



SPECIAL REPORT

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ABOUT THE REPORT

As part of a four-year iterative United States Institute of Peace (USIP) program that promotes community-level collaborative approaches to justice and security issues, the Justice and Security Dialogue team, in partnership with the Bureau of Democracy, Human Rights, and Labor and the Bureau of International Narcotics and Law Enforcement Affairs, engaged internally displaced persons (IDPs) and relevant stakeholders in Baghdad, Karbala, and Kirkuk to address IDPs' return to newly liberated areas. This Special Report summarizes the concerns expressed and recommendations made by Iraqi IDPs, civil society organizations, and official government stakeholders during these dialogue sessions. It highlights the complexity involved in returning IDPs to areas liberated from the Islamic State of Iraq and the Levant (ISIL). It also offers a window into the deep apprehension IDPs feel about the prospect of return. Finally, it makes recommendations for sustaining security and stability and for promoting formal justice. The concerns and recommendations documented here provide a map of the social and political landscape surrounding safe return of IDPs, one that policymakers can use in developing more holistic approaches to resolving the IDP crisis and sustaining security in Iraq.

ABOUT THE AUTHOR

Khitam Alkhaykaneer is an Iraqi from Baghdad who has worked for USIP since 2004. She manages USIP's Justice and Security Dialogue programs in Libya and Iraq. Her work involves establishing trust between justice and security actors and communities as well as developing relationships that promote collaboration and problem solving. Her interests include peacebuilding through community policing and developing inclusive conflict-resolution processes that engage vulnerable groups, especially women and youth.

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Justice and Security Needs in Iraq after ISIL

Understanding Displaced Populations' Concerns with Returning Home

Summary

- Liberating areas from the control of the Islamic State of Iraq and the Levant (ISIL) will not fully resolve the internally displaced person (IDP) crisis in Iraq. IDPs' concerns must be addressed in a comprehensive and credible plan that facilitates safe, voluntary return to liberated areas.
- IDPs' concerns about return highlight the conditions that contributed to ISIL's rise in the first place, such as lack of governance, destroyed infrastructure, overlapping security authorities, and an inefficient judiciary system. Preexisting societal cleavages have been aggravated and augmented in recent years. Safe and sustainable return probably will not happen unless broader issues of security, justice, and reconstruction are addressed.
- Along with organizing and securing IDPs' journey back to their homes, security forces must be able to maintain stable provincial and national borders and turn back ISIL counterattacks.
- Police forces will have to be rebuilt and reformed to establish trust with local populations and to prevent conflicts between IDPs and those who supported ISIL or remained in place after ISIL took control.
- Fair and effective courts and other justice sector actors are required to prevent mass revenge and informal justice proceedings.
- To make IDPs' return viable and to prevent actors from further embracing extremism, the government of Iraq (GOI) must not only provide support for IDPs' return to areas they left, but also reconstruct these areas and promote employment opportunities in them as a means of enabling and sustaining local stability.

Introduction

According to the International Organization for Migration, nearly three and a half million IDPs live in Iraq.¹ Most have found shelter in rented houses or with host families, but hundreds of thousands live in abandoned buildings and camps. Despite poor living conditions, the majority

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of IDPs have opted not to return home even when some areas have been free of ISIL control for over a year. In response to liberation operations led jointly by GOI and the Global Coalition to Counter ISIL, which have freed large parts of Iraq, USIP's Justice and Security Dialogue program (JSD) brought together local actors seeking to identify and manage challenges related to displacement and safe return in the aftermath of ISIL's ouster. This process of collaborative problem solving was implemented by USIP and its local Iraqi partners and involved a series of eleven dialogue sessions and follow-up meetings between December 2015 and April 2016. JSD dialogues engaged IDPs; Iraqi civil society organizations (CSOs); local and provincial authorities and tribal, religious, and community leaders from both displaced and hosting communities, as well as police; the National Security Office; representatives of international agencies; and representatives of various ministries, such as the Ministry of Migration and Displaced Persons, Ministry of Education, and Ministry of Health.

USIP held sessions in the provinces of Kirkuk, Karbala, and Baghdad (see map 1), where the majority of IDPs have taken residence. One district in Kirkuk and one in Baghdad were selected for sessions; two districts were selected in Karbala because of its larger population of IDPs. JSD dialogues and meetings focused on

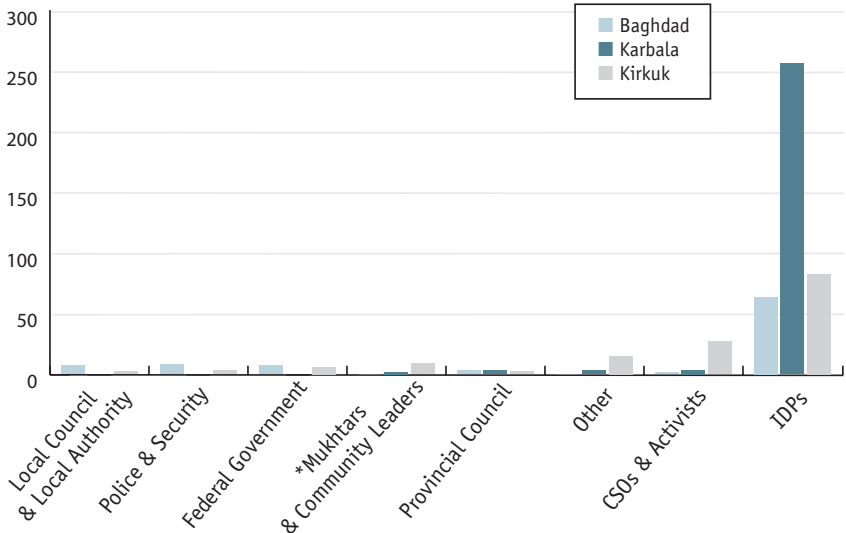
- IDPs' vision for a safe return,
- ways to restore security,
- ways to restore justice, and
- anticipated conflicts that could affect the voluntary return of IDPs to liberated areas.

Map 1. Sessions by Province



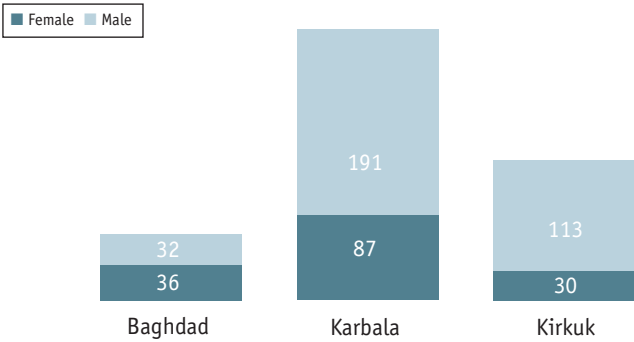
USIP facilitated three to five dialogues in each location. The first series of dialogues convened male IDPs. The second series focused on women IDPs in order to allow women to voice their specific concerns and contribute to security stability. The final series included joint sessions in which IDPs, host communities, various police divisions, the judiciary, and local authorities took part. Figures 1 and 2 show participants’ backgrounds and gender, respectively, broken down by province.

Figure 1. Participants’ Backgrounds by Province



*Mukhtars are community leaders who are either democratically elected or appointed by the community and who have various administrative responsibilities.

Figure 2. Participants’ Gender by Province



The dialogues produced collaborative strategies for ensuring IDPs’ safe return and for mitigating anticipated challenges to security and stability in liberated areas. The discussion below reports on the concerns voiced by IDPs, and offers their recommendations for use by GOI and the international community in creating a comprehensive and credible plan for reintegration of IDPs to their homes.

Concerns and Recommendations of IDPs

The concerns and recommendations that IDPs shared did not relate only to their physical movement back to areas liberated from ISIL. Before returning, IDPs want to see concrete evidence that their return will be safe and that progress has been made in restoring security and justice. Returning to the conditions that fostered ISIL's rise—or to even worse conditions—is a real fear among IDPs. These concerns will have to be addressed immediately if the majority of IDPs are expected to return and a sustainable peace is to be established.

The issues raised by IDPs are organized under three categories: safe return, security restoration, and justice restoration. Each category lists both concerns and recommendations for addressing them.

Safe Return

Several factors complicate the safe return of IDPs, including ISIL's remaining operational presence in much of western Iraq, efforts by national security forces to combat clandestine terrorist operations, and financial constraints.

Concern: IDPs fear that those returning will face mass detentions and other illegal actions. These abuses could occur because IDPs share names with individuals on wanted lists; because coordination, planning, and information sharing between local authorities and security forces is weak, specifically at checkpoints; or because members of communities that remained under ISIL control and returnees may engage in exchanging false security reporting against each other (as occurred between 2006 and 2009).

Recommendations:

- To enable legal verification of identity and minimize the risk of detaining the wrong individual(s), GOI should provide checkpoints with up-to-date databases that include each IDP's national identification card number, full name, and mother's name.
- GOI and hosting provinces should establish joint security and administrative committees that include relevant agencies and tribal and community elders from the hosting and liberated provinces; this will facilitate security vetting processes and provide security clearance letters verifying IDPs' security and judiciary records.
- GOI and local authorities should allow IDPs who have no national identification to return using security clearances provided by authorities in hosting provinces.

Concern: IDPs have been traumatized by experiences, such as losing homes and loved ones and living in ill-provisioned IDP camps; seeing the destruction of their homes and cities and returning to conditions similar to those in the IDP camps will probably aggravate this trauma.

Recommendations:

- The media, CSOs, and international community should organize public awareness programs for returning IDPs to prepare them psychologically for what they may encounter and to ensure damage control.
- GOI, local communities, tribal and community leaders, and the international community should establish temporary camps with trailer housing and services so IDPs can be confident that they will have suitable shelter upon return.

Concern: The financial burden posed by return is a major obstacle for IDPs, many of whom have lost their belongings and cannot afford to make the return journey or reestablish their livelihoods.

Recommendations:

- In addition to distributing essential supplies, GOI should provide allowances to returning families to help them reestablish themselves.
- GOI and the international community should facilitate income generation programs for returnees by collaborating with local business owners and establishing locally driven relief programs.

Concern: Returning IDPs crossing transit areas are targets for revenge attacks by ISIL, militias, and/or rival tribes.

Recommendations:

- GOI, hosting provinces, and local communities should provide secure routes dedicated to IDPs' return.
- GOI should organize protected transportation—that is, numbered buses and clearly labeled and secured stations that correspond to predetermined, designated destinations.

Concern: The health issues and diseases that became an epidemic within IDP camps could easily spread to liberated areas once IDPs return.

Recommendation:

- GOI and local communities should establish health committees to examine and treat IDPs prior to or immediately upon their return.

Concern: Liberated areas must be cleared of booby traps and ISIL-built tunnels. ISIL dug supply tunnels, some of which may lie under IDPs' farms and property, especially in Mosul and Anbar. The tunnels would allow ISIL to return or to smuggle weapons and explosive devices between cities. IDPs are also concerned that the tunnels could be used by militias carrying out violent attacks across various territories for ethnic and sectarian cleansing or by locals carrying out attacks to avenge their families.

Recommendations:

- GOI and the international community should collaborate on clearing liberated areas of remaining tunnels and explosive devices implanted by ISIL.
- GOI should restore infrastructure and ensure safety of the liberated areas before encouraging IDPs to return.
- GOI, hosting provinces, local communities, and tribal and community leaders should encourage staggered returns, with men returning first, to minimize casualties and prevent ISIL from using women and children as human shields in the case of a counterattack.

Concern: IDPs fear forced return. IDPs are afraid that the federal government or hosting provincial authorities might attempt to force IDPs into returning. Obligatory return procedures could cause violence in liberated areas and conflict between liberated and hosting communities.

Recommendation:

- GOI should determine a logical, un rushed time frame for return and should protect IDPs' choice on when or whether to return. IDPs suggested giving authorities at least 18 months after liberation is officially announced to restore infrastructure.

We spent about 8 million Iraqi dinars fleeing from our original villages in Mosul to make it to Baghdad and Karbala, but now, after almost two years of displacement, we can't afford to pay even 100,000 Iraqi dinars to go back; but we are willing to go back."

—A widow in a session with women IDPs from Mosul

At every session, both men and women IDPs repeatedly voiced this sentiment: We have lost faith in any national reconciliation process. It is a failed project. It is just more political propaganda from the government. Since 2008 there has been no real strategic action; that ISIL has taken over major territories of the country is a clear indication of the failure of this project, assuming there was a project to begin with.

Concern: IDPs—specifically women—worry about the potential for intracommunity violence upon return. The fear is that returning IDPs may seek to punish those who stayed if they suspect them of being ISIL supporters.

Recommendation:

- GOI, tribal and community leaders, and local communities should facilitate local reconciliation processes to mitigate anticipated intercommunity and intracommunal conflicts.

Concern: Returning locals and political militias are resorting to informal justice proceedings and violence against families and tribes whose members joined or supported ISIL.

Recommendations:

- GOI should rebuild police stations and courts and guarantee their function before IDPs return.
- The media, CSOs, and international community should support public awareness of judicial procedures and collaboration with security forces to ensure formal rather than informal justice is pursued.
- GOI, local communities, and tribal and community leaders should allow families and tribes whose members are affiliated with ISIL to collaborate with security and judicial authorities through reliable joint initiatives; this approach will facilitate justice and social reintegration and ensure that confidential reporting and investigative processes can take place.

Concern: Violent or extremist ideologies are taking hold among young people, women, and survivors of ISIL. As acts of revenge escalate, security is degraded and chances increase that ISIL will attempt to recapture territory or that a new extremist group will emerge.

Recommendation:

- The media, CSOs, and international community should support tolerance, peacebuilding, conflict resolution, and programs countering violent extremism for IDPs as they prepare to return.

Security Restoration

IDPs have little confidence in security authorities' ability to protect borders or establish and maintain security within liberated areas. Paramilitary forces and armed groups will contend with national security forces and police for power over jurisdictions. Trust that police will be a force accountable to the state has to be built.

Concern: IDPs have lost trust in some state security forces and in the overlapping security authority of the army, police, peshmerga (military forces under the Kurdish Regional Governorate), and Public Mobilization Forces (paramilitary forces established by GOI to combat ISIL). Conflicts among security authorities that manage liberated areas discourage IDPs from returning.

Recommendations:

IDPs from different provinces want to decide on who manages their local security based on which security forces they trust.

- In Mosul, IDPs see the army and federal police as traitors and plotters. They want these forces to have jurisdiction only over the provincial borders and want local police to have jurisdiction over the local security portfolio and main checkpoints.

- In Anbar and Salaheldin, IDPs want the federal police to have jurisdiction over provincial borders and checkpoints, with no army involvement; they want local police to have complete responsibility for the local security portfolio.
- In all provinces, IDPs emphasized that sustaining security and rebuilding peace will require establishment by GOI of clear roles for the country's different security divisions, reform of the local police to include only qualified community members, and relegation of the army to a role in securing provincial and national borders without involvement in local security.

Concern: Paramilitary forces formed independently by various tribes and political groups are a source of rivalry and instability and are discouraging IDPs from returning. Federal and provincial governments will have to address this issue to sustain liberation and maintain security.

Recommendation:

- CSOs, the international community, GOI, local communities, and tribal and community leaders should facilitate a collaborative process between tribes and local police to ensure security and should work to ensure that authority over all tribal forces is ceded to the local police and GOI.

Concern: Given the mistrust between returning communities, their tendency to isolate themselves along religious lines (Muslim, Christian, Yazidi, Shabak, etc.), and the formation of religious-based militias, communities' readiness to embrace all types of extremist ideologies will likely increase.

Recommendations:

- GOI and local communities should seek to maintain social cohesion at the community and security levels to ensure inclusive security protection. This goal can be met through reform of local policing authorities, which should recruit equally from different religious and ethnic groups, and through support for inclusive community policing and local reconciliation.
- GOI should enable temporary restructuring of local councils and allow provincial elections of liberated areas within a timeline agreed upon with local communities, and empower decentralization of provincial governments.

Concern: Weak provincial checkpoints allow outsiders and intruders to easily infiltrate liberated areas.

Recommendations:

- GOI and local communities should integrate returning (and properly qualified) youth and displaced police officers into local police forces so they can support vetting of visitors and returnees.
- GOI and local authorities should install x-ray security scanners, explosive detectors, and video-recording cameras for operation by local police to help identify suspicious individuals or activities and to support effective investigation.

Justice Restoration

The government's unresponsiveness to community grievances, along with locals' pursuit of justice outside of formal processes, contributed to ISIL's ability to take and hold territory. These issues remain unresolved, discouraging return and creating a barrier to peace, security, and stability and discouraging return.

As a mother who lost her four sons because of ISIL, I am ready to take my revenge against the perpetrators, who I know individually, and whose tribes I know—unless a functioning court can bring me justice. But if I return and no formal justice by the government is available, then I will take revenge starting with their newborn children, and I will have no mercy for any of them. —O., a mother from Anbar who fought ISIL prior to displacement

Concern: Informal justice proceedings, acts of community revenge, and punishments meted out by tribal authorities and militias have increased. These practices have led to revenge-based assassinations and forced disappearances among returnees.

Recommendations:

- GOI and the international community should prioritize rebuilding courts and ensuring their effective functionality prior to IDPs' return.
- GOI should provide adequate protection to judiciary personnel operating in the liberated areas and adopt judiciary reforms that ensure equal access to justice for all communities.
- CSOs should implement public awareness campaigns, educate communities about legal processes, and support the pursuit of justice through courts.

Concern: Community and property damage caused by ISIL and military operations has left returnees feeling disenfranchised and discriminated against. These feelings are heightened when GOI singles out some groups and not others for reconciliation overtures and compensation.

Recommendations:

- GOI and local communities should implement restorative justice nationwide to sustain liberation and to ensure that radical groups cannot take advantage of community grievances.
- GOI, the international community, and CSOs should support restorative justice to protect returnees and communities in liberated areas and to encourage voluntary and ongoing return of IDPs.

Concern: Secret informants with a range of motives, from monetary gain and personal revenge to political loyalty, are working for gangs and militias in liberated areas, specifically helping them to foster community disputes and exhaust policing and justice resources with unreliable reporting.

Recommendations:

- GOI and local communities should ensure that any filed reports are investigated and verified and that legal procedures for detaining individuals are effectively applied.
- To minimize the development of parallel justice or security authorities, local communities and police should adopt collaborative problem-solving processes to manage local security portfolios and ensure local stability.

Concern: When women, especially vulnerable survivors of ISIL campaigns, have limited access to justice, they tend to pass their anger and hatred on to the next generation and in this way perpetuate radicalization.

Recommendations:

- GOI, local communities, and the international community should establish legal clinics at both the hosting and liberated areas to ensure that women survivors, especially single mothers and widows, have access to justice.
- GOI, the international community, and CSOs should rebuild the functionality of the National Network for Women's Protection to provide financial and other support to women survivors.

Concern: Corruption at police and military detention centers, which allows detainees to be released or executed without investigation or fair trial, has a detrimental effect on justice and national security. Women IDPs from Anbar, who reported witnessing many violations by security personnel prior to and during the ISIL invasion, adamantly criticized this practice.

Recommendations:

- GOI should ensure accountability of security leaders so ISIL leaders and members are kept in detention or imprisoned until their trials.
- GOI should establish national intelligence offices in liberated areas to ensure sustained national security in collaboration with local police stations.

Concern: Political immunity and manipulation of justice to protect and support political leaders will ensure that liberated areas remain war zones.

Recommendation:

- GOI should implement transitional justice processes and justice reforms to create a foundation for a peace settlement in the liberated areas and across Iraq.

Conclusion: A Web of Conflict and Fragility

Looking at the concerns and grievances of IDPs reveals the deep interconnection of return to liberated areas with broader issues of security, justice, reconstruction, and reconciliation in Iraq. None of these elements can be pursued successfully in isolation. The safe return of IDPs will be an important measure of the robustness of liberation; however, sustainable national security is not possible without a strategic national plan for safe return that incorporates effective security and justice restoration.

IDPs have raised legitimate questions during JSD sessions that remain open for the Iraqi government, as none of those engaged in the sessions had adequate answers. These questions shed light on the drivers of future anticipated conflicts in Iraq:

- What will be the future of minors who lost their entire family and do not have proof of citizenship?
- What will be the future status of Shia and minorities in northern Iraq and its territories, including Tela'fer, Ninawa Valley, and surrounding villages?
- What will the ethnic dynamics between Arabs and Kurds in Mosul and Kirkuk look like?
- When will the exploitation of IDPs by their political and legislative representatives end?
- How will GOI protect single women and widows going back to liberated areas?
- How will internal provincial borders be redrawn, and what will the consequences of these new borders be?
- How prepared to tolerate and accept geographic and demographic changes are local communities?

The JSD dialogues have highlighted the social and political landscape that surrounds the safe return of IDPs. IDPs' concerns and recommendations can be used by stakeholders to help them navigate home without harm. However, this is only the first step. To make safe return and sustained peace a reality, stakeholders must continue to discuss and pragmatically collaborate on mitigating or preventing the most serious threats IDPs face. They must also address the more sensitive issues of community self-determination and Iraq's position in the Middle East.

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An online edition of this and related reports can be found on our website (www.usip.org), together with additional information on the subject.

Notes

1. International Organization for Migration Iraq Mission, "Displacement Tracking Matrix," <http://iomiraq.net/dtm-page>.

Of Related Interest

- *Managing Conflict in a World Adrift* edited by Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (USIP Press, February 2015)
- *UNSCR 1325 in the Middle East and North Africa: Women and Security* by Paula M. Payman, Seth Izen, and Emily Parker (Peaceworks, May 2016)
- *The Forced Return of Afghan Refugees and Implications for Stability* by Belquis Ahmadi and Sadaf Lakhani (Peace Brief, January 2016)
- *National Dialogues: A Tool for Conflict Transformation* by Susan Stigant and Elizabeth Murray (Peace Brief, October 2015)
- *Reconciliation in Practice* by Kelly McKone (Peaceworks, August 2015)



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