



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

11th May 2015

Zummar District

Kurdistan Regional Government Fact-Finding Investigative
Committee Visit to Zummar District

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 Zummar District (Nineveh Governorate) based on claims made by Amnesty International and Human Rights Watch.

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I. Introduction

On the 11th of May 2016, the Kurdistan Regional Government (KRG) Fact-Finding Committee led an investigative mission in Zummar District based on claims made by Amnesty International and Human Rights Watch. This Committee was formulated upon the decree of Kurdistan Regional Government His Excellency Prime Minister Nechirvan Barzani to address the concerns of the international human-rights and humanitarian non-governmental organisations. The key members of the Fact-Finding Committee who visited the Zummar district were, Head of the Investigative Committee Dr. Dindar Zebari, and the following members of the Investigative Committee Deputy Head of the General Security Board Adil Botani, Head of Kurdistan Region Police Force Abdullah Khaylani, and Head of Legal Affairs at the Ministry of Peshmerga Major General Kawa Anwar, Head of Legal Affairs at the Kurdistan Region Presidency Dr. Talib Rashid Yadgar. Also included in the visiting delegation were the secretariat members of the KRG High Committee to Evaluate and Respond to International Reports, Dr. Kawa Mohammed Amin, Barzani Hussein, Ashti Teimour, Badraddin Tofiq, and Khalil Sleman.

In this visit, the KRG Fact-Finding Committee met with several authorities in the Zummar district to discuss a number of current realities in the newly liberated areas. These authorities included the head of the Zummar Provincial Council, Head of Asayish (security forces) in Zummar, Head of Asayish in Rabia District, Head of Asayish in Shingal and Snuni, Military Commanders responsible in Zummar, Zerevani Commanders in Snuni/Oweynat/Avgani/Aski Mosul/Ain Zalah, Iraqi federal government Police Unit representatives, and Sunni Arab tribal leaders in the Zummar and Rabia Districts.

A number of matters were discussed in the meetings, including the allegations raised by Amnesty International and Human Rights Watch (destruction of properties, restriction of movement, and forced displacement) and other concerns raised by the individuals residing in the Zummar District. Moreover, Assayish officials discussed a number of predicaments that they currently face in the region, including the ever-present threat of terrorist attacks. Furthermore, the KRG Fact-Finding Investigative Committee held a meeting with the heads of the Arab tribes in Zummar and Rabi'a to hear their views and concerns regarding the current realities in the region.

The KRG Fact-Finding Committee gathered a large sum of important qualitative and quantitative information in its fact-finding mission to Zummar which are included within this report. Additionally, the KRG Fact-Finding Committee has visited the following regions to carry out similar initiatives in Kirkuk, and Diyala to derive information regarding the current situation in the aforementioned regions and subsequently formulate reports similar to this one. Also, the Investigative Committee will visit Makhmour in the next coming days.

II. Mandate and Methodology

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

The Committee was fortunate enough to meet with a large number of provincial, security, and military officials stationed in Zummar and its surrounding districts and forwarded to them questions based on the matters raised in both the Human Rights Watch Memorandum and Amnesty International Report. Additionally, the KRG Fact-Finding mission was also fortunate enough to be hosted by over fifty Zummar Arab tribesmen and tribal leaders who participated in an in-detail meeting. In this meeting the tribesmen shared their experiences and relayed other relevant information regarding current realities.

The Committee and its secretariat members conducted several meetings and interviews with individuals who are directly involved in administrative, security, and military matters in the Zummar district and surrounding areas. 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.

III. Destruction of Homes and Properties

In the reports of Human Rights Watch and Amnesty International (specifically in the Human Right Watch Memorandum) a number of allegations were propounded regarding the destruction of homes and properties in the Nineveh governorate by, or under the auspices of the Peshmerga and Asayish forces. These allegations were mainly concerning the Zummar District and villages east of Mount Sinjar. Such allegations were relayed to the provincial, security, and military and civilian elements present in the meetings in Zummar. Moreover, contact numbers were exchanged and further information was exchanged in the days following the visit.

Each of these authorities provided invaluable information regarding the matter of the alleged destruction of homes and properties in the Nineveh governorate, specifically Zummar and villages east of Mount Sinjar.

According to the Head of Asayish (Security forces) in Zummar, six-hundred homes and properties were destroyed by the Islamic State (IS) terrorist group only in the centre of Zummar when the district was under its control. This level of destruction occurred prior to the Peshmerga forces liberating the district and its town centre. The Asayish official continued to say that these houses were comprised of both Arab and Kurdish owners, and that all residents who were civil servants homes were purposefully targeted by IS.

Moreover, the Head of Asayish in Zummar went on to say that seventeen homes were damaged when the Peshmerga forces liberated Zummar from the control of IS. He went on to say, that the reason for the destruction of homes in Zummar town centre whilst under the control of Peshmerga was the large presence of improvised explosive devices (IEDs) and cited more than 173 tonnes of explosives unearthed in Zummar town centre alone. Furthermore, in the process of clearing Zummar town centre from the presence of IS planted IEDs, 23 Peshmerga IED disposal personnel were killed.

Furthermore, the Peshmerga forces lack the technical ability to confront the sheer large number of IEDs planted by IS. Also, According to members of the Zummar Provincial Council, the Peshmerga forces received no immediate assistance in the process of dismantling IEDs by any national or international non-governmental organisation. The international non-governmental organisation the “Mines Advisory Group” which has representation offices in Iraq and the Kurdistan Region provided no assistance in the IED dismantling process in the initial stages of the liberation of Zummar and only offered their help a year after the liberation process was completed. This was a chief consequence behind the non-return of citizens to their respective homes and villages.

The Head of Asayish in Zummar also noted that when the Peshmerga forces liberated Zummar town centre from IS control, a number of elements from the local citizenry attempted to carry-out reprisal attacks against Zummar town residents who reportedly joined or supported IS in their committing of heinous crimes in the district. However, these

individuals were completely prevented from doing so by Asayish forces in the town centre. In addition, the Head of Asayish in Zummar noted that various educational seminars have consequentially been held in Zummar town to prevent reprisal attacks and to promote and maintain ethnic coexistence in the province.

Moreover, with regards to allegations of property destruction in the district of Zummar, the head of the Provincial Council made the Fact-Finding Investigative Committee aware of a Nineveh Governorate decision (with the official decree of the Iraqi Federal Ministry of Municipalities and Public Works and in cooperation with previous Nineveh Governor Atheel Nujaifi) for 350 properties to be dismantled due to them being built without official permission. This is also a cause for the presence of destroyed homes in Zummar.

The head of the Provincial Council also revealed that a large number of public places in Zummar town were planted with IS IEDs so that security forces could not enter in the process of its liberation, thus the Peshmerga forces were forced to forcefully trigger these explosive devices due to a lack of technical capacity and also to continue with their military operations. Also in some villages some elements of the citizenry were involved in destroying each other's property due to personal discrepancies but in most cases they were prevented from doing so by security forces, such as in the village of Tel Mus.

According to Sheikh Ahmed Muzzaham Hawed, head of Jahesh Tribe, the Peshmerga forces and internal security forces provided a large sum of support to the Arab residents in Zummar. However, if an incident has occurred pertaining to human rights violations, these were alienated incidents and do not represent the level of ethnic coexistence present in Zummar. Moreover, Sheikh Muzzaham Hawed went on to say that many local residents of Zummar looted and destroyed the properties of Kurds with the onset of the IS offensive on the town. In the period since the Peshmerga forces retook Zummar, 80% of shop owners have returned to their duties and continue with their day-to-day lives.

Additionally, due to some of the villages being located in front-line positions between the Peshmerga forces and IS some properties incurred damage amidst the fighting due to artillery and mortar strikes, such as the village of Hamad Agha where 120 houses were destroyed. Similarly, in the village of Sheikhan, which is located on the frontline, half of the properties were destroyed due to the exchange of fire (170 houses, 85 of which were destroyed).

With regards to the villages of East of Sinjar Mountain according to Peshmerga Commanders and Asayish officials who were present in the aforementioned region, the village of Barzanke and the large majority of properties in the village were subject to arson attacks by large groups of Yazidis in retaliation for their participation in the mass-killing of Yazidis. According to the Peshmerga commanders stationed in this village when the attacks took place, measures were taken to stop this destruction of property (including shots fired into the air) however the sheer number of Yazidi residents proved too overwhelming a crowd to stop. In the village of Om Khabari, which is located close to the Syrian border, it was alleged that out of 80 houses, 60 houses were destroyed by heavy machinery by Yazidi civilians supported by YPG/YPJ forces. In the village of Saher, of 60 homes 50 were also reportedly

destroyed by YPG/YPJ forces. The large majority (90%) of these homes were made of mud and only the mosque and school were not destroyed. In the village of Khazuqa, Rajim al-Abid, and Chre the YPG/YPJ affiliated militias purportedly destroyed many properties of Arabs who they perceived to be aligned or part of IS.

According to Asayish officials in the Shingal region, a total of 523 homes were destroyed in Barzanke village, including those that were subject to IS IEDs. According to the same commanders, the reason why the village of Barzanke was particularly severely targeted was due to some contextual factors, such as it being the epicentre of the IS groups support base in the general Sinjar area as well as a recruitment hub for IS fighters and IS commanders (including the self-acclaimed Emir of Rabi'a and Zummar). According to Asayish sources, many of the perpetrators of the mass-killing of Yazidis were indeed from the village of Barzanke.

Similarly, in Umm Khabari, 60 homes were destroyed by Yazidi residents who were supported by YPG/YPJ affiliated militias as a form of retaliatory attacks against perpetrators of the mass-killing of Yazidis. In Al-Sayir a further approximately 60 homes were destroyed on the same basis by Yazidi citizens of Sinjar and its surrounding villages. Additionally, comparable destruction was carried out in Jiri, Sibaya, and Khazuqa.

In the centre of Zummar town more than 1700 houses have been destroyed due to several factors

- Approximately 330 houses were destroyed by IS fighters, and subsequently court cases were issued regarding this destruction
- Approximately 700 homes were destroyed by governorate authorities due to them exceeding the area allocated for their properties
- In the centre of Zummar town nearly 300 homes have been destroyed by airstrikes in the fight between Peshmerga
- In the centre of Zummar town nearly 280 were subject to IED's planted by IS which caused their destruction in the period after the Peshmerga forces recaptured the town

IV. Forced Displacement/Movement Restrictions

In the Amnesty International Report titled, “Iraq: Banished and Dispossessed: Forced Displacement and Deliberate Destruction in Northern Iraq”, it was claimed that Arab residents of villages surrounding Zummar were denied entry into their original places of residence after being liberated by Peshmerga forces. It was also alleged that permission is granted to ethnic Kurdish residents to resettle in their villages, but ethnic Arab residents were not permitted re-entry. Moreover, similar concerns were raised regarding the villages East of Mount Sinjar which include Barzanke, Umm Khabari, and al-Sayir.

Moreover, in the Human Rights Watch Memorandum “Mission to Iraq 2015/2016”, it was noted that in the Zummar District, no Arabs are allowed to return to their homes, except for exceptional circumstances where Arab government officials are permitted to return. In addition, it is also reported that in the Rabi’a District, the residents of Uwainat and Rabi’a town have been allowed to return to their homes and properties but only with Kurdistan Regional Government issued permits, whereas Kurdish residents are allowed to freely return without such permits.

With regards to Zummar, according to the head of Zummar provincial council, 14,600 families previously resided in and around the district with 90% of these families fleeing due to its close proximity to the battle-front, damaged properties, and a lack of basic services. However, the claim that no Arab residents were permitted to return lacks validity due to a number of families returning to their homes despite the dire circumstances in the district. Indeed, according to the Head of Zummar provincial council, 661 families returned to the town in 2015 with an additional 201 families returning since. According to the Head of Asayish in Zummar no residents (Arab or Kurdish) have been denied permission to return to their original places of residence in Zummar. Instead, a large number of families who assisted IS militarily or otherwise fled to IS held areas in Iraq and Syria following the recapture of the district by Peshmerga forces.

Furthermore, in 2015, Kurdistan Region President Masoud Barzani held a meeting in Sahela where he stressed that there should be no restrictions in place which mitigate the return of Arab residents to their respective homes. However, according to the head of Asayish in Zummar and the present Zerevani Commanders, a number of mitigating circumstances have slowed down the return of residents to the town of Zummar and surrounding villages. Indeed according to these sources, for the initial 6 months after the liberation of Zummar, no residents were permitted to return to their places of residence due to the extremely large presence of IEDs and the complex task of removing them.

According to the Head of Zummar Asayish (security forces), until now there are no cases reported of Asayish or Peshmerga forces who have forcefully displaced the Arab Sunni residents of Zummar. However, a large number of Arab Sunni residents have optionally chosen to migrate to areas under the control of IS. For this reason, the Asayish forces have

limited their return to their original places of residence based on credible intelligence that they may be a security threat.

According to information relayed to the Fact-Finding Investigative Committee by the Head of Zummar Asayish, 60% of Zummar town and surrounding villages have not returned to their homes. Regarding those individuals and families who have returned to Zummar from Mosul and IS-held areas in Syria, they have been permitted to return so long as there is no Asayish intelligence linking them to a possible security threat. Up to now, 2000 families (comprised of Kurds and Arabs) who have returned from Mosul and IS-held areas have been permitted entry into Zummar. As an example, 128 families on the 6th of September 2015 until the 12th of May 2016 returned from IS held areas in Mosul and Syria and have resettled in Zummar, with others currently residing in Suleimani, Erbil, and Dohuk.

The following is a breakdown of villages in the Zummar and Avgani district whereby a number of their residents have returned. This data was received from the Head of the Zerevani forces in Zummar (Kurdistan Regional Government Ministry of Interior) and demonstrates that both Arab and Kurdish residents have been permitted re-entry to their villages. Additionally, it is indicative of the KRG's inclusive policy regarding freedom of movement and promoting the return of citizenry to their villages and homes.

- Sahela – 217 families have returned (ethnically Kurdish)
- Zummar Town Centre – 800 families have returned, 233 have been forcibly moved (Town itself comprised of 90% Kurdish residents and 10% Arab residents)
- Wadil Shur – 90 families have returned (ethnically Kurdish)
- Kahris – 801 families have returned, 22 families forcibly moved by IS (ethnically Kurdish)
- Abu Jana – 500 families have returned (ethnically Arab)
- Al Samut – 300 families have returned (ethnically Arab)
- Al Bardiya – 320 families have returned, 17 forcibly moved by IS (ethnically Kurdish)
- Al Jazruniya – 246 families have returned (ethnically Arab)
- Jisa – 404 families have returned (ethnically Kurdish)
- Tel Abu Zahir – 99 families have returned (ethnically Kurdish)
- Jambayf Tahtani – 143 families have returned (ethnically Kurdish)
- Omar Khalid – 145 families have returned (ethnically Kurdish)
- Sheebana – 116 families have returned (ethnically Kurdish)
- Qay al Riyah – 180 families have returned (ethnically Arab)
- Al Mifri – 373 families have returned, 44 forcibly moved by IS (ethnically Kurdish)
- Sahel al Hamd – 64 families have returned (ethnically Kurdish)
- Al Soufiya – 200 families have returned (ethnically Arab)
- Kubane – 166 families have returned (ethnically Kurdish)
- Tel Mus – 748 families have returned, 52 forcibly replaced (ethnically Kurdish)

According to Sheikh Ahmed Muzzaham Hawed, head of Jahesh Tribe, a large number of Arab residents of Zummar wish to return to their original places of residence but due to an ever-present threat of IS sleeper-cells they have been unable to do so. As an example, in the route between Haloom and Hardan an IS VBIED was detonated by sleeper cells and caused 10 fatalities.

Additionally, a dire lack of basic services (water and electricity etc.) and reprisal attacks have been obstacles in the pursuit of returning to their villages and homes. Moreover, a large number of residents are wary of returning to their homes as they previously had links with the IS terrorist group and fear incarceration by security forces in the region, such as some residents of Girgafir village where 98% of the residents cooperated with IS.

According to the Director of the Citizenship Department in the Zummar District, who himself is ethnically Arab, has made it clear that he alongside other Arab civil servants in the district are able to facilitate the easier return of Arab residents to their villages.

Additionally, the Head of the Zummar Municipality stated that the Asayish services issue a non-permanent visitor permits to a number of notable Arab citizens, including tribal leaders. Their visiting visas are relayed to the checkpoints in the region, giving them freedom of movement. This process is ongoing and the scope of the recipients is widening to other individuals.

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.