



The Kurdistan Regional Government
High Committee to Evaluate and Respond to International Reports

31st May 2015

Diyala Governorate

Kurdistan Regional Government Fact-Finding Investigative
Committee Visit to **Diyala** Governorate

Summary

The present report contains the main findings and recommendations of the Kurdistan Regional Government (KRG) Fact-Finding Committee which led an investigative mission in **Diyala Governorate** based on claims within the Amnesty International “Iraq: Banished and Dispossessed: Forced Displacement and Deliberate Destruction in Northern Iraq” and the Human Rights Watch Memorandum titled “Findings, Human Rights Watch Missions to Iraq 2015-2016”.

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I. Introduction

On the 28th June 2016, the Kurdistan Regional Government (KRG) Fact-Finding Committee lead an investigative mission in the Diyala Governorate based on claims in the Amnesty International report. This Fact-Finding Committee was formulated upon the decree of His Excellency Kurdistan Regional Government Prime Minister Nechirvan Barzani to address the concerns of the international community. The key members of the Fact-Finding Committee who visited the Governorate of Diyala were, Head of the High Committee to Evaluate and Respond to International Reports Dr. Dindar Zebari (Head of the Fact-Finding Committee), Deputy Head of the General Security Board Adil Botani (member of the Fact-Finding Committee), Head of Kurdistan Region Police Force Abdullah Khaylani (member of the Fact-Finding Committee), Head of legal Affairs at the Ministry of Peshmerga Major General Kawa Anwar (member of the Fact-Finding Committee) and the Kurdistan Region Presidency's Office Head of Legal Affairs Talib Rashid (member of the Fact-Finding Committee). Moreover, the KRG High Committee to Follow-up and Respond to International Report was responsible for the role of compiling and formulating the reports based on the findings of the Fact-Finding Committee.

In this visit, the KRG Fact-Finding Committee met with several sources in the Diyala Governorate to discuss a number of current realities in the region. These sources included High-ranking Peshmerga Commanders responsible for the military/security situation in the Diyala Governorate, the Head of the Provincial Council, the Head of Asayish (security forces) in the Diyala Governorate, and local Arab tribal leaders and village representatives from the two provinces.

A number of matters were discussed in the meetings, including the claims raised by Amnesty International (forced displacement and movement restriction) regarding the Diyala Governorate. Also in these meetings, the present Peshmerga, Asayish, and Provincial Council representatives discussed with the committee their concerns and predicaments that they face in the region. Furthermore, the KRG Fact-Finding Investigative Committee held an in-depth meeting with the heads of the Arab and Kurdish tribes, including heads of tribes in the surrounding region.

The KRG Fact-Finding Investigative Committee gathered a large sum of integral information in its fact-finding mission to the Diyala Governorate which is included in this report. Additionally, the KRG Fact Finding Investigative Committee has also compiled the findings from the Fact-Finding Committee's visits to Zummar, Kirkuk and Makhmour Governorate to derive information regarding the current situation in the aforementioned regions and has subsequently formulate reports similar to this one.

II. Mandate and Methodology

The Fact-Finding Investigative Committee was issued the mandate of examining alleged violations of international human rights and humanitarian law occurring across areas in Northern Iraq and the Kurdistan Region, and to determine whether such violations have truly been committed. The Fact-Finding Committee examined the immediate and continuing impact of military operations of the relevant populations and their enjoyment of human rights. Subsequently, the findings of this mission are included in this response report to Amnesty International.

The Committee was fortunate enough to meet with a large number of provincial, security, and military officials stationed in the Diyala Governorate and surrounding districts and forwarded to them questions based on the matters raised in Amnesty International Report. Additionally, the KRG Fact-Finding mission personally visited a number of villages included in the Amnesty International report and met with Sheikhs, elders, and village representatives to discuss relevant matters included in this report. In this meeting the tribesmen and villagers shared their experiences and relayed other relevant information. The list of these attendees and participants are attached within this document.

The KRG Fact Finding Committee and its secretariat conducted several meetings and interviews with individuals who are directly involved in the administrative, security, and military realities in the Diyala Governorate. Furthermore, the accounts from Arab tribesmen and tribal leaders also formed an important aspect of this fact-finding visit. Additionally, the Fact-Finding Investigative Committee utilised all the gathered data whilst considering the credibility, reliability, and potential bias of the sources. The Fact-Finding Investigative Committee asked open-ended questions to the interviewees and participants of the meetings to promote genuine understandings and attitudes of the current situation.

The following allegations are included in the Human Rights Watch report and thus form the structure of this report:

- Forced Displacements
- Movement Restrictions

III. Destruction of Homes and Properties

In the Amnesty International Report it was stated that there is an effort to destroy homes and properties in the Diyala governorate, or under the auspices of the Peshmerga and Asayish forces. Such allegations were relayed to the military, security, governorate, and civilians element present in the meetings in the Diyala Governorate who provided integral information and clarifications regarding the matter.

According to a high-ranking representative of the Garmiyan Provincial Council, the Southern district of Tajneed was subject to intense conflict between the Peshmerga forces and IS and thus now contains a large number of destroyed properties. Moreover, the presence of coalition airstrikes in Tajneed was also a prime contributing factor in the destruction of properties. Such properties were used as fighting positions for IS fighters in the Tajneed district.

Moreover, on the account of the head of the Jalawla Sub-District Office, there exists a large presence of non-KRG related forces or militias who partake in the large-scale destruction of properties through the use of heavy machinery and misdirect their sectarian crimes by acting under the disguise of Peshmerga force uniform. Additionally, according to the same source, when IS fighters took control of Jalawla, they began a systematic effort to plant improvised explosive devices (IEDs) in a large number of homes in the district. Within this process, 97% of governmental buildings were destroyed by IS and 274 homes were destroyed due to IEDs. After the liberation process to retake Jalawla, 8301 IEDs were dismantled by Peshmerga bomb disposal teams. In a number of homes, IS planted IEDs with in excess of 30 kilogrammes of explosive materials and aimed to slow down the military advances of Peshmerga forces.

Furthermore, as maintained by a Peshmerga Commander, the village of Wahda was subject to destruction by mainly two forces, IS and non-KRG forces/militias. In the village of Jumeili, the majority of homes were subject to arson attacks or destroyed using heavy machinery by non-KRG forces/militias.

According to the highest-ranking Peshmerga Commander in Diyala Mahmoud Sangawi, thousands of homes in Jalawla have been destroyed for a number of reasons, such as social discrepancies/hostilities, non-KRG affiliated forces/militias, IEDs, ensuing conflicts, and coalition airstrikes targeting IS positions. This information is supported by the Head of the Anti-Terrorism division in the Asayish security forces who stated that the above, in addition to exchange of fire in Jalawla and specifically in the village of Bahiza, Wahda, and Jumeili between the Peshmerga forces and IS was a cause for the destruction of property as a natural consequence of conflict.

The head of the district of Tajnid in Jalawla who was also present in the meetings hosted by the KRG Fact-Finding Committee stated that up to 20% of homes in the Southern Tajnid quarters were destroyed through the exchange of fire and the presence of IEDs planted by IS forces.

III. Movement Restriction

In the Amnesty International Report titled *“Iraq: Banished and Dispossessed: Forced Displacement and Deliberate Destruction in Northern Iraq”* many claims were made regarding Arab residents not being allowed to return to their homes through Peshmerga checkpoints.

In general, according to the Mayor of Garmiyan province, neither the KRG nor the Peshmerga forces have a systematic policy of not allowing the return of citizens to return to their homes and original places of residence. Instead, the justification behind the non-return of citizens is both down to their individual non-willingness to return to their homes due to security concerns and a lack of basic services.

Additionally, according to another Peshmerga Commander, the Peshmerga forces have in some instances not allowed residents to return to their homes being located in areas close to frontline positions between the Peshmerga forces and IS. Furthermore, the large presences of homes which have been destroyed during the conflict (through the exchange of fire and failed dismantling of IEDs) have been factors which have mitigated the return of civilians to their homes.

According to the Head of the Jalawla Sub-District Office, of the 10,074 families who became displaced as a consequence of the conflict, 4,900 families have been able to return to their homes. Moreover, in the town of Tali’a which is located in the surrounding area of Jalawla, 1800 families have been able to return to their homes. These returnees are testament to the fact that the Peshmerga forces have not been an obstacle in the face of citizens wishing to return to their homes (providing that the security situation allows for their return, and the provisions of basic services are present).

As mentioned by the Representative of Iraqi National House of Representatives Office in Jalawla the ongoing process of reconstruction for homes destroyed in the exchange of clashes which transpired between the Peshmerga forces and IS in the district, has delayed the return of the displaced citizens to their homes. Furthermore, through an act of cooperation between federal Iraqi security forces and the Peshmerga forces, individuals wishing to return to their homes have to undergo a security assessment to determine whether or not they pose a threat to the stability of the Jalawla district. For this reason, there are further delays in the widespread return of individuals to their original places of residence.

V. Conclusion

To reiterate, the KRG is wholly committed to strengthening its governance practices including its observation of international human rights norms and standards. We believe that attention to reports like that of Human Rights Watch Amnesty International demonstrates our devotion to addressing human rights concerns addressed to us by the international community. We intend on continuing to pursue measures to investigate claims raised and evaluate current realities in the aforementioned regions.

Moreover, we strive to improve our relations with international counterparts, both governmental and non-governmental, to ensure that any outstanding shortcomings are remedied. The KRG puts into practice an open-armed approach with our international counterparts and welcomes any suggestions that may advance our governance standards and human rights policies and practices. Furthermore, the Investigative Committee has also prepared its own recommendations which will hopefully benefit the current situation.

In the past, present, and indeed the future, the KRG will remain compelled to facilitate visits, fact-finding missions, and permanent representations for our international counterparts. Additionally, we kindly request that the international community mirrors this approach and invites the KRG to international platforms where meaningful and in-depth discussions concerning human rights standards takes place. Through such platforms, the KRG may relay its sincere requests for support, amidst the current influx of IDPs and refugees and war on the Islamic State terrorist group.

Moreover, the KRG is working on future strategies and mechanisms which will facilitate the implementation of legislation that will improve human rights standards. We welcome international entities, like Human Rights Watch and Amnesty International, in the pursuit of such a strategy and believe that through extensive cooperation with the international community, such an objective can be quickly realised.

List of Attendees and Interviewees

List of local Tribal Leaders, Sheikhs, and personalities

Name	Title
1. Adil Mohammed	Head of Khalidi tribe
2. Mahmoud Hassan Hussein	Representative of Khalidi tribe
3. Hassan Mohammed	Representative of Abeidi tribe
4. Malik Hamada Al Attia	Representative of Abeidi tribe
5. Sabah Sadoun Salim	Representative of Samed'a tribe
6. Asad Salih Habib	Representative of Korawi tribe
7. Nazir Ahmed Rahim	Representative of Aws tribe
8. Abdulrahman Sadoun Awad	Representative of Aws tribe
9. Aziz Gadok Mohammed	Head of Jurif al-Sakhir village
10. Mahmoud Feyhan Farhan	Representative of Jurif al-Sakhir village
11. Hussam Mohammed Hussein	Representative of Dilem tribe
12. Ibrahim Salih Sa'adullah	Representative of Khalidi tribe
13. Suheil Mustafa Yasin	Representative of Ashrawi tribe

List of local officials

Name	Title
1. Salih Chekhwa	Mayor of Garmiyan province
2. Mahmoud Sangawi	Highest Ranking Peshmerga Commander in Diyala Axis
3. Brigadier Azad Isa Abdulrahman	Head of Khanaqin Police force
4. Brigadier Luqman Salih Shukir	Head of Kalar Police force
5. Brigadier Abdullah Mohammed Abdullah	Peshmerga Commander
6. Colonel Hassan Ali Ahmed	Peshmerga Commander
7. Lieutenant Colonel Rebwar Abdullah	Head of Kifri Police
8. Major Farhad Rafat Mohammed Ali	Khanaqin Anti-terrorism Department
9. Lieutenant Mohammed Fayiq Aziz	Head of Garmiyan Police
10. Captain Ako Ahmed Qadir	Garmiyan Police Officer