# 1. INTRODUCTION

The Islamic State in Iraq and the Levant (ISIL)'s capture and control of significant territory in Iraq for more than three years created one of the most severe humanitarian crises in the country's history, resulting in the displacement of more than 6 million people,[1] the deaths of at least 25,000 civilians,[2] and an estimated 11 million tons of rubble from destroyed buildings in Mosul alone.[3] Although ISIL was militarily defeated in 2017, the long-term consequences of the crisis will continue to pose significant challenges for human security and development in Iraq for years and probably decades to come. This report focuses on one particularly urgent challenge: the reintegration of a large population of internally displaced persons (IDPs) who are perceived to have family ties to ISIL. At the height of its expansion in 2014, ISIL controlled 20 major Iraqi cities with an estimated population greater than 5 million people. After ISIL's defeat, civilians who lived under its rule for an extended period of time—more than three years in some areas—were widely perceived as "collaborators,"[4] even if they did not actually join or support the group.

Among suspected "collaborators," families of ISIL members are particularly stigmatized because of their close proximity to the group. Many of these families are still living in IDP camps three years after the military defeat of ISIL, fearing violent retaliation if they return to their home communities. Iraqi authorities estimate that more than 300,000 individuals perceived as having family ties to ISIL, of whom the vast majority are women and children, are living in camps across 10 different Iraqi governorates.[5] In addition to Iraqi IDPs, there is a possibility that an estimated 30,000 Iraqis who lived in ISIL's final stronghold in northeastern Syria may be repatriated to camps in Iraq[6] —a proposal that has been rejected by Iraqi tribal leaders[7] and civil society representatives.[8]

Adding to these longstanding challenges, two recent developments—an increase in ISIL activity in Iraq and the COVID-19 crisis—could make the reintegration of families with perceived ISIL association even more difficult. The recent increase in ISIL activity in Iraq may hinder reconciliation with these families because some communities perceive ISIL as a continuing threat to their security. The ongoing COVID-19 pandemic has created an additional challenge: Some Iraqis are concerned that returning IDPs could bring COVID-19 to their communities. However, the COVID-19 crisis has also increased the urgency of closing camps and resettling IDPs due to the heightened risk of outbreaks in these overcrowded areas with limited sanitation facilities. Since 2018, the Iraqi government has been closing IDP camps in order to facilitate returns.[9]

In the year 2019 alone, more than 120,000 IDPs left camps, but thousands were unable to return home due to inadequate reconstruction, lack of essential services including electricity and education, and—in the case of individuals with perceived ISIL association—stigmatization and threats of retribution.[10] As of July 2020, a significant majority (77 percent) of the more than 6 million Iraqis who were displaced by the ISIL crisis had returned to their homes or relocated elsewhere, but a significant number (1.3 million) were still displaced in camps.[11]

The right to freedom of movement—including returning home, in the case of IDPs—is protected by international human rights law as well as Iraqi law. According to an Iraqi government official, "Every Iraqi has a constitutional right to return to his home, land, and property even the families of ISIL members and not to be punished for the crimes of their children."[12] There are growing concerns that protracted displacement of families with perceived ISIL association is generating new grievances that could undermine stabilization efforts in Iraq.[13] A resident of Fallujah (Anbar governorate) said that the continued displacement of these families "is becoming an obstacle to societal peace."[14] Although return is widely regarded as the preferred solution to internal displacement,[15] premature return before communities are socially and economically ready to receive IDPs can have negative consequences, particularly in the post-ISIL context.

Forced return, which has been documented in Iraq, renders returnees vulnerable to unsafe living conditions, retaliation, and in some cases, recruitment by armed groups.[16]

At present, there is no comprehensive national strategy for the reintegration of families with perceived ISIL association and barriers to their return and reconciliation with communities remain significant. This report provides an analysis of the current situation of families perceived as formerly associated[17] with ISIL in Iraq and reviews a range of state- and local-level mechanisms that are being used to facilitate the reintegration of these families based on secondary sources and qualitative evidence from interviews. State-level mechanisms for the return and reintegration of families with perceived ISIL association include the issuance of security clearances and identity documents. Local mechanisms for return and reintegration include tribal agreements and "Local Peace Committees" that communities have organized, sometimes in cooperation with international organizations including the United Nations Development Programme (UNDP) and other local and international donors and organizations including Pax, Sanad for Peacebuilding, and GIZ, Germany's development agency. The Iraqi government exercises some oversight and coordination with Local Peace Committees through the National Reconciliation Committee, which is attached to the Office of the Prime Minister, but there has not yet been a comprehensive effort to integrate local and national-level reintegration efforts. We synthesize lessons learned from these different state and local mechanisms and offer recommendations to inform efforts by UNDP and other international and local organizations to work with the Iraqi government to develop an evidence-based and unified framework for the successful return and reintegration of families perceived as formerly associated with ISIL.

# 2. BARRIERS TO RETURN AND REINTEGRATION OF FAMILIES PERCEIVED AS FORMERLY ASSOCIATED WITH ISIL

The United Nations Development Programme (UNDP) defines persons affiliated with ISIL as "all persons (regardless of actual age, relationship, gender etc.) [for] whom the Iraqi authorities have some responsibility through custody or otherwise, and whom the authorities believe had some contact with a UN-designated terrorist organization without presuming or prejudging the nature of their relationship to the organization in question."[18] Within the broad category of affiliation with ISIL in Iraq, there are many different types of association that range in physical and social proximity to the group:

1. Iraqi combatants who participated directly in military operations and other acts of violence;

2. Iraqi civilian employees of ISIL who worked in the group's administrative and service-providing institutions including departments of taxation, municipal services, and healthcare—in many cases, these individuals did not affirmatively join ISIL but simply continued working in the same jobs they had before ISIL's occupation;

3. Iraqi victims of ISIL who were held captive or trafficked by the group, including thousands of Yazidi women and children;

4. Iraqis with family ties to ISIL, either through blood or marriage, including fourth degree relatives and higher;

5. Foreign nationals corresponding to all of the above categories who are in Iraqi custody, in many cases because their countries of origin are unwilling to repatriate them.

The first of these categories, Iraqi combatants, are almost always sentenced to capital punishment or life in prison under Iraq's Anti-Terrorism Law[19] and therefore will not be candidates for eventual release and reintegration into Iraqi society. However, all other individuals who were associated with ISIL in non-combat roles—including families perceived as associated with ISIL—are now facing or will eventually face the challenge of returning to communities that were severely victimized by ISIL.[20] Many residents of these communities fear and resent ISIL family members because they are often perceived as collaborators or enablers of ISIL's crimes, even if they did not directly participate in combat or acts of violence themselves. In many areas affected by the conflict, residents or security forces have marked the houses of perceived ISIL families with red "X" marks[21] or graffiti that reads "Daesh" [the Arabic acronym for ISIL], and others have engaged in violent acts of revenge or property destruction.[22] The social stigmatization of ISIL family members, which remains widespread three years after the group's military defeat, may negatively affect social cohesion and stabilization efforts in several ways that can be roughly organized in two categories: (1) social, economic, and educational exclusion and (2) violent retaliation.

*Local Peace Conference in Habbaniyah, Anbar Governorate, on 26 January 2021.*

## 2.1 Social, Economic, and Educational Exclusion

First, the stigmatization of individuals perceived as having family ties to ISIL results in their economic and social exclusion. In small communities, there is widespread awareness of which individuals have families ties to ISIL members, and in at least one case in Fallujah (Anbar governorate), more than 200 families were issued special pink identity cards indicating their alleged association with ISIL which they are required to present at checkpoints, raising concerns that their stigmatization may be permanently marked and institutionalized.[23] Families with perceived ISIL association often struggle to find employment or other professional opportunities. Some residents of West Mosul, which was perceived as more sympathetic to ISIL than East Mosul, have reported to have faced hiring and wage discrimination.[24] Children often encounter difficulties enrolling in school due to missing civil documentation, a common problem in formerly ISIL-controlled areas due to the group's intentional destruction of government-issued documents.[25] In some cases, schools have refused to enroll children with family ties to ISIL because of the stigma surrounding them. Children of ISIL members who overcame these barriers and successfully enrolled in schools have reported bullying, sometimes so severe that they felt compelled to drop out.[26]

In some areas of Iraq, government officials and local security force leaders have publicly refused to allow the reintegration of perceived ISIL families or described them as a threat to national security, contributing to fear and stigmatization in communities of return. In June 2020, a high-ranking government official warned, "There is intelligence confirming the presence of large numbers of ISIL families in a number of camps who can be used to carry out terrorist activities, especially since most of their relatives who joined ISIL are still in European countries."[27] In another example from Mosul in February 2018, the governor at the time (Nofal Hammadi) publicly expressed opposition to the return of a family with perceived IS association at a town hall meeting on the grounds that they were complicit in the city's destruction."[28] In February 2018, local armed forces in Ninewa's al-Ba'aj district issued an order prohibiting anyone "who has a son, brother, or father that is an ISIL member" from returning to the community.[29] This is one of scores of incidents documented by Human Rights Watch in which local authorities have blocked the return of perceived ISIL families.[30] These local bans on the return of perceived ISIL families may be permanent or limited to a specific period of time. For example, in Tikrit, family members of alleged ISIL members have been banned from returning for a five-year period.[31]

## 2.2 Violent Retaliation

In addition to the social, economic, and educational exclusion described above, an even more serious consequence of the stigmatization of perceived ISIL families is the occurrence of revenge killings and other acts of violent retaliation. An important principle of tribal law, which has a long history in Iraq—particularly in rural areas where state authority is weaker than in cities—is the attribution of collective guilt to the family or tribe of the perpetrator of a crime. Even though the principle of collective guilt is inconsistent with the Iraqi Penal Code's emphasis on individual criminal responsibility,[32] revenge killings and other violent acts of retaliation against perpetrators' families remain common in Iraq.[33] In ISIL-affected contexts, kinship ties to the group are considered a sufficient basis for retaliation even if the relatives of ISIL members did not personally commit any crimes.

In addition to the influence of tribal traditions, widespread distrust of state police and courts—which many Iraqis perceive as corrupt and ineffective—has led some to believe that they can only achieve justice by taking matters into their own hands with extra-judicial violence. In Iraq, concerns about corruption in Iraqi courts and prisons are believed to have contributed to extra-judicial killings of suspected ISIL collaborators in areas recaptured from the group in 2017.[34] Some Iraqi state security forces said that they had participated in extra-judicial executions because they did not trust the Iraqi justice system to punish them fairly. A resident of Mosul said of individuals currently awaiting trial on ISIL-related charges, "We don't want them to go to jail because they will be let out. It's better for them to be killed."[35]

Retaliatory violence against families with perceived ISIL association may occur in the form of revenge killings or other physical assaults, property destruction, and forced displacement. Many families with perceived ISIL association have reported that they would rather remain in IDP camps than risk facing retaliatory violence in their home communities. For example, one widow of an ISIL member, whose brother's house in their village near Hawija was attacked with grenades as a result of his family ties to the group, said, "I am afraid that if I return, my neighbors would kill me in my sleep."[36] Widows and daughters of ISIL members have been victims of sexual exploitation including rape[37] and forced marriage[38] in IDP camps,[39] and many are afraid that they will face the same abuses if they leave the camps. A woman living in the Khazir IDP camp reported in April 2019 that an armed group "would rape our daughters if we tried to go home."[40]

Those who do return home often report that they are afraid to leave their own homes. Another widow of an ISIL member in a village south of Mosul said, "It's gotten to the point that I can't leave my house. I know people want to hurt me."[41] Not only adults but also children with family ties to ISIL have been violently targeted. Iraqi police have foiled at least one attempt to attack an orphanage in Mosul where children of foreign fighters are living.[42] Children often self-isolate and are reluctant to leave their villages or even their own homes to avoid potential retaliation by other community members or to avoid state security forces whom they fear will harass or arrest them.[43] Many families with perceived ISIL association have been forcibly evicted from their communities either by security forces or tribal decisions. In Tikrit, 345 families with perceived ISIL association were evicted by security forces in 2017 and relocated to the Al Shahama IDP camp, where they were not allowed to leave.[44] In Salah al-Din, several tribes published a list of the names of 113 individuals who are accused of association with ISIL and therefore permanently banned from the community.[45] In other cases, families have received "night letters" warning them to leave by a certain deadline or else be expelled by force.[46]

In addition to forced eviction and threats of physical violence, many families with perceived ISIL association have experienced property destruction, vandalism, or confiscation upon returning to their home communities. An Iraqi police officer reported in 2018 that at least 100 homes of ISIL-linked families had been demolished by tribesmen around the city of Mosul alone.[47] Lawyers in Mosul who were interviewed in 2018 were aware of at least 23 cases in which the homes of families of suspected ISIL members were occupied by security forces or other civilians.[48] In other cases, homes of families with perceived ISIL association have been destroyed with explosives or arson attacks in Ninewa,[49] Anbar,[50] and Salah al-Din.[51]

# 3. NEW CHALLENGES: COVID-19 AND FEARS OF AN ISIL RESURGENCE

In addition to the already significant challenges of reintegrating families with perceived ISIL association, two recent developments—an increase in ISIL activity in Iraq and the COVID-19 crisis—could make the reintegration of families with perceived ISIL association even more difficult.

## 3.1 The Impact of COVID-19

Iraq's first case of COVID-19 was reported in the southern governorate of Najaf on February 22, 2020.[52] Since then, COVID-19 has spread to all 19 of Iraq's governorates with 150,000 confirmed cases by August 2020. The first case in an IDP camp was reported on May 25, 2020 and the virus has since spread to other IDP camps in northern Iraq.[53] Concerns about the potential for serious outbreaks in these crowded camps has increased pressure to close the camps and complete the return and reintegration of IDPs. However, growing fear of COVID-19 may decrease communities' readiness for the return of IDPs, who are perceived as particularly at risk for infection. COVID-19 patients in Iraq may face stigmatization for cultural and religious reasons including quarantine requirements that interfere with important Muslim burial traditions and gender norms that strongly discourage women from staying alone at hospitals (as required for COVID-19 treatment) without family guardians.[54] It is believed that the true prevalence of COVID-19 in Iraq is significantly under-reported due to widespread distrust of hospitals and fear of being quarantined, particularly among women who may face accusations of dishonor if they are not accompanied by family members during treatment.[55] Iraqis may also resist treatment in hospitals because of strong religious norms surrounding death, which is expected to occur in the presence of family followed by a swift burial, preferably within 24 hours.[56] Even patients who have recovered fully from the virus report being treated with suspicion by other community members who still perceive them as potential vectors for transmission.[57]

Interviews conducted for this report indicate that COVID-19 may be affecting attitudes toward IDPs in ways that have important implications for efforts to reintegrate families with perceived ISIL association. According to a local official in Anah (Fallujah), "The ramifications of the coronavirus have affected the psychological state of the community in general, so people feel more alienated by any outsiders."[58] A local official in Namroud (Ninewa), said that COVID-19 may impact attitudes toward reintegration of families with perceived ISIL association because "government and security institutions are busy fighting the virus, which could lead to a decline in security." [59]

However, other interviewees said that the COVID-19 crisis is not having an impact on attitudes toward IDPs. According to a member of the Local Peace Committee in Fallujah, "The pandemic is purely a public health problem and has no relationship to the return of displaced families … All people who move are subject to preventive health measures."[60] We should be cautious about drawing conclusions from these mixed opinions, but there is nonetheless some evidence that COVID-19 may negatively affect communities' readiness to allow reintegration of families with perceived ISIL association.

## 3.2 Fears of an ISIL Resurgence

A second factor that will likely affect the prospects of a successful reintegration of families with perceived ISIL association is the recent resurgence of the group. In February 2020, the United Nations Analytical Support and Sanctions Monitoring Team warned that ISIL had "begun to reassert itself in both the Syrian Arab Republic and Iraq, mounting increasingly bold insurgent attacks, calling and planning for the breakout of ISIL fighters in detention facilities and exploiting weaknesses in the security environment of both countries."[61] By June 2020, analysts observed an increase in the frequency and sophistication of ISIL attacks in Iraq amid the drawdown of U.S. forces.[62] There is also evidence that ISIL may be taking advantage of the Iraqi government's preoccupation with responding to the current COVID-19 crisis, and resulting security gaps, to rebuild and recruit.[63]

*UNDP Iraq Resident Representative Zena Ali Ahmad speaks during Local Peace Conference in Habbaniyah, 26 January 2021.*

Fears of a possible resurgence of an "ISIL 2.0"[64] in Iraq may hinder reconciliation with and reintegration of families with perceived association, particularly in communities that were severely victimized by ISIL. At least one high-ranking Iraqi government official, Deputy Speaker of Parliament Hassan al-Kaabi, has publicly warned that ISIL-associated families could potentially coordinate with ISIL members to facilitate terrorist attacks.[65] Some Iraqi intelligence and security officials have suggested that the recent increase in ISIL attacks is linked to the return of ISIL-linked families from IDP camps to their home communities, although there is little to no publicly available data supporting this assertion.[66] Such claims, despite lacking evidence, nonetheless contribute to fear and stigmatization of families with perceived ISIL association in communities of return.

Interviews conducted for this report indicate that the recent increase in ISIL's activity in Iraq may impact communities' readiness to allow the return and reintegration of families with perceived association. According to a local official in Anah (Anbar), "Whenever any new terrorist attack occurs, the community's rejection of the return of ISIL families increases."[67] A local official in Tel Kaif (Ninewa) governorate and a member of the Local Peace Committee there, said that although the resurgence of ISIL "has not had a big effect, the community has become more cautious in showing willingness to accept families [with perceived ISIL association]."[68]

However, interviewees in other areas did not think that ISIL's resurgence was having a negative impact on reintegration of families with perceived association. According to a local official in Muhalabiya (Ninewa), "The reappearance of ISIL is not affecting the community's attitudes toward ISIL families because society strongly rejects extremist ideology and has a lot of trust in the state security forces. Also, those with ties to ISIL are very eager to comply with security restrictions and they are fearful of losing everything again, and we have not noticed any problems between them and the community except for a few dissident voices."[69] Although opinions differ, there is some evidence that ISIL's resurgence may negatively affect prospects of a successful return and reintegration of families with perceived association.

# 4. STATE AND LOCAL MECHANISMS FOR REINTEGRATION

## 4.1 State Mechanisms for Reintegration

The three primary state-level mechanisms for the return and reintegration of families with perceived ISIL association are the issuance of security clearances, identity documents, and payment of compensation to victims of ISIL. The following sections discuss each of these mechanisms in turn.

### *Security Clearances*

In order to leave IDP camps and return to their home communities, families with alleged ISIL association are required to obtain a security clearance from Iraqi government authorities.[70] The process for obtaining security clearances varies between locations and has changed over time. In 2018, the Interior Ministry issued an order requiring that individuals with family ties to ISIL have to appear in court to provide information about the accused ISIL members and formally denounce them in order to obtain a security clearance[71]. In some areas, security forces require that ISIL-linked individuals seek assurances from a "guarantor"—usually a mukhtar,[72] tribal sheikh, or other prominent community leader—to declare that they are no longer associated with ISIL. This is also known as "sponsorship" (*kafala*).

As part of the clearance process, the names of applicants for security clearances are run through databases of the names of alleged ISIL affiliates.[73] These databases are poorly sourced and widely recognized as inaccurate. Different Iraqi security forces maintain their own databases and make little effort to communicate or cross-check their respective intelligence.[74] Many individuals have been arrested based on similarity between their surname and one that appears in a database, without any other evidence that they have an association with ISIL.[75] Another barrier to obtaining security clearances is lack of documentation. Individuals with family ties to ISIL often lack civil documents that are necessary to prove their identity, as discussed in the next section in more detail.[76]

The inconsistency and opacity of the process for obtaining security clearances creates opportunities for corruption and abuse of power. There have been numerous accounts of families with alleged ties to ISIL being asked to pay bribes to civil directorate officials in exchange for civil ID cards or to security officials in exchange for the removal of their names from databases.[77] Some reports have suggested that families with perceived ISIL association are being exploited by human traffickers and smugglers.[78] According to a representative of the Local Peace Committee in Tel Kaif (Ninewa governorate), "Some families [with perceived ISIL association] especially women were exploited with sexual extortion and abuse.[79] Although the security clearance process does provide a mechanism for the return and reintegration of families with perceived ISIL association, flaws in the process make it difficult for families to obtain clearances and render them vulnerable to wrongful detention and prosecution or other abuses of power.

### *Documentation*

Lack of documentation, a common problem in ISIL-affected areas, is a significant barrier to reintegration because individuals without birth certificates or other identity documents have difficulties accessing essential services and rights including healthcare, education, welfare programs, and the ability to obtain employment or marry. The Iraqi government has established some mechanisms to facilitate the reissuance of documentation including special courts that will issue birth certificates to children born under ISIL rule.[80] The Norwegian Refugee Council estimated in 2019 that there were at least 45,000 such children in IDP camps, or one out of every five children displaced.[81]

Although it is possible to obtain or renew an ID from civil directorate offices, this process can take six months to complete.[82] When the person seeking documentation has families ties to ISIL, "obtaining documentation becomes nearly impossible" due to stigmatization and discrimination against these individuals.[83] Women who were married to ISIL members are particularly disadvantaged because they are required to prove the circumstances of their husbands' death and proof of marriage.[84] These women often lack marriage certificates or were married in ISIL courts whose documents are not recognized as valid by the Iraqi government, which makes it difficult or impossible for them to dissolve their marriage.[85] In 2017, the United Nations High Commissioner for Refugees (UNHCR) worked with the Swedish NGO Qandil and the Iraqi government to establish "mobile magistrates" to issue essential documents including birth and marriage certificates to IDPs.[86] However, the demand for the services of these mobile magistrates far outpaces their capacity. One magistrate reported dealing with 500 cases a day with a waiting period of three months for a hearing.[87]

## Compensation

Reparations through compensation to victims is another mechanism that is important for successful reconciliation, return, and reintegration. Transitional justice processes in other post-conflict settings including Colombia and Kosovo have provided compensation and other forms of reparations to victims as a means of redressing the grievances of victims.[88] Providing justice to the victims of conflict is believed to facilitate forgiveness and eventual reintegration of perpetrators and those who collaborated with them.[89] A recent household survey in Mosul found that almost all respondents (93%) want compensation for the victims of ISIL and 89% believe that compensation should be paid for by the Iraqi government.[90] Interviews with residents of ISIL-affected areas conducted for this report suggest that many view payment of compensation as an important—and in some cases necessary—condition for the return and reintegration families with perceived association. A local official in Anah (Anbar) said, "It is important to compensate the families that were affected by ISIS so that society can accept their [families with perceived association] return and reintegration."[91] A resident of Fallujah said, "The family bears responsibility for the actions of its members and must pay compensation for the moral and material damages that result from these actions … For families who lost children or had their houses destroyed by ISIL, it will be very difficult to convince them to allow [families with perceived association] to return unless they receive compensation."[92]

Although the Iraqi government has established a compensation process for victims of ISIL, the process is slow and Iraqis who are missing identity documents or deeds to prove ownership of destroyed property—a common problem in ISIL-affected areas discussed above—are often unable to file claims. Iraqi courts review claims for compensation under a 2009 law (Law 20) that provides remedies for victims of "terrorism and military errors."[93] Under Law 20, a central committee in Baghdad and sub-committees in every governorate are responsible for processing claims for compensation. Families of "martyrs" killed by ISIL and individuals who suffered a disability as a result of ISIL are eligible to receive up to 5 million Iraqi dinars ($4,200).[94] Compensation for property destruction varies. In Fallujah, payments ranging from eight million Iraqi dinars ($6,720) to 70 million dinars ($58,800) were issued depending on the severity of damage.[95] However, the Iraqi government's financial crisis has limited the amount of funding available for distribution to claimants.[96]

Victims complain that the process is slow and can take up to two years.[97] In Fallujah, only 2,000 out of a total of 39,000 compensation claims (5%) had been approved by June 2018.[98] The claims process is also very slow and sometimes vulnerable to corruption.[99] Compensation remains one of the primary demands in ISIL-affected communities, but the slow pace of the process and limited funding have led to unfulfilled expectations.

## 4.2 Local Mechanisms for Reintegration

In addition to the state-level mechanisms described above, two local-level mechanisms, tribal agreements and arrangements facilitated by Local Peace Committees, are being implemented to facilitate return and reintegration. These two mechanisms are closely related and Local Peace Committees often facilitate tribal agreements. In exchange for permission to return to their home communities through these mechanisms, individuals with family ties to ISIL must agree to formally denounce terrorism, cut ties with their ISIL-associated relatives, and cooperate with Iraqi authorities and security forces in providing intelligence to support efforts to defeat ISIL.[100]

These local mechanisms have yielded some success but still face a number of challenges including limited resources and the weakening of traditional authorities—both tribal and religious—that occurred under ISIL's rule. Before capturing new territory, ISIL systematically assassinated many traditional and civil society leaders to preempt potential opposition. During ISIL's rule, the group further weakened civil society by severely punishing and sometimes executing activists, journalists, and community leaders who showed any signs of dissent. In the aftermath of ISIL's defeat, research by Oxfam has found that communities distrust and resent some local imams who are perceived as having been aligned with ISIL, which has weakened the legitimacy of these religious authorities.[101] Household surveys conducted by Oxfam in areas liberated from ISIL indicate an increase in preferences for resolving disputes and grievances through state security and legal authorities rather than through mukhtars and tribal justice mechanisms, suggesting that these traditional authorities are weaker now than they were before 2014.[102] However, a 2018 household survey conducted in Mosul found that respondents were significantly more willing (by 15 percentage points) to support the return and reintegration of hypothetical ISIL affiliates if they are encouraged to do so by a tribal or religious leader, suggesting that traditional authorities are still influential and can play a constructive role in facilitating reconciliation.[103]

### Tribal Agreements

Historically, tribal justice has played an important role in dispute resolution, and many Iraqis prefer to resolve inter-personal and inter-communal conflicts through tribal law rather than the official legal system, which many perceive as more corrupt and less efficient in comparison.[104] In addition to dispute resolution, tribal authorities have also taken on a role in negotiating the terms under which individuals with perceived ISIL association, including family members, may or may not be allowed to return to their former communities.[105] A number of tribal agreements have been negotiated across villages, towns, and cities in Ninewa, Salah Al-Din, and Anbar governorates to respond to ISIL crimes in these communities. Despite efforts by the Iraqi government and international organizations to discourage the use of tribal justice practices that contradict Iraqi law and international human rights principles—including retaliation, collective punishment, blood money, and coerced marriage of women between tribes as a means of resolving disputes—these practices have persisted.[106]

Some tribal "peace accords" facilitated by the U.S. Institute for Peace have resulted in the successful return of families with perceived ISIL association. One such agreement negotiated in Tikrit in Salah al-Din governorate in 2015 is credited with enabling more than 390,000 IDPs to return to their homes.[107] However, other agreements have hindered the objectives of peaceful return and reintegration by expelling and in some cases permanently banning families. One such agreement in May 2020 ordered the expulsion of 250 families with perceived ISIL association from Shirqat in Salah Al-Din governorate and called on local authorities "to establish a camp for these families to be supervised and monitored by the security and intelligence services."[108] Between these two types of agreements— return and banishment—is a third possibility: temporary relocation to a nearby community. Temporarily relocation has been used as a short-term solution while a tribal agreement is being negotiated and is intended to facilitate eventual return and reintegration into the IDPs' home community. This process has the benefit of decreasing the likelihood of violent retribution against families with perceived ISIL association, but also runs the risk of resulting in permanent relocation if an agreement cannot be reached in the home community.[109]

Two tribal law traditions that are currently being used to facilitate the return and reintegration of families with perceived ISIL association are: (1) "sponsorship" (kafala) based on assurances from a community leader that the families no longer have ties to ISIL and (2) disavowal (tabriya), referring to formal renunciation of first- and second-degree family members associated with ISIL in front of the community.[110] Kafala, an Arabic word meaning "guarantee" or "sponsorship," refers to a process in which individuals with family ties to ISIL seek the sponsorship of a local tribal leader, security official, or other local leader who serves as their guarantor ("kafeel") and can attest to the community that they have renounced their ISIL-associated family members and have no association with the group.[111]

Tabriya, an Arabic word meaning "disavowal" or "denouncement," is a tribal tradition in which a person formally renounces a relative who has dishonored the tribe by committing a serious crime, which then results in the formal expulsion and banishment of the perpetrator from the tribe.[112] Since the military defeat of ISIL, some tribes have adapted the tabriya process to include a role for state courts. In the judicial form of tabriya, relatives can file a criminal complaint in court against their alleged ISIL family members who are missing or dead in order to be absolved of ties to the group.[113] If the complaint is approved by the court, the judge issues a document certifying the petitioner's innocence.[114] As women married to ISIL members seek to cut their legal ties, an increase in Iraq's divorce rate has been observed.[115] Although the tabriya process has resulted in some successful returns and also facilitates the likelihood of obtaining a security clearance, one concern is that it may disadvantage women by affecting their inheritance rights.[116]

## Local Peace Committees

Since 2017, local communities have been organizing "Local Peace Committees" to facilitate inclusive, fair, and context-specific reconciliation processes in areas liberated from ISIL. The objectives of Local Peace Committees are to: support the return and reintegration of IDPs including those with perceived ISIL association; facilitate community peace agreements between conflicting parties, enhance local capacities to mitigate and resolve conflicts; and improve social cohesion and trust—both among community members and between communities and state authorities. Local Peace Committees have successfully negotiated the return of families previously barred from communities for perceived ISIL association, advocated for the reopening of roads, improved access to justice and documentation, and launched public awareness campaigns to combat sexual violence. Most recently, Local Peace Committees have been active in setting up mobile health clinics, distributing food and personal protective equipment, helping to sanitize and sterilize streets and other public spaces, and raising awareness of the importance of wearing masks and complying with other public health guidelines.[117]

Local Peace Committees have emerged in diverse post-conflict settings including South Africa, Northern Ireland, Ghana, Nicaragua, and Nepal as mechanisms for inclusive community-level dialogues about local grievances and concerns related to the conflict.[118] There is a growing consensus among scholars of post-conflict transitional justice that state-led, top-down accountability processes are often ineffective in advancing the goals of enduring peace and reconciliation because they tend to be insufficiently inclusive of diverse perspectives—particularly the voices of victims—and are often heavily shaped by the preferences of political elites on the winning side of the conflict.[119] In contrast with top-down, elite-driven approaches to transitional justice, Local Peace Committees aim to build peace from the bottom up and provide solutions to local conflicts that are tailored to the unique needs and experiences of different communities. This community-based approach is particularly important in Iraq where the areas affected by the conflict with ISIL are religiously, ethnically, and socioeconomically diverse, spanning cities as well as rural areas. In areas with religious minorities—Christians and Yazidis—who were particularly persecuted by ISIL, rebuilding trust is particularly challenging.

Local Peace Committees aim to strengthen the stability and social cohesion of conflict-affected communities through activities including the negotiation of agreements to allow the return of individuals with perceived ISIL association, the collection of evidence of crimes committed by ISIL to advance the goals of transitional justice and accountability,[120] and educational programs—sometimes led by imams or other religious leaders—that teach tolerance and nonviolence.[121] Local Peace Committees also develop recommendations for and coordinate activities with local, regional, and national authorities as well as international organizations including UNDP.

*Members of Local Peace Committees supported by UNDP Iraq in Baghdad in October 2020.*

Local Peace Committees usually have between 10 and 15 members who are selected to represent important social groups in their community. Members may include religious authorities, tribal sheikhs, local government officials, and civil society leaders. Each committee is led by the local Mayor. Members are selected through community consultations that are conducted to generate a list of candidates. These names are then circulated to local, provincial, and federal government authorities for further discussion and the final list is officially endorsed by the Coexistence and Community Peace Committee (CCPC). To date, UNDP has supported Local Peace Communities in 24 communities: 11 in Anbar, five in Salah Al-Din, and eight in Ninewa.[122] UNDP's support includes assistance with organizing meeting spaces and logistics, developing meeting agendas, inviting local and federal government officials, and providing training to committee members.[123] In addition to UNDP, other organizations such as GIZ, Pax and Sanad for Peacebuilding, Mercy Corps and Chemonics are also either providing capacity-building assistance to existing Local Peace Committees or forming new ones. At present, the only Local Peace Committees that have been officially endorsed by the CCPC are the 24 that are facilitated by UNDP.

Local Peace Committees provide a link between communities and state authorities and develop solutions that are both context-specific and consistent with rule of law. Unlike tribal agreements that are negotiated independently by tribal leaders and sometimes conflict with Iraqi state law as well as international human rights law,[124] Local Peace Committees work with tribal leaders and other local stakeholders to negotiate agreements that commit tribes to comply with the state's justice system, to cooperate with state security forces, to disavow extra-judicial violence.[125] Some of these agreements have been successful. For example in August 2018, a Local Peace Committee in the community of Al-Ayadiyah in Ninewa governorate successfully negotiated an agreement signed by more than 90 tribal and community leaders that authorized the return of an estimated 40,000 IDPs.[126] The Local Peace Committee in Fallujah (Anbar governorate) had facilitated the successful return and reintegration of 650 families with perceived ISIL association by July 2020.[127]

Interviews with families with perceived ISIL association in their areas of operation indicate that Local Peace Committees have had considerable success in facilitating return, reconciliation, and reintegration. Some families with perceived ISIL association reported some initial difficulties upon returning to their home communities, but their stigmatization and isolation diminished over time as trust was rebuilt. The following examples indicate that reintegration, although difficult, is possible:

> A man with family ties to ISIL in Fallujah (Anbar governorate) whose house was initially marked with an "X" by the community, indicating opposition to his return, received assistance from the Local Peace Committee in order to return: "After we followed the required procedures and were able to return, we lived for the first few months in total isolation. Many neighbors did not want to visit us and did not want us to visit them. They did not want to share news with us. But after a period of time, we proved our good behavior and respect for the community and things are returning to normal. We are starting to feel that we belong again and can share the community's joys and sorrows."[128]

> A man with family ties to ISIL in Muhalabiya, Ninewa, described his successful reintegration as follows: "The community has accepted me, and I am now working to spread peace and reject terrorism in our society. We were formally absolved by the court of the crimes of my son who joined ISIL after he renounced him and declared that he does not represent us."[129]

Some individuals with family ties to ISIL are easier for communities to reintegrate than others. In general, communities are more comfortable allowing the return and reintegration of women, children, and elderly persons with family ties to ISIL because they are perceived as less dangerous than military-aged males.[130] Some IDPs who are perceived as particularly close with ISIL or cannot convince the community that they renounce violence and terrorism are rejected because "their hands are too stained with the blood of innocents," in the words of Saad Rajab Abdullah, a member of the Local Peace Committee in Anah (Anbar governorate).[131] Communities are also more willing to allow the reintegration of individuals whom they believe were coerced into cooperating with ISIL against their will, in comparison with those who supported the group voluntarily. As a resident of Fallujah, (Anbar governorate), explained: "The more bloodstained their hands are with murder, the more uncomfortable we are with their return, unlike some people whose family members only joined ISIL because they feared punishment and torture if they resisted."[132]

Local Peace Committees have successfully advanced social cohesion in several areas: promoting inter-religious tolerance, facilitating the return of families with perceived ISIL association, resolving local conflicts unrelated to ISIL, and helping to improve the quality of local governance and services.

## Inter-Religious Tolerance

First, Local Peace Committees have successfully resolved a number of conflicts between different religious groups and have taken steps to reduce sectarian tensions. In one case in Hamdaniyah, a predominately Christian village with a Shabak minority in Ninewa, a fire had destroyed 70 dunams (17 acres) of land belonging to the church, prompting some Christians to accuse Shabaks of starting the fire in social media posts. These accusations further strained the already tense relationship between Christian and Shabak communities in Ninewa. In response, the Local Peace Committee organized a reconciliation session with leaders of the Christian and Shabak communities that resulted in a joint statement affirming their commitment to peace. The committee also recommended launching a social media campaign to combat fake news and provocative sectarian rhetoric.[133] In East Mosul (Ninewa governorate), the Local Peace Committee facilitated the launch of a "Scout Camp" for 200 children to participate in sports and other community-building activities.[134] Also in Mosul, the Local Peace Committee has helped to develop a psychological rehabilitation program for children who lived under ISIL's rule as well as a soccer league (ISIL had banned sports and music, leaving children with few options for recreational activities for years).[135]

## Return and Reintegration of Families with Perceived ISIL Association

Second, Local Peace Committees have had a positive impact on reconciliation by negotiating the return of families with perceived association. In Fallujah (Anbar governorate), the Local Peace Committee negotiated an agreement to allow the safe return of 27 displaced families with perceived ISIL association and remove the stigmatizing "X" mark from their houses in exchange for the families' renunciation of ties to ISIL and their commitment to good behavior, backed by guarantors.[136] In Salah al-Din, Local Peace Committees negotiated agreements for the return of 300 families with perceived association in al-Shirqat and more than 500 families in the areas of Yengejeh, Basmatli, and Suleiman Bek, although in practice, some families were unable to return due to lack of housing and infrastructure in their communities of origin.[137] Similar agreements have been reached in other communities in Anbar, Salah al-Din, and Ninewa.

## Resolving Local Disputes and Preventing Violence

Third, Local Peace Committees have successful resolved local disputes unrelated to ISIL, helping to fill gaps in the formal justice system. The Local Peace Committee in the Ninewa Plains has successfully resolved tribal disputes over land, hit-and-run accidents, and murder, preventing the escalation of blood feuds.[138] Local Peace Committees have also launched numerous initiatives aimed at preventing violence including public awareness campaigns to counter sexual harassment and violence against women as well as educational initiatives to combat extremist ideology.[139]

## Improving Local Governance and Services

Fourth, Local Peace Committees have responded to community demands for better governance by taking steps to improve the quality of services and the effectiveness of state institutions. In the Muhalabiya district of Ninewa, the Local Peace Committee responded to complaints about delays in the compensation process for victims of ISIL by meeting with local officials and judges to advocate for increased efficiency.[140] The Local Peace Committee in West Mosul has also met with the compensation judge there to try to help speed up the process.[141] In the Ninewa Plains, the Local Peace Committee has assisted  to repair and reopen roads that had been damaged in the conflict, to remove rubble from damaged houses, and to open new real estate registration departments in Tel Kayf and Hamdaniyah.[142] In the city of Ramadi in Anbar governorate, the Local Peace Committee helped to convey the community's concerns with inadequate water and electricity provisions to local authorities.[143] Local Peace Committees have also taken steps to support economic development with initiatives to encourage the establishment of new businesses and attract foreign investment.[144]

## Challenges

Although Local Peace Committees are a promising mechanism for return and reintegration, they still face significant challenges. According to an Iraqi government official, these challenges include lack of funding from the Iraqi government, some uncooperative tribal leaders and security forces who resist reintegration of families with perceived ISIL association, lack of adequate services and infrastructure in communities of return, and opposition from community members who had relatives killed by ISIL or suffered other severe harms.[145] According to a local official in Tel Kaif (Ninewa governorate), there is a need to raise the community's level of awareness of the committee's work.[146] Another challenge is that even in communities where Local Peace Committees have successfully negotiated agreements for the return of families with perceived association, lack of infrastructure and safe housing make it impossible for families to return. Despite these obstacles, Local Peace Committees have yielded promising results and should be further studied as a mechanism for most-conflict reconciliation and peacebuilding.

# 5. RECOMMENDATIONS

This report concludes with recommendations to address the social and economic barriers to successful reintegration on three levels: (1) national policies, (2) programming including Local Peace Committees, and (3) international coordination and assistance.

**National Level**

- Iraq's new government should prioritize developing a national roadmap and strategy for reintegration, working closely with the existing Coexistence and Community Peace Committee (CCPC).

- The government should prioritize reconstruction and economic development in ISIL-affected areas in order to create conditions conducive to return and reintegration and to respond to local grievances that, if left unaddressed, could contribute to future instability. Economic development programming should be coordinated with complementary programming in the areas of community readiness, stabilization, and security sector reform in areas of return.

- This roadmap should be developed and implemented through a "whole of government" approach that includes the National Committee of Co-existence and Community Peace, the Ministry of Planning, the Ministry of Migration, the Ministry of Social Affairs, and the National Security Advisor to the Prime Minister. The roadmap should also emphasize the importance of human rights and rule of law.

- Although the roadmap will focus in particular on the reintegration of families with perceived ISIL association, policymakers should avoid using the terms "ISIL" and "terrorism," which could contribute to further stigmatization, in favor of more inclusive terminology emphasizing a holistic approach to communities of return.

- Civil society, religious, and tribal leadership should be consulted in designing the roadmap and should play a central role in its implementation.

- The roadmap should be tailored to the unique needs of different groups particularly involving women, children, religious and ethnic minorities, and people with disabilities.

**Programming**

- Building on the initial success of the Local Peace Committees, UNDP and other NGOs should expand support for committees into new locations and increase their funding and resources.

- Local Peace Committees should be coordinated with other programs that aim to build social cohesion and facilitate reconciliation including rehabilitation programs for children and educational initiatives to promote values of interreligious tolerance and moderation. Local Peace Committees can serve as focal points to coordinate between different complementary programs.

- Efforts should be made to establish non-carceral rehabilitation and restorative justice programs for individuals with perceived ISIL association who have received security clearances and have not been found guilty of any crimes. Rehabilitation programs should include educational and vocational training components to provide beneficiaries with pathways to employment and reduce their risk of recidivism.

- Collective reparations programming should also be considered in addition to Iraq's existing compensation mechanisms in order to address not only the material needs of victims but also non-economic grievances including experiences with violence and injustice.

- All reintegration programs should explicitly integrate a community readiness component, particularly in areas that were severely affected by the conflict with ISIL where victims' grievances may be particularly difficult to address. Reintegration programs must also explicitly recognize the unique needs of women and children with gender- and age-sensitive components.

- Programs should be evaluated rigorously with quantitative and qualitative research methods to assess their effectiveness through baseline, midline, and endline assessments. These assessments should then inform evidence-based recommendations for refining existing programs and developing new interventions.

**International Coordination and Assistance**

- It is important that UNDP coordinates with other UN agencies and international organizations to advance the common objectives of building sustainable peace in Iraq through a "One-UN" Joint Approach. Insufficient coordination will result in inefficiency, duplication, and lost opportunities.

- International organizations should continue close coordination on issues and programs related to the reintegration of persons with perceived ISIL association to facilitate a unified approach to programming, an efficient division of labor based on organizational capacities and expertise, and the sharing of results and lessons learned.

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