



## **Khanaqin - Brief on Forced Encampment and Returns**

27 October 2016

On 24 October 2016, the Mayor of Khanaqin ordered all internally displaced people (IDPs) residing in villages in the outskirts of Khanaqin City to relocate to the camps or return to their place of origin. The relocation order follows an increase in attacks by ISIL in Kirkuk, Saadiya, and Khanaqin. These decisions potentially affect all IDPs in Khanaqin; more than 6,323 families (28,155 individuals).

As of 27 October, the order has yet to be enforced and there have been no reports of forced evictions from Khanaqin, although 14 families have moved to a camp following the forced encampment order out of fear that security forces would force them to go to the camp.

According to the Khanaqin government, there are 1,677 families (9,223 individuals) in the surrounding villages of Khanaqin who are directly affected by the relocation order. However, there are only about 30 available plots in Alwand 2 Camp (UNHCR camp). There are some available plots Alwand 1 Camp, managed by the government; however about 700 of those plots need electricity and water installed before they are habitable. As the IDP population affected far exceeds the camp capacity, IDPs may be forced to return to their place of origin.

At the request of the Mayor, local *mukthars* notified the IDP families of the relocation order. Upon receiving the order, many IDPs now fear losing their livelihoods if they move to the camp, as well, many IDPs are unwilling to return to their place of origin due to lack of infrastructure, security situation, or illegal confiscation of property and homes.

As of 26 October, 14 families had moved to Alwand 1 Camp, and 26 IDP families had registered to relocate there.

On 26 October 2016, humanitarian actors received documentation issued by the Mayor clarifying that the Khanaqin Security Council decided the following:

- i) All IDPs residing in villages of Khanaqin are to be relocated to Alwand 1 Camp;
- ii) *Mukhtars* are to provide to the authorities lists of names of all IDPs residing in the villages; and,
- iii) IDPs who have permission to return to their place of origin are no longer permitted to reside in Khanaqin.

Also on 26 October, the Mayor informed UNHCR that he will not force IDPs to move to camps *en masse*, and plans to wait for electricity and water to be installed in Alwand 2 Camp. However, he noted that empty plots in Alwand 1 Camp are ready for IDPs. The Mayor also explained that given the unstable security situation, the plan is to “organize” the IDPs residing in villages in Khanaqin - in particular those moving back and forth between their place of origin and Khanaqin - and to assess whether they pose a security risk. Khanaqin

authorities will create a security committee to determine whether individuals need to be relocated to a camp or return to their place of origin, if they are able to do so.

The Mayor further informed that he does not plan to forcibly expel IDPs who do not pose a security risk. This includes IDPs who may have permission to return but are unable to do so due to lack of infrastructure, unstable security situation or illegal transfer of property in their place of origin, notably in Saadiya and Muqdadiyah.

Contrary to the information provided by the Mayor, according to OCHA, the Khanaqin authorities agreed they will allow IDPs with Kurdish sponsorship to remain in Khanaqin. Instead the authorities will forcibly return IDPs who have been granted permission to return to Jalawla, Saadiya and Muqdadiyah.

Returns to these areas are likely to be unsustainable, as many of these IDPs previously tried to return to their place of origin, but due to lack of infrastructure, security issues, and human rights violations, including forcible transfer of their houses to the PMF in Muqdadiyah, they re-returned to Khanaqin.

Also on 26 October, it was reported that Diyala Governorate authorities determined that all IDPs residing in Khanaqin should return to their place of origin; however this information has not yet been confirmed. It remains unclear how this might impact the orders issued by Khanaqin authorities.

Overall, there continues to be uncertainty if the order will be enforced and how it might impact IDPs. UNHCR and the Protection Cluster continue to advocate with Khanaqin authorities to respect the rights of all IDPs. Protection monitoring continues in Khanaqin villages, as well as in Jalawla and Saadiya.

#### **Actions Taken:**

- On 26 October 2016, the UNHCR, in its capacity as the Protection Working Group lead, and OCHA met with the Mayor of Khanaqin. The UNHCR and OCHA requested clarity on the relocation order, advocated for the abolishment of the order, and requested the authorities to urgently complete Alwand 1 Camp. UNHCR urged authorities to respect the rule of law, and ensure a transparent and fair judicial procedure for anyone suspected of posing a security risk.
- The Protection Working Group have mobilized protection actors to conduct protection monitoring of IDPs, to monitor IDPs approaching the camps, and monitor returns; and report whether any forcible encampment or forced returns have taken place.
- While recognizing security related concerns, it has been highlighted that collective punishment of all IDPs is a violation of basic principles of rule of law. The forced encampment and expulsions violate the Constitution of Iraq and international human rights law.

#### **Recommendations:**

The Protection Cluster recommends that individual agencies, or the humanitarian community as a collective, do the following:

- *Urgently* call on the Mayor of Khanaqin and the Governor of Diyala to respect the rule of law, the right of voluntary return and the right of freedom of movement.
- *Issue* press statements condemning the Khanaqin authorities orders for forced return and forced encampment orders, calling attention to the sever and ongoing violations of the Constitution of Iraq and International Human Rights Law.
- *Participate in* a delegation of HCT members to meet with the Mayor of Khanaqin and the Governor of Diyala.