



Tribal Justice in a Fragile Iraq

NOVEMBER 7, 2019 — HALEY BOBSEINE

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Tribalism is a defining characteristic of modern Iraqi society, but one that is constantly adapting to changing times. This report aims to shed light on tribes' engagement with communities—sometimes helpfully, and sometimes not—as they attempt to rebuild following the territorial defeat of the Islamic State.

This report is built on the author's recent field research in Iraq, including dozens of interviews with tribal sheikhs, Popular Mobilization Units (PMU, or al-Hashd al-Sha'abi in Arabic) leaders and fighters, religious and judicial tribal figures, lawyers, judges, local and regional government officials, humanitarian workers, researchers, female activists and academics, internally displaced people (IDPs), returnees, and residents of predominantly tribal areas. The report seeks to advance the understanding of complicated tribal dynamics, as donors, nongovernmental organizations (NGOs), the United Nations, and foreign advisors engage with tribal actors in post-Islamic State Iraq.

The report first briefly explores evolving Iraqi Sunni Arab tribalism and foundational tenets of tribal customary law. It then delves into thematic analysis of evolving tribal dynamics “post-Islamic State.” It explores such issues in the following order: customary justice and its interaction with the formal

justice system; dispute resolution; security coordination with state actors; women's interaction within patriarchal tribal structures; tribes' support of or fight against the Islamic State and its legacy of extremism; tribal facilitation and exploitation of the IDP return process; intra- and intertribal community disputes; and finally, the outlook of tribal sheikhs on the potential for tribal confrontation and coordination with the state.

While the Iraqi state is weak, Sunni Arab sheikhs residing in areas since liberated from the Islamic State are often even weaker. Iraqi officials and international analysts alike perceive these areas as long-time hotbeds of violent Sunni extremism. Government and security actors—and even the Iraqi populace more broadly—cast a suspicious eye on tribal sheikhs and residents of areas once controlled by the Islamic State. Tribal actors must maneuver in an environment filled with more powerful security actors in their areas, such as the Iraqi security forces, and the PMU and its affiliates. Only those tribal leaders with strong ties to political, government, business, or PMU actors hold more sway. Such leaders use their positions to vie for military and political influence and financial gain as brokers for lucrative reconstruction, conflict-reduction, and IDP return projects.

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Despite their tenuous position, tribal sheikhs are playing an active role mediating disputes, including civil and criminal cases. Indeed, the Islamic State's occupation of these sheikhs' areas has left in its wake a large number of cases that need tribal resolution. Tribes are referring captured Islamic State fighters to state justice, because of security concerns and sensitivities around those who directly participated in violence. At the same time, however, tribes are taking on a significant role in the administering of tribal justice for Islamic State family members and supporters—often resolving matters that the state is ill-equipped or unwilling to deal with. In such cases, tribes are rendering informal justice and negotiating disputes, sometimes acting in concert with the formal justice system and at other times filling the “justice gap” left by a state judicial system that many Iraqis distrust, and which can be inaccessible. Tribal sheikhs are brokering local tribal agreements to prevent revenge attacks and contain simmering intra- and intertribal and communal tensions. Further, tribes are pivotal in facilitating—and sometimes blocking—the return of more than 1.5 million IDPs. With Iraqi security forces and PMU groups stretched thin across vast territory, tribal PMU groups supplement and support local security efforts.

Tribal justice has always played a role in Iraq. But today, even as tribes are weakened overall—especially at the national level—the role of tribal justice has increased. And tribes have mobilized to use their localized, client-centric tribal authority (which at times is bolstered due to connections with powerful actors in Baghdad) to insert themselves in reconstruction and conflict-prevention initiatives, while attempting to sideline adversaries. The resolution of the large number of outstanding tribal justice cases is impacted by a fractured political environment, regional political and security tensions, and the dissatisfaction of residents, who demand increased security and better access to services and jobs.

Tribal sheikhs complain that they are unfairly burdened by these demands and challenges, and say that they lack proper support from the state. However, residents in tribal areas often complain, in turn, of tribal transgressions. They allege that tribal leaders exploit, for material benefit, their customary

roles in negotiating punishment for misdemeanors, IDP returns, land and housing disputes, and other issues.¹

This report highlights both residents' grievances and tribal structures' and leaders' more positive contributions. It reveals a contrasting picture: tribal mechanisms have the potential to contribute to better governance and the administration of justice in Iraq—but only if there are reforms to rein in abuses.

Field research for this report was conducted in Sunni tribal areas in Anbar, Erbil, and Baghdad governorates, as well in areas of the predominantly Shia Arab South. The author also conducted interviews about tribal practices elsewhere in Iraq, including in Nineveh and Diyala governorates. Due to the sensitive nature of the topics discussed in this report—as well as, in some cases, fear of reprisals—the author has withheld the names of most interviewees, upon their request. To further protect the anonymity of sources, the author has in many cases intentionally left the dates of interviews vague.

Evolution of Tribalism

Tribalism remains a defining characteristic of modern Iraqi society, but its current expression is the result of centuries of adaptation and evolution in reaction to political and territorial events. Tribes lost sovereignty over their members, and in large part, over their own territory, decades ago—the Iraqi state now holds jurisdiction. As anthropologist Hosham Dawod writes, the tribe now survives as a cultural and social reality that sometimes emerges politically when the state is weak, or when co-opted or empowered by the state, or with the assistance of an outside or international force.² Today, traditional tribal customs continue to influence day-to-day life, and many Iraqis may resort to their tribe when seeking physical and economic security or dispute mediation. Tribes' role at the national level remains marginal, but at the local level, client-centric forms of tribal authority continue to be important throughout Iraq.

Tribes' power often expands and contracts in inverse proportion to the strength of the state, and tracks with tribes and their leaders' proximity to powerful state actors.³ For example, Saddam Hussein sought to strengthen tribes

when doing so proved strategically expedient. He purposely recruited forces from specific small and midsized tribes, capitalizing on “*asabiyya*” (group solidarity) to command loyalty and undercut enemies on opposing ends of intra- and intertribal disputes. He also used tribes to violently crush dissent among his opponents.⁴ Some of the Sunni Arab tribes that enjoyed privileged status under Saddam Hussein were later disadvantaged by de-Ba’athification, and lacked political representation in Baghdad. And some of the Sunni Arab tribes disadvantaged by the post-2003 order sought transactional associations (and in other cases, ideological associations) with armed extremist groups to challenge central and regional government authorities.⁵ Others aligned with Iraqi government or international actors to fight back against extremist groups. Anti-government protests in 2013 divided tribal leaders, and the subsequent rise of the Islamic State divided them further: tribal leaders and tribesmen fought on both sides of the conflict. Following the territorial defeat of the Islamic State, tribal leaders’ efforts to mobilize their constituencies have capitalized on local political, business, security, and PMU affiliations.

Tribal Structures

Approximately 75 percent of Iraq’s population are members of one of Iraq’s 150 tribes.⁶ Iraq’s largest tribes number in the hundreds of thousands, the smallest just several thousand.⁷ Iraq, of course, is a diverse country. A majority of the population are Shia and Sunni Arabs, but there are also many Kurds and smaller ethnic and religious minorities; many Iraqis from all these backgrounds are also members of tribes.⁸ Tribal customs and laws vary. There is significant overlap and little variation among Sunni and Shia Arab tribal customs and “*urf*” (tribal law), with most discrepancies limited to the price of “*diya*” (financial payments made to settle disputes). Tribal differences are greater among other ethnic and religious groups. The focus of this report is on Iraqi Sunni Arab tribal practices, although it makes occasional reference to Shia Arab tribal practices; some tribes include both Sunni and Shia members.

The largest unit within the Arab tribal structure is the “*qabalah*,” or tribal confederation. Tribal confederations may

span across several countries and are made up of dozens of tribes, or “*asha’ir*” (singular “*ashirah*”). Within Iraq, Arab tribal confederations are broken down into *asha’ir*, which are then divided into a category of subgroups known as “*fakhdh*” (clan), which in turn comprises a number of houses, or “*biyout*” (singular “*bayt*”), and which finally include a number of “*awa’il*” (families).⁹ The term “tribe” is therefore a technical term, but is also used in a broad sense to include units of organization that operate within the tribal structure (this report uses the term in both senses).

Tribes are characterized by a distant patrilineal ancestry, one often more claimed than real. As is the case elsewhere in the world, Iraqis may manipulate their genealogical ancestry in search of new tribal associations. A “sheikh” is a venerable tribal leader, and each tribe normally includes multiple sheikhs.¹⁰ Tribal leadership, or sheikhdom, is often passed down from a sheikh to his eldest son, but can also be passed to other male members of the same *bayt*, sometimes leading to infighting. Younger sons or other male relatives utilize financial gains, political connections, or leadership of government-aligned paramilitary groups (such as the PMU) to secure positions of power. One sheikh overseeing tribal genealogical documentation within the Tribal Affairs Directorate at the Ministry of Interior in Baghdad (formed in the 1990s by Saddam Hussein) said that “the biggest conflict in the tribal directorate is between sheikhs fighting over lineage claims and not resolving case disputes themselves.”¹¹

As noted above, tribes—especially large tribes or tribal confederations—contain multiple sheikhs and both Shia and Sunni members (and sometimes non-Arab members as well). Coordination between tribal members of different sects persists despite the rounds of sectarian fighting and polarizing sectarian politics that have dominated Iraq since the United States-led invasion of 2003. But sheikhs note that while coordination remains, members are more isolated from each other than they have been in the past.

Traditionally, sheikhs play an important role in protecting their tribesmen from harm, guaranteeing a basic level of economic well-being, mediating disputes, and making peace.¹² However, such roles are, technically, informal. The

degree to which sheikhs command relevance and adherence of and control over the tribesmen depends upon multiple factors, including state recognition, external support, financial capital, and geographical variance.

Today, sheikhs play an important role in overseeing intelligence and communication within their village or larger areas of influence. Sheikhs' role in providing intelligence on Islamic State suspects and perceived affiliates has given them a role in security coordination and the return of IDPs (this issue is explored in depth later in this paper). Tribal leaders' oversight of local intelligence and communication is an asset for the central government in Baghdad, and can facilitate sheikhs' connection to powerful actors in the capital. Good relations with Baghdad also enable access to business, contract work, or, potentially, to the political sphere or its spoils. In the Qurna region of Basra and in East Baghdad, for example, tribes gain influence and wealth through providing paid protection services to oil companies and other international companies operating in the area.

The Rise of the “New Sheikh”

It is within these evolving power structures that tensions between “traditional sheikhs” and “new sheikhs” have emerged. Traditional sheikhs are those whose male ancestors have historically had claim to sheikhdom, while new sheikhs are those who have become leaders in recent times, without a bloodline pedigree. New sheikhs often rise to power due to political-security events or, sometimes, simply because of strong political and business connections. The label “new sheikhs” is also used as a pejorative term for leaders perceived to be implicated in corrupt dealings.

Today, some traditional sheikhs—some of whom may have lost political and economic influence—may retain their honorific role of mitigating disputes, while “new sheikhs” leverage their superior economic or political capital in an attempt to challenge traditional sheikhs' authority. Periods of political, economic, or security contestation and transformation thus often see the rise of “new sheikhs.” During interviews, sheikhs spoke condescendingly of “new sheikhs” who amassed wealth and influence due to new

alliances. They criticized the “1990s sheikhs” who aligned with Saddam Hussein; the “shiyoukh qafasa” (deceitful sheikhs) who emerged after the fall of Saddam Hussein in 2003; the “American sheikhs” who gained influence through coordination with U.S. forces; and the “2014 sheikhs” who capitalized on their battlefield successes against the Islamic State as tribal PMU commanders, or had relationships with PMU leadership. Others referred to some sheikhs as “sheikh 56,” in reference to Iraqi Penal Code article 456, an anti-fraud law.¹⁵

Residents of Anbar and Nineveh governorates frequently joked during different interviews about ambitious men who go to Baghdad for business and return months later as “sheikhs.” Others reported to not care much about the difference between traditional and “new” sheikhs, but preferred whomever could reliably resolve disputes. Indeed, some residents see tribes as an avenue for negotiation and business, not as natural networks based on tribal brotherhood.

The power and relevance of sheikhs depend on varying levels of state recognition, political or security ties, support from external actors, and the relevance of tribes within various geographical locales.

The state's recognition of the importance of tribes' role is evinced by the existence of the Tribal Affairs Committee in parliament, the Tribal Affairs Committee in the prime minister's office, and the Tribal Affairs Directorate of the Ministry of Interior. Offices within the Ministry of Justice also deal directly with tribal sheikhs. Article 45(2) of the Iraqi constitution recognizes the role Iraq's tribes and clans can play in “developing society” but stops short of formally and explicitly recognizing tribal justice systems; it also forbids “tribal customs that run contrary to human rights.” Sheikhs who hold their positions due to traditional means lament that “new sheikhs” have gained official recognition by inclusion within government tribal agencies. Before 2003, this recognition came from Saddam Hussein or his policies. More recently, it has come with backing from various political parties. However, whether officially recognized by the state or not, sheikhs who maintain close ties with powerful political and PMU leaders—even if they do not do so publicly—are usually more influential.

Sheikhs also look to foreign powers to increase their dominance. Religious, tribal, political, and security actors from Turkey, Qatar, Jordan, the United States, Iran, and other countries seek to influence and support specific sheikhs and clans to gain inroads into communities of strategic importance.

Tribes' societal importance is also geographically defined. Rural areas or spaces with limited government presence generally encourage a greater role for tribal actors. In cities, tribes' role is more limited. In Anbar governorate, which is almost exclusively Sunni Arab, most residents claim ties to the Al Dulaim tribal confederation. Anbar thus generally maintains a stronger tribal character than in some mixed areas, such as in Nineveh governorate, where Sunni tribesmen compete for influence with local notables, religious and ethnic leaders, and powerful families. In Karbala and Najaf, the influence of the "hawza" (Shia religious educational institutions) and senior Shia religious figures trumps that of tribes. Still, tribes retain relevance even where their role is less central. An Iraqi researcher in Karbala said that he had witnessed representatives of international corporations visit Najaf and Karbala—where, again, tribes are usually regarded as less important than in Anbar and in other areas of the predominantly Shia south—to ply influential Shia tribal sheikhs with presents, to ensure smooth business transactions.

Tribal Law and Dispute Resolution

The informal Iraqi tribal justice system is often perceived by outsiders as operating in parallel to the formal justice system. In practice, however, the two systems frequently overlap and even coordinate with each other, and at other times challenge each other. Resorting to one system over the other to resolve disputes is often a calculation based on the relevance of the tribal system in a particular area, the strength of one's tribe or sheikhs as opposed to the opposing party's tribal affiliations, or whether there is access to the formal legal system, among other reasons detailed in the sections below.

Tribal customary law, *urf*, is a dynamic amalgamation of tribal customs, precedents from prior tribal resolutions, and, to a

certain extent, interpretations of sharia law, although not all tribal rulings are strictly in line with Islamic law. *Urf* shapes the entire tribal justice process. It may evolve through iteration and according to prevailing circumstances.

There is little variation among different tribes' customary law. During interviews, Arab tribal jurists, or "arfa," separately estimated that more than 80 percent of tribal structures, customs, and processes between Arab tribes are the same, facilitating the resolution of intertribal disputes.¹⁴ Customary law is usually unwritten, but increasingly, some tribes are codifying their *urf* into written texts.

Generally, the main goal of the tribal justice system is to provide stability and maintain collective honor, while preventing a descent into revenge killings and the escalation of conflict. The tribal justice system generally subordinates the individual good for the collective good.

Tribal sheikhs oversee the gamut of both civil and criminal matters (as they are referred to in the formal system), mediating disputes over land and property, water, commercial matters, inheritance, "honor crimes," car accidents, drug offenses, theft, fraud, and murder, among other matters.¹⁵ Tribal negotiation and conflict resolution occur at every level of the tribal system. Most disputes are resolved at the house or clan level. Contentious murder cases or other serious disputes may be transferred for adjudication by higher-ranking sheikhs at the level of the tribe. Geographically, disputes are mediated where the issue they involve occurs. For example, if an incident occurs in Ramadi between a Ramadi resident and a person from Salahaddin, the Salahaddin resident's sheikh will typically travel to Ramadi to settle the dispute there. Serious intertribal disputes are sometimes resolved by a third-party sheikh mediator, or "wasit," from another tribe not involved in the dispute.

Theoretically, any member of a sheikh's tribe is allowed to bring an issue before his sheikh.¹⁶ Until recently, tribal law prioritized evidence in the form of eyewitness accounts and personal testimony or confessions. Today, sheikhs claim to be relying more on other forms of evidence to settle disputes. State property deeds, court orders, autopsy reports, physical

damage reports, statements made to the police, photos, videos, audio, and written documentation are also used as evidence during tribal adjudication proceedings.¹⁷

At the local level, sheikhs may resolve multiple minor disputes in their village every day. More complicated issues take more time. In more serious cases, in an effort to prevent further dispute, an “atwa,” or temporary ceasefire, may be decided to prevent bloodshed.¹⁸ The goal of such efforts is to de-escalate the situation until a solution is found. The offender is to be protected but remains in exile from the tribe—in other words, at a remove from the tribe’s immediate geographic territory—until negotiation agreements are made.

Tribal negotiation processes vary, but generally adhere to the following form.¹⁹ “Sulha” is the name of the tribal negotiation or conflict management process that occurs outside the purview of the state to resolve intra- or intertribal disputes. This process may entail a series of sessions, or “jalsay” (usually open but sometimes closed) during which claimants and alleged perpetrators, and their respective sheikhs, as well as various mediators, experts in specific issues related to the dispute (such as land and property experts), and respected community elders (known as “woujaha”) may discuss the dispute. A tribal jurist (arfa) may be contacted to provide expert feedback on the case related to relevant tribal law (urf). A file, or “muhdar,” is drawn up to record the details of the dispute. Once a solution, or “fasl,” is reached, both parties usually sign the final, handwritten agreement. The original copy is kept with the sheikh, and copies are provided to the parties.²⁰ Fasl ends the dispute and the agreement is almost always upheld. Fasl is not always financial—exile, agreement to provide services, and other solutions may be acceptable. Diya is the financial payment made to the injured party in exchange for forfeiting the right to revenge (known as “tanazal”) after death, destruction of property, and accidents. Diya is sometimes paid to end revenge killings (“tha’ir”), between or among tribes. Payment of diya does not always represent an admission of guilt.

Under tribal custom, male members of an extended family unit, or “khamsa,” are obligated to avenge the injury or death of another family member, whether through tit-for-tat killing

(“dam butlob dam”), or through a negotiated solution.²¹ Other solutions to such disputes may include exile (“jalwa”), which stipulates that the perpetrator and his family must leave the community for a period of anywhere from several months to more than five years. Formal expulsion of an individual from his tribe is possible but rarer. Currently, thousands of IDPs perceived to have ties to the Islamic State may be blocked from returning to their villages by tribal leaders (as well as by security and other powerful local actors), even though they have not been formally expelled from their tribes.

Sheikhs take the final decision in resolving disputes, but several sheikhs noted that input from trusted and expert sources is important. For example, one sheikh from the Qayyarah area south of Mosul relies on the advice of a twelve-person shura council whose membership is partially decided in consultation with the wider community. The council helps advise him on his caseload, which he says typically includes up to three minor cases a day and ten more serious cases a year.²² An arfa from Ramadi said that at least two or three sheikhs call him every day seeking his expert opinion on cases.

The most common variations among different tribal laws are found in the prices set for diya (compensation payments), although they normally fall within certain ranges. Prices range from one area to another. For example, in Anbar governorate, most tribes are part of the Al Dulaim tribal federation, which means that prices are mostly uniform throughout the governorate, or at least fall within a certain range. According to an Anbari arfa, the equivalent of at least \$8,400 is the set price for manslaughter. Compensation is not always requested in manslaughter cases, as the victim’s family may consider the death to be divine will and decree (“al-qadaa wa al-qadr”). The principle of quadrupling (“muraba’a”) is applied to cases of premeditated murder, which may bring the figure to \$34,000.²³ In predominantly Shia southern Iraq, diya prices are usually more fixed than in Sunni tribal areas.²⁴ However, diya prices can vary from one region to another and between different tribes.

As mentioned above, while not all fasl ends in financial payment, when it is decided that diya should be paid, poorer tribesmen who cannot afford to pay turn to their

sheikh and tribe to pay a significant portion of diya. Money is apportioned from the tribes' "communal fund," which is essentially a pool of cash collected from tribesmen to pay for, among other things, communal diya payments or to cover poor tribespeople who cannot afford to pay their own diya in full.²⁵ Confiscation of property and land from those perceived to be affiliated with the Islamic State, and the land's subsequent redistribution to others, has also served as a mechanism through which to "settle" tribal disputes.

Sheikhs insist that they do not and should not accept a percentage payment for concluding fasl, but said that gifts to them or their tribal guesthouse ("diwan") are accepted. However, many Iraqis said that, without payment—often made quietly—cases would not move forward to their liking.

Tribal conflict resolution does not happen in a vacuum. Tribal procedures and negotiations are influenced by various factors including the social status and political connections of the tribes involved, the sheikhs' level of influence and connections, the gender and social status of the perpetrator and the victim, and any history of feuding. Furthermore, the nature of this informal justice system means that there is no official standardization of rulings, and the system remains open to manipulation. Tribal procedures outlined above should therefore be regarded as indicative rather than conclusive, relative to individual cases.²⁶

Tribal laws and customs are sometimes used as a tool merely to extract resources and revenge. Some tribal negotiation processes are not intended to equitably resolve disputes to begin with. Extortionary demands are sometimes presented in the guise of fasl, which weaker parties may simply decide to pay in order to avoid further disputes. Those who cannot pay, such as, for example, IDPs displaced during the fight against the Islamic State, say they are prevented from returning to their villages.

Others, such as families of Islamic State victims, may be so desperate for redress after the death of their loved ones that they demand fasl from those only tangentially involved in Islamic State crimes. Those who cannot pay may be banished, blocked from returning to their villages,

or threatened and sometimes killed. Similar situations arose following major sectarian violence in 2008.²⁷

Tribal Justice and Formal Justice

The informal tribal justice and formal justice systems frequently overlap and even coordinate with each other, and at other times challenge each other. Iraqis use (and abuse) these systems as they seek justice, revenge, or absolution from guilt.

It is not always clear how much real authority the state's recognition of tribes affords them.²⁸ Nonetheless, coordination between the formal justice system and tribal sheikhs occurs regularly. Senior tribal leaders said that they often interact with security agencies (especially in rural areas) following the occurrence of a crime—especially a violent crime—in order to de-escalate tensions. However, interaction between formal and tribal justice systems most commonly occurs after tribal resolutions are concluded.

For example, sheikhs may communicate with judicial actors to update them on cases resolved by tribal mechanisms. Private disputes, or "haq khas" cases—in which an individual brings a suit against another—may be addressed through tribal mediation. After a successful resolution in the tribal system, the two opposing parties and their respective sheikhs may appear before the judge in court to waive their right to pursue further legal action via the state system. A judge in Anbar governorate confirmed that he and other judges officially make note of resolution by tribal mechanisms in ongoing case files at the court, and resolutions that the judges perceive as satisfactory may lead them to consider closing cases within the formal justice system. In some instances, he and other judges have lightened sentences in private dispute cases when tribal solutions have been found outside of the court.²⁹ The judge said that he listens to parties' arguments and submits documents showing a negotiated settlement. While the judge does not sign the informal agreement himself, he does take the agreement into consideration. So-called public disputes, or "haq a'am" cases—cases that the state prosecutes, such as a violent crime—normally stay in the court and are harder to change.³⁰ Judges wishing to

avoid contentious cases with serious tribal ramifications may do so by simply leaving the case open.

The Iraqi criminal court system is based on an inquisitorial system and consists of an investigative court chamber and a criminal court. According to several Iraqi lawyers, if tribal actors or others attempt court file “manipulation”—in other words, if they attempt to corrupt the case—they most frequently do so at or before the investigative judicial level, before a case reaches a judge. After a case comes before a judge, its files become extremely difficult to manipulate.³¹

Sometimes the line between the state and tribe is blurred. Tribal sheikhs, their relatives, and other tribesmen may staff security, judicial, police, and other Iraqi government bodies. Favoritism is common and some government positions or security forces are known for being staffed almost exclusively by a particular tribe, which is especially true in areas of southeast Iraq and in Anbar governorate.³² Some use their official positions to take sides in tribal disputes in support of their own tribal affiliation. It can be unclear whether an action is fundamentally the result of a tribal or state decision. Officials may feel pressure (whether from sheikhs themselves or from fellow tribesmen) to rule or act in favor of their tribe at the expense of others. Other times, law enforcement personnel are reluctant to interfere in tribal conflicts, as their involvement may risk further escalation. In certain cases, there is a high risk that local conflicts between a police officer and an army soldier could degenerate into tribal conflict.³³

Sheikhs often coordinate with various security forces deployed in their area, and will inform the relevant force, depending on the nature of the crime, of issues in their areas. While tribal leaders first try and resolve disputes themselves, there are some cases that they often directly refer to the state. These include Islamic State terrorism or sensitive security cases, including murder cases involving powerful actors—for which sheikhs may fear retaliation. The level of coordination, however, may be influenced by the current strength or weakness of the state, personal relations between sheikhs and local security and state actors, and the status of broader tribal relations between a sheikh’s

tribe and those of the predominant tribe staffing the local government branches and security forces. During times of heightened mistrust and violence between Sunni tribes and the state, such as during the violence of 2006–8 and the 2012–13 protests in Anbar (all during Nouri al-Maliki’s premiership), coordination with state security was lower. Still, at other times, levels of violence and the reach of armed extremist groups have prevented state justice—and sometimes tribal justice, too—from operating at all. During the period of Islamic State ascendance, even tribal justice was nonexistent. Instead, the Islamic State implemented its own version of sharia law in areas under its control.

In general, however, the use of the tribal justice system increases when the state is weakened. After the invasion of Iraq in 2003, the Iraqi legal system and other state institutions fell apart. What the invasion did not destroy, widespread violence and displacement did. For example, between 2003 and 2006 there was effectively no criminal justice system in Anbar governorate. Reconstituting the criminal justice system was ploddingly slow, and by 2008, Anbar had only two felony courts.³⁴ To mediate disputes, Iraqis turned to tribal sheikhs, and sometimes militias or U.S. forces.

Still, particularly difficult cases may lead tribes to request the state’s assistance. According to a Lheib sheikh from southern Mosul, sometime after the United States-led invasion, a bloody dispute between members of the Khafaja and Lheib tribes left four dead.³⁵ When the tribes struggled to resolve the issue, they reverted to the state to prevent the situation from escalating—the judiciary imprisoned members of both tribes to halt further tit-for-tat killings. Further, while sheikhs denied that they would interfere in formal justice system proceedings, many said they wouldn’t hesitate to contact relevant police or justice counterparts if they believed someone to be innocent and “in need of exoneration.”³⁶

Tribal Justice as a Solution to the Justice Gap

Despite coordination, sheikhs regularly extol what they perceive as the superiority of the tribal justice system, describing it as faster, fairer, and less corrupt than the Iraqi court system. But Iraqi tribes are not antithetical to the

state—sheikhs say they have no problem with Iraqi law (barring occasional exceptions) but rather object to its flawed implementation, which is often plagued by corruption. They not only see themselves as filling a “justice gap” where the state is absent, but also highlight aspects of tribal justice they perceive to be superior to those of the formal justice system, such as quick case resolution and a lack of pretrial detention. “We can resolve an issue in a day, which could take the state months,” one sheikh said.³⁷ “I don’t have much confidence in the ability of investigative police to fulfill their functions, as they are mostly corrupt in a systemic, organized way. This corruption starts from the top, so it is here to stay,” said a senior sheikh from Qayyarah, south of Mosul.³⁸ Sheikhs denied that the tribal justice system is also plagued with corruption. Others acknowledged that corruption exists, but, as one sheikh said, “it is normally associated with PMU groups or those who gained recognition as a sheikh through state connections—these ‘new sheikhs’ sometimes exploit the system for their own benefit.”³⁹ (As previously noted, the term “new sheikhs” is sometimes used to scapegoat some sheikhs for any and all allegations of misdoings and corruption within tribal systems.)

Residents, if unhappy with a tribal decision, may file a claim with an Iraqi state court, but must weigh potential backlash with tribal leaders if they “sidestep their authority” by doing so. Others may attempt to influence decisions by enlisting one of the myriad government-aligned paramilitary groups that may be perceived as more powerful than tribal and state security actors in some parts of the country. For example, during the 2006–8 fighting and shortly afterward, Iraqis sometimes approached members of armed groups or U.S. military commanders to resolve disputes.⁴⁰ Now, some Iraqis may prefer to approach PMU members to mediate disputes in their favor. An Anbar resident and owner of a construction company operating north of Basra recalled how the mediation of a work dispute, conducted by his and his employee’s respective sheikhs, concluded that no additional payment was owed to his employee for injuries sustained during a work accident.⁴¹ According to the construction company owner, the disgruntled employee then enlisted the support of a local PMU commander to threaten the sheikh into getting the employer to pay. The sheikh

explained that no additional money was owed, and the PMU commander agreed to the ruling of the case. However, the PMU commander demanded in turn that he be paid for his time in representing the employee. Because the employee could not pay, the company owner had to pay off the PMU commander, or else risk physical harm for nonpayment.

State officials, in response to sheikhs’ allegation of corruption, criticize the tribal justice system as “backward” and encouraging revenge. State actors, including district sub-governors and judges, warned against international donor efforts to empower tribes in place of the state. “Tribal justice actors should be involved in dialogue and other initiatives, but justice projects should always go through the formal justice system,” said one judge from Mosul.⁴² A district sub-governor from Nineveh governorate, while recognizing the positive role tribes can sometimes play, warned tribes against interfering with Islamic State-related crimes. “People can’t get over their thirst for blood,” he said. “The state, not tribes, should deal with this issue.”⁴³

One Iraqi researcher said that while tribal justice can play an important role in society, it also undercuts state judicial authority. *Fasl* and tribal decisions are influenced by the power and connections of the party involved, with the case usually decided in favor of the more powerful party. When the more powerful tribal party is permitted to influence, or allow judges to drop ongoing cases in the formal justice system, it means that sheikhs can influence state decisions without proper formal oversight. While the Iraqi judiciary is notorious for its shortcomings, the codified laws and structure of the formal system provide more robust safeguards for impartial justice, even if in practice it is not always delivered.⁴⁴

Some state officials described pursuing hybrid forms of formal and informal dispute resolution mechanisms to address issues of justice related to the rise of the Islamic State. One district sub-governor from Nineveh governorate detailed coordination between state and tribal actors in efforts to address countless legal and social problems left in the Islamic State’s wake. He claimed to be in constant touch with sheikhs from areas west, south, and east of Mosul who updated him on dispute resolution mechanisms. He provided

them with state “administrative support” if he determined their decisions to be “positive,” he said. “Not everyone will abide by court decisions. People will take matters into their own hands. To make things work, it helps to get buy-in from the tribes.”⁴⁵

The district sub-governor also acknowledged the benefit of mitigating “private disputes” to avoid long and costly procedures in courts already overburdened by the post-Islamic State caseload. He said that, between 2017 and 2018, he engaged in his own version of informal dispute resolution for more than thirty cases. “Urban dwellers, such as residents of Mosul, often don’t have a relationship with a sheikh or don’t have money to access the formal system, and so they come to me looking for solutions.” As an example, he said that an Islamic State member had stolen a car and then sold it. The original owner wanted his car back, but the current owner maintained he had already rightfully paid for the car. The sub-governor brokered a deal: the current owner kept the car but offered a monetary settlement to the original owner so that each felt compensated. The sub-governor said that such measures can help, but criticized the government’s inability to adapt to such situations, or address issues requiring national remedies, like the need for easier access to civil documentation, such as birth certificates.⁴⁶

Whether they want to pursue the tribal justice route or not, residents interviewed in Anbar and Nineveh complained that tribal justice is sometimes their only option. A kaleidoscope of obstacles can lead to disputes being resolved by tribal sheikhs rather than in the formal justice system. These issues include distrust of the formal legal system; limited funds to hire lawyers; slowness of court proceedings; lack of access to affordable transportation connecting neglected, rural areas to cities where courts are located; and the potential for backlash if residents sidestep their sheikh and go first to the court system.

Tribal Justice after the Islamic State

Following the cessation of major fighting against the Islamic State, the number of cases in need of tribal resolution spiked. Sheikhs’ resources were overwhelmed as they attempted to mediate disputes among survivors. Heightened suspicion

of anyone thought to be remotely affiliated with the Islamic State, overbroad arrests, and harsh sentencing of those convicted under Iraq’s anti-terrorism law mean that Islamic State terrorism cases are often directly referred to the state and not dealt with by the tribe. Sheikhs fear that if they appeared too lenient on suspects or their affiliates that they could themselves be accused of sympathizing with the Islamic State, leading to serious repercussions. This reality underlines the precarious situation facing Sunni Arab sheikhs living in areas liberated from the Islamic State—they are overwhelmed by the large number of residual disputes, but must also tread carefully while attempting to mediate.

However, sheikhs’ open coordination with government civil and military actors exposes them to other risks. In some areas with limited security, remnant Islamic State attacks have targeted Sunni Arab tribal sheikhs for their role in resolving disputes with tribal mechanisms. Such attacks can be provoked by dispute resolutions that punish family members of Islamic State fighters, or that punish individuals simply for coordinating with the Islamic State when it was in power. But tribal leaders and mukhtars (local leaders under the formal state system) have also been targeted simply for being seen as coordinating with local and national security forces.⁴⁷ Attacks are carried out either by family members of the accused, by Islamic State sleeper cells, or by small Islamic State guerilla cells operating in low-security areas. In the Hamam al-Alil district south of Mosul at the end of July 2019, suspected Islamic State fighters killed a prominent tribal leader from the Albu Badran tribe, and his relative, for their role in combating the extremist group. At the end of August, Islamic State fighters killed one Mushahada tribal sheikh in Baghdad’s outskirts, over his coordination with Iraqi security forces to combat the group.

“The police and judges are protected by the state to prosecute Islamic State crimes,” said another senior sheikh from Nineveh governorate. “Tribal sheikhs don’t have such protection. It is better for the state to deal with this.”⁴⁸ Beyond Islamic State cases, sheikhs may also distance themselves from arbitrating other particularly sensitive political and security-related disputes to avoid potential reprisals from powerful actors.

Still, tribal leaders can contribute, in some ways, to post-Islamic State justice. “We are the eyes and ears of our communities,” said a senior sheikh from Anbar governorate. “We know who was [with] Da’esh [the Islamic State] and who was not. We provide names and intelligence to security forces.”⁴⁹ Despite increased coordination compared to the years before the ascent of the Islamic State and the early days of the group’s reign, sheikhs remain skeptical of security services. Sheikhs regularly complain that some people they report as Islamic State members are subsequently released from detention. Sheikhs allege that this calls into question connections between those with ties to extremist groups and security forces or judicial bodies.

Even if not always formalized or approved by the tribe, tribesmen and community members continue to avenge the deaths of their family members and destruction of their villages, using threats, physical attacks, and sometimes retaliatory killings (described in subsequent sections of this report).

Some sheikhs distinguish between different levels of Islamic State involvement, and mete out various levels of punitive justice accordingly. One sheikh from Hit district in Anbar governorate said that he advocated on behalf of a young man from his town who was involved with the Islamic State for only a few days. The young man is now working for him as a photographer. “He is doing well, providing for his family,” he said. “This is better than him rotting in jail.”⁵⁰ The sheikh cited this as a positive example of “rehabilitating” someone who is not a real threat to his community. Other sheikhs disagreed, saying that any involvement with the Islamic State rendered individuals guilty, without exception.

Women and Tribes

One of the main objectives of tribal justice is to maintain community peace, which includes the restoration of family honor. Family and individual honor are exclusively held by men, who can lose or regain honor depending upon the circumstances. Women, by contrast, can only be a source of family or individual dishonor, and cannot actively bring honor to their family or tribe.

Women do not serve in official roles within the tribes of Iraq, and their ability to influence or interact with the tribal structure without a male intermediary is extremely limited. “Women can’t influence anything,” said one researcher on Iraqi tribes in an interview. “Yet [they] remain the subject of most tribal affairs.”⁵¹ Many observers consider both women and youth to be marginalized by traditional tribal structures.

Most women do not approach their sheikhs without the presence or at least blessing of a male relative. “It is prohibited for a woman to go to her sheikh without her husband’s knowledge,” one senior sheikh in Anbar governorate said. “He can punish or divorce her for it.”⁵² One humanitarian organization operating in Diyala governorate claimed that women rarely approach formal or informal (tribal) judicial or security structures in the governorate without the support of an intermediary, normally a male relative or sometimes a community leader. Most men would not allow otherwise. NGOs in larger towns and cities sometimes serve as intermediaries for women, highlighting the important role such organizations can play in facilitating women’s potential access to services and justice. Still, organizations are restricted by society’s mores. “It is unrealistic to think that donors, through programming, can challenge tribal patriarchal gender dynamics,” one researcher said.⁵³

Only some educated, wealthier women already active in the public sphere, such as activists, lawyers, and professors, reported interacting directly with tribal figures.⁵⁴ Meanwhile, the fight against the Islamic State left many men killed, missing, or detained, leaving female-headed households unable to return by themselves or fearing exploitation in rural tribal areas. With limited access to the formal justice system, especially in rural areas, and minimal contact with a patriarchal tribal system, women have few resources for justice or mediation, compounding their marginalization.

Several traditional, tribal practices are harmful to women.⁵⁵ One is called “al-nahwa,” and allows a woman’s male family member to block her marriage plans.⁵⁶ Another practice, called “woman for a woman” (“kessa bi kessa”), allows a man to marry a woman and, instead of paying a dowry, offer his sister to marry the brother of the bride. A third

harmful practice is the “fasliya” marriage, which forces a woman or women to marry a man from an enemy clan or tribe to “rectify” a harm or crime inflicted by the woman’s tribe.⁵⁷ Fasliya is more prevalent among Shia-majority tribes in the south. Such marriages are often concealed and underreported.⁵⁸

“Such practices not only stigmatize women but also their offspring,” an Iraqi women’s rights activist said in an interview. “Everyone knows their children are the product of a fasliya marriage, and [they] are often ill-treated. Of course, a sheikh or other wealthy or prominent tribesmen don’t offer up their female relatives. They use women and girls from poor families.”⁵⁹ Tribes sometimes describe such decisions as “positive”—women are used for “peacebuilding measures” to strengthen trust and avoid further bloodshed. Rights activists say that while such cases have decreased in frequency due to sustained advocacy and awareness campaigns, sensitivities around these topics make it difficult to determine their prevalence.

Tribal Affiliations with Extremist Groups

While sheikhs often seek influence through relations with Baghdad and other centers of power, not all are interested in fostering close ties with the government. Especially since 2003, some subsections of tribes or clans have distanced themselves from or directly opposed the central government during cycles of political and armed conflict. Others were marginalized due to perceptions of close ties to Saddam Hussein’s regime, and sought revenge through affiliation with or membership in armed extremist groups.⁶⁰

A number of Sunnis in late 2012 began a protest movement in response to the arrest of the bodyguards of Rafi al-Issawi, a prominent member of parliament and member of Ayad Allawi’s electoral coalition, the Iraqi National Movement.⁶¹ The protests were also a reaction to years of poor governance and Sunni marginalization. Denouncing perceived injustice and discrimination against the Sunni community and calling for government reforms, protesters organized in Anbar but also in the governorates of Nineveh, Kirkuk, Salahaddin,

and Diyala. Protests brought together diverse segments of Sunni society demanding reform, including tribes, youth, clerics, the Muslim Brotherhood, Salafis, former Ba’athists, and former insurgents. Lacking unified protest leadership and suffering a heavy-handed crackdown led by then prime minister Maliki and security forces, the popular movement slowly mutated into an armed struggle. In Fallujah, for example, anti-government groups, including tribal sheikhs, established the Military Council of Tribal Revolutionaries to administer the city after government forces left. At times the anti-government military council coordinated with the Islamic State to keep state security forces at bay.⁶² Other tribesmen directly joined the Islamic State. The group soon took over the city.

Today, Anbar residents exchange recriminations for facilitating the rise of the Islamic State. Some point fingers at sheikhs, politicians, and protest leaders for encouraging rebellion and violence for political gain at the expense of the Iraqi people. Others maintain that originally peaceful protests were hijacked by extremists whose support base has waxed and waned but never disappeared in the years since the 2003 United States-led invasion. Others blame “outside projects” orchestrated by Iran and its allies in Baghdad to destroy Sunni Iraq. Still others blame various Sunni regional actors, Israel, the United States, or Europe for “creating” the Islamic State to destroy Iraq. Regardless of what theory or conspiracy residents espouse, many remain divided and bitter, and lack hope for the future.

Several sheikhs who fought the Islamic State said no leniency should be given to tribesmen, and even sometimes their families, who joined. However, the situation is complicated: rarely did entire tribes join the Islamic State. Notable exceptions include, for example, the Albu Mutaywit, a Sunni Arab tribe from Sinjar. But even in the case of the Albu Mutaywit, not all tribesmen joined the Islamic State. “Tribes as a whole didn’t join Da’esh, but tribesmen from most tribes joined,” one sheikh from Ramadi said. “However, tribesmen from certain tribes joined in disproportionately higher numbers than others.”⁶³

Sunni clans and tribesmen engaged in varying levels of support of or opposition to the Islamic State. Tribes that since 2003 never fully accepted Baghdad's authority, or tribesmen who previously fought with or had connections to extremist groups, joined the Islamic State in higher numbers.⁶⁴ Some unemployed youth joined for material benefit or because they adopted the extremist ideology. Younger sheikhs joined as a way to challenge the authority of traditional sheikhs and other powerful local leaders, whom they saw as capitulating to the government in Baghdad at the expense of the Sunnis. Some tribes lived under the Islamic State's rule because they couldn't flee and were forced to cooperate to survive. Other tribes coordinated with or pledged allegiance ("bayah") to the Islamic State for business and security purposes. Some paid protection fees. Some tribes fled to other areas in Iraq or abroad. Finally, some tribes directly fought the Islamic State, suffering heavy losses.⁶⁵ Tensions between these groups persist today.

Anbar residents informally categorize tribesmen and subsections of tribes or clans into four different categories: those who fought against the Islamic State, those who fought with it, those who fled, and those who attempted to maintain a "middle ground." Sheikhs who stayed to fight, sacrificing many men, including their own sons, speak bitterly about the "cowards" who decided to flee or strike a deal with the enemy. "Some sheikhs paid thousands of dollars in protection money to the Islamic State," said a sheikh who leads a tribal PMU group in Anbar. "Later they did a 'reconciliation' with [former prime minister Haider al-Abadi] and returned to their homes in Anbar. There isn't open conflict between us, but definitely there's coldness."⁶⁶

Interactions between Tribes and the Islamic State

The Islamic State, like al-Qaeda before it, alternated between co-optation and suppression of tribes. (In this, the Islamic State's behavior was similar to the efforts of the central government and foreign powers to control or influence tribes.) In turn, tribes may have received protection and the green light to continue their economic pursuits, such as cross-border trade and smuggling.

The Islamic State's recognition of tribes' importance is evidenced by its creation of a bureaucratic department dedicated to tribal affairs. "The tribal diwan was one of the bureaucratic departments of the Islamic State documented from the height of its power, performing functions such as convening tribal conferences," said independent researcher Aymenn Jawad Al-Tamimi in an interview. "For example, in Nineveh, a tribal conference was convened in 2015 about resisting advances of the 'Safavid, Rafidite enemy, the Hashd [PMU] and the apostate [Kurdish] peshmerga.'"⁶⁷

Islamic State members in Iraq included a significant percentage of Iraqi nationals who were sometimes more motivated by avenging tribal disputes than furthering the caliphate. "Some of the Islamic State's brutal acts are better explained as acts by tribesmen violently avenging long-standing intra- or intertribal disputes," anthropologist Hosham Dawod wrote in an exchange with the author. These disputes could occur "among local ethnic, religious, and confessional groups" and might involve "land reclamation, the challenge to the new local management of power left by the previous state, as well as the rejection of the new distribution of resources resulting from the new political order installed after the 2003 invasion." The disputes, then, were not solely due "to the Islamic State's violent, extremist character."⁶⁸

In another example, one Iraqi researcher noted that the Islamic State's brutal killing of hundreds of Albu Nimr tribesmen in Hit was in part the result of violent tribal infighting, as some Albu Nimr men participated in the killing.⁶⁹

In interviews, residents frequently referenced intratribal disputes that pitted members of the same tribe or even the same family against each other, some fighting for the Islamic State and some fighting against it, whether with the Iraqi security forces or as PMU fighters.

During the Islamic State's reign, tribal justice was nonexistent. Instead, the group implemented its own version of sharia law. But tribal *asabiyya* (group solidarity) did not disappear overnight. Global jihadist doctrine and persistent tribal culture often found themselves at odds.

While espousing international jihadist doctrine, the Islamic State's maintenance of its territorial gains left a portion of command to locally based combatants, especially in rural areas. One sheikh from a small village east of Hit explained how his refusal to cooperate with the Islamic State resulted, on multiple occasions, in his imprisonment. "Most of the local Islamic State commanders were from my tribe," he said. "I was mistreated, but through my tribal connections, I was always released."⁷⁰

Some sheikhs admitted to "limited coordination" with the Islamic State. "In the beginning, I coordinated with the Islamic State and gave them protection money," a sheikh from Hit said. "But then, I soon realized who they really were and regretted this."⁷¹ Another sheikh from Qayyarah said he pledged allegiance to the Islamic State, but only did so to protect his tribesmen. He said he felt like he had no other choice to survive.

Sheikhs also sometimes allied with the Islamic State not to protect their tribe but rather to maintain their position of power as a local leader. For example, in one tribe where the sheikh held a tenuous position of authority, many young tribesmen joined the Islamic State. The sheikh then pledged allegiance to the Islamic State not necessarily to spare his tribe from assault, but rather to maintain his position of power and relevance among young tribesmen.

Conversely, after the Islamic State's territorial defeat, Nineveh and Anbar residents explained how sheikhs weakened by conflict and fearful of security forces readily offered some weaker young tribesmen up for arrest—sometimes even those who weren't guilty. Such sheikhs hoped to save face and protect themselves from security forces' allegations about the sheikhs' own involvement with the Islamic State.

Sheikhs sometimes enjoy certain privileges—privileges that their tribespeople may view critically. Some Anbari sheikhs remain displaced in Iraq, Jordan, or Turkey, but many have returned home. Many returned via political settlements or reconciliation agreements negotiated with the Iraqi central government.⁷² Anbar residents angrily noted the relative ease by which certain sheikhs and politicians returned

home (including some of those who allegedly had ties with the Islamic State). At the same time, overbroad arrests on terrorism charges leave some innocent men imprisoned, and distant family members of suspected Islamic State affiliates confined to IDP camps. "The average resident is left to suffer while those with political connections are untouched," one Ramadi resident said.⁷³

Fasl after the Islamic State

As noted above, sheikhs generally give intelligence or refer names of Islamic State suspects to Iraqi security authorities and do not take it upon themselves to deal with suspected Islamic State members (though there are a few exceptions). Sheikhs fear, on the one hand, being branded pro-Islamic State, or on the other, retributory attacks by Islamic State remnants. In rural areas of Anbar and Nineveh in 2019, most interviewees knew a mukhtar or sheikh who had been targeted by Islamic State fighters in the past year and a half. At the same time, residents allege that some known Islamic State members were able to return, allegedly facilitated by connections and money paid to mukhtars or tribal, state, or security actors.

Many sheikhs from Anbar and Nineveh denied negotiating *fasl* or accepting *diya* payments in exchange for Islamic State members being able to return to their communities, saying that tribes don't pay for the group's terrorist acts, and that individuals must bear responsibility. "Time heals," one sheikh from Anbar said. "Those who aren't allowed to return today may be able to return in the future."⁷⁴ However, due to the sensitive nature of the topic and potentially serious legal or security ramifications for accepting *diya* payments from former Islamic State fighters, few sheikhs have incentives to claim (or admit) that they would do so.

Tribal sheikhs appear to be more involved with matters determining the fate of those perceived to have supported the Islamic State, or such individuals' family members. Some sheikhs said that they accepted *diya* payments from close relatives of Islamic State suspects—including suspects belonging to the sheikhs' tribe and to others—in exchange for allowing them to return home, depending upon the extent of

their “Islamic State-related behavior.”⁷⁵ Diya payments may be part of a larger tribal compensation package negotiated by two or more sheikhs.

Even if tribal parties agree to *fasl* and diya payments to reintegrate Islamic State-affiliated returnees, other actors in the area, such as PMU groups, may act as spoilers to a successful implementation.⁷⁶ One mediator working to facilitate political dialogue to reduce violence in Yathrib, Salahaddin governorate described how PMU groups operating in the area interfered and ultimately halted otherwise successful local tribal efforts to negotiate *fasl* and acceptable diya payments earmarked to facilitate returns and social stability.⁷⁷ Another Iraqi negotiator familiar with the process alleged that Shia PMU actors were taking a cut from the diya payments and engaged in other activities that eventually destabilized the process.⁷⁸ Such instances highlight the often subordinate role of tribal sheikhs to more powerful PMU groups operating in their area.

Sometimes residents with perceived familial links to the Islamic State are exiled from their communities and not allowed by their tribes to return to their village for a specific period of time, but are permitted to move to neighboring communities. This solution is far from perfect, and, as a form of collective punishment, likely contravenes Iraq’s constitution and international human rights law. But families of such individuals maintained that integration in new communities was preferable to remaining in *de facto* detainment in IDP camps, or risking their security by being forced home by Iraqi security or nonmilitary government officials.

Since the fall of 2016, Anbari sheikhs have also been involved in facilitating the judicial process by which a wife, father, sister, or other relative of an alleged Islamic State member who is missing or dead files a claim against his or her relative. This practice, called “*tabriya*,” absolves the claimant of their relatives’ affiliation with the Islamic State. If a judge approves the complaint, he will then issue a document that confirms the family’s innocence from the relative’s involvement with the Islamic State.⁷⁹ (Sheikhs’ involvement in *tabriya* cases is detailed in the section of this report on IDP returns, below.)

In addition to accepting or organizing diya payment, some sheikhs are allegedly involved in the confiscation and redistribution of the property of Islamic State suspects or suspected affiliates to victims. Tribes are not alone in engaging in this activity—state actors, including PMU groups, have also allegedly been involved.⁸⁰ In areas that are mixed (both religiously and ethnically) residents alleged that such actions were part of attempts at demographic reengineering that involve pushing some groups out. In predominantly Sunni areas, residents expressed skepticism about whether such schemes were meant to compensate Islamic State victims, or really exist only to line the pockets of sheikhs or other powerful tribesmen.

Several sheikhs from Al-Ba’aj, in Nineveh governorate, maintained that they were engaging in redistribution of property belonging to families associated with the Islamic State not for their own material benefit, but rather to appease government demands—proving to the government that the tribes are tough on terrorism—and to hedge against future Islamic State threats. But according to an Iraqi lawyer familiar with the situation, the sheikhs also redistributed property to the original residents of an area, blocking attempts by PMU groups to obtain the properties. “They do this,” the lawyer said, “so that if the Islamic State returns, they can explain their behavior as confronting the PMU and helping the local Sunni community, and not as capitulating to government demands.”⁸¹

IDP Returns

At the height of fighting between Iraqi forces and the Islamic State, more than 5.8 million people were forced to flee their homes.⁸² As of October 2019, more than 1.5 million people remained internally displaced in Iraq, the vast majority of whom were considered to be in protracted displacement.⁸³ Humanitarian surveys indicate that few IDPs have intentions to return in the near term, with 90 percent of IDPs expected to remain in displacement over the next twelve months.⁸⁴ As of June 2019, 241 locations in Nineveh or Salahaddin had yet to experience any returns following the Islamic State’s territorial defeat.⁸⁵ Human Rights Watch recently quoted a Ministry of Interior official as estimating that some

250,000 people from families with perceived Islamic State affiliation have been unable to return home, because of objections by federal or local authorities or communities.⁸⁶ The main obstacles to return are reportedly lack of housing, livelihoods, basic services, social cohesion, and security, and the prevalence of mental health issues.⁸⁷ Even for those able to return, almost half are living in substandard conditions, threatening the sustainability of their return and necessitating additional assistance from the government and the international community.⁸⁸ Intra- and intertribal divisions contribute to these obstacles.

Despite these obstacles, the Iraqi government is actively closing IDP camps and pursuing an ambitious returns policy. As a result, there are reports of forced returns—in contravention of humanitarian standards.

The IDP return process is evolving and opaque. Going home is complicated and, for some, dangerous, if not impossible. One of the most important steps in the returns process is procuring a security clearance, which is required to replace any civil documentation lost, or often confiscated, during the Islamic State's rule. To obtain clearance, families need to approach the designated security force in their area (which varies from one governorate to another) to submit their names and request clearance. If a person is discovered to be wanted, the authorities deny his security clearance; they often deny clearance to the rest of the individual's family as well. Those who are approved are granted a security clearance card.⁸⁹ Without security clearance and documentation, Iraqis are not allowed to move freely within their own country, and usually cannot get a job or qualify for any government service benefits, such as health care. Security clearance is also required to obtain birth and death certificates.

Once an IDP obtains security clearance, the return process continues, which can vary widely from place to place and between in-camp and out-of-camp populations. Appealing negative decisions is possible in theory but, according to humanitarian workers, is rarely achieved.

Tribal leaders regularly coordinate with authorities to monitor returns. Tribal actors, especially tribal PMU groups,

maintain their own databases of suspected Islamic State members and affiliates and provide additional information to intelligence branches on individuals whom they believe should or should not be allowed to return.

In practice, however, interagency coordination efforts between various security actors, including tribal actors, leaves much to be desired. Poor coordination and different reporting lines among the myriad security actors means one security force's decision may contradict another's. IDPs may receive clearance to return, only to be blocked from returning at checkpoints.⁹⁰

Throughout the process, sheikhs (like other actors involved in the return process) may seek to block or facilitate returns. Some IDPs and residents described sheikhs' role as more exploitative than constructive. IDPs blocked from returning must negotiate their return to IDP camps or find refuge elsewhere. Relocating to other towns and cities is made difficult by additional security and screenings processes, sometimes required by local authorities or tribal actors. Many IDPs have been displaced multiple times throughout and after the cessation of major hostilities.

Recent efforts, led by the Iraqi National Security Council, have closed IDP camps and pushed IDPs to return. This has contributed to tensions, including tribal tensions, between returning IDP populations and others in their home communities, sometimes resulting in secondary displacement if returns are blocked.⁹¹ An Iraqi development worker described such moves as "counterproductive," saying that they don't give proper time for tribal mechanisms to unfold to help such communities integrate.⁹²

Alexandra Saieh, the Iraq advocacy manager of the Norwegian Refugee Council (NRC), highlighted the importance of local integration. "Humanitarian organizations have been urging the Iraqi authorities to allow displaced persons to pursue the full range of durable solutions to their displacement," she wrote in an email. "This includes local integration where they are or relocation elsewhere, in line with Iraq's own policy on internal displacement, drafted in 2008. Until now, the government has focused on return as

the sole option, rushing to close camps without much of a longer-term plan.”⁹³

Tribal Agreements for IDPs

Several initiatives led by notable tribal sheikhs in Anbar, Hawija, and other areas before and shortly after liberation of areas occupied by the Islamic State sought to limit potential for violent retribution and to provide guidance on which IDPs should be allowed to return.⁹⁴

Tribal figures, with support from some local and national authorities as well as national and international organizations, sought to maintain community peace by forbidding collective or individual action against others outside of the formal or tribal justice system.⁹⁵ In various pledges and agreements, they asserted that state security forces and PMU forces are responsible for ensuring area security.⁹⁶ Most of these documents vaguely defined categories of people permitted to return. They bar those who are perceived as providing some level of support to the Islamic State—even if they were never charged—from returning to their communities.

Some Iraqi rights activists criticize the agreements’ disregard for due process and their potential for other human rights violations, such as punishment of families perceived to be affiliated with the Islamic State, but whom haven’t been found guilty of any crimes. Activists complained that the pledges even viewed families of suspected Islamic State members as security threats. Under the pledges, even people who were suspected of promoting the Islamic State by “manipulating public opinion” or “through media channels” were not able to return to their homes.⁹⁷

Most residents interviewed in Anbar said they were not aware of such initiatives and dismissed any pledges as incongruent with actions implemented on the ground. For example, in Salahaddin, Anbar, and Nineveh, some residents received letters warning “awa’il Dawa’ish” (literally, “Islamic State families,” though affiliation may be unproven) to leave by a particular date or face expulsion.⁹⁸ IDPs in Anbar camps as well as activists and humanitarian workers in the governorate recounted dozens of stories of victims of

tribal and communal retaliatory attacks. “While the pledge initiatives had good intentions and brought together a diverse group of tribal actors during difficult security times, their effect on limiting violence remains unclear,” one Iraqi activist said. “If there is no mechanism to hold violators to account, violations will continue.”⁹⁹

Not all tribal agreements seeking IDP return were formalized into written documents. Sheikhs from the town of Karma, near Fallujah, allegedly negotiated verbal agreements to allow IDPs living in Anbar camps to return home. In support of the government’s plan to consolidate and close many IDP camps across the country, Iraqi security forces subsequently entered IDP camps in summer 2019, demanding residents return, citing Karma tribal agreements to assure residents of their safety. “Coercive measures were put in place that created a climate of fear, encouraging people to return when they otherwise may not have,” Saieh of the NRC wrote, commenting on the incident. “This was not the first time such tactics were used.”¹⁰⁰ Another humanitarian worker questioned the nature of such a tribal agreement and instead denounced the initiative as a tribally sponsored forced return in violation of humanitarian principles.¹⁰¹

Despite frustrations, several humanitarians and residents alike highlighted the importance of continued dialogue and expressed support for ongoing coordination attempts, but noted that the lack of support from the central government, along with the presence of competing security forces, were stifling chances for further success. A representative from the Anbar Tribal Affairs Committee in Ramadi, who coordinates tribal and reconciliation initiatives within the governorate, said that more support from Baghdad was needed. Cases that can’t be resolved are directly referred to the committee, which includes sheikhs, police officers, PMU officers, and religious clerics. They meet several times a month, but speak almost every day. The representative criticized the government for not doing more to support reconciliation initiatives since the fall of the Islamic State, saying that the Tribal Affairs Committee has had to bear the brunt of the task alone. “War doesn’t end in justice, it ends with toleration of the other,” he said. “But basic protections and services need to be provided to enable us to tolerate each other.”¹⁰²

The Fraught Process of Return

As noted above, Sunni Arab tribal sheikhs play a notable role in determining the fate of individuals perceived to be supporters of the Islamic State or family members of the extremist group. Diya payments often factor into their proposed solutions. But according to IDPs, returnees, and humanitarian workers, those who cannot pay diya are often stuck in the camps.¹⁰⁵ A woman from the Albu Boli tribe said her sheikh demanded \$500 in exchange for facilitating her return home, along with her children. “I don’t know whether the money is used to negotiate *fasl* and cover diya payments on behalf of Islamic State families, or whether the sheikh just pockets the money himself,” she said. “Either way, I cannot afford to pay. I’m stuck here.” Other women said that even if they could afford to pay, they would not. “I know several women who paid to return only to have people throw bombs in their house,” one woman said. “Payment won’t shield you from retaliatory attacks . . . I prefer to stay in a camp.”

Tribal sheikhs are not the only ones demanding money to facilitate return. Humanitarian workers claim that some mukhtars are also demanding extortionate fees in exchange for facilitating IDPs’ return to their villages in areas throughout Iraq—even IDPs already cleared for return by security actors. Other women are forced to have sex in exchange for securing return papers.¹⁰⁴ Violence perpetrated against Islamic State suspects and their families has not disappeared, though it is thought to have been more frequent immediately following the cessation of fighting.

Even if granted security clearance to return, some sheikhs and tribesmen are demanding protection fees—sometimes euphemized as “taxes”—from returnees and those perceived to have affiliation with the Islamic State. One woman and her older husband from a village outside of Fallujah were threatened that if they didn’t pay \$1,000, they would be attacked and evicted. Others in the same village were threatened that they would be burned alive. Grenades were thrown at returnees’ homes in Hit and Baghdad. Along the Syrian border in al-Qa’im, one Iraqi activist recorded more than thirty violent attacks against returnees in 2018. According to another activist, one woman was strangled

to death in her house by a member of a local tribal PMU group in al-Qa’im.¹⁰⁵ Even for those who can pay, families remain vulnerable to accusations, arrests, or physical attack.

Despite sheikhs’ insistence that they are facilitating returns, Iraqi activists and humanitarians in Anbar claim otherwise. “I have been closely monitoring this situation for a few years,” one activist said. “Sheikhs are all talk. They aren’t really helping people return—they’re just exploiting them.” Still, the activist did not blame the sheikhs for all retaliatory attacks. “Some of [the attackers] are just tribesmen taking matters into their own hands. Sheikhs don’t have the power to prevent all these tribal attacks because they do not and cannot directly control everyone.”¹⁰⁶

While sheikhs do sometimes facilitate returns, residents complained that they do so to attract aid that is earmarked only for areas where the population has returned. After several sheikhs were unsuccessful in convincing women and children in one Anbar IDP camp to return to their villages outside Fallujah, several women said that the tribal leaders put pressure on their male relatives living outside the camps to threaten them into returning. “The sheikhs told our male relatives that we are getting raped in the camps, so to preserve their honor as men, we women have to leave the camps and return home,” one woman said. The women said they refused to return due to fear of retaliatory attacks and lack of basic services in their home villages.¹⁰⁷

Female-headed households are particularly vulnerable to exploitation. “My friend returned home, but without a male relative, her life is impossible,” one displaced woman living in Abar said. “She basically locks herself inside and has to pay protection money to sheikhs and PMU groups. Other women have been raped. Why would I want to return?”¹⁰⁸

Violent incidents following large returns can prompt retaliatory collective punishment. Not long after several sheikhs facilitated the return of families to al-Qa’im in late 2018, a car bombing ripped through the town. The recent returnees were allegedly arrested en masse and collectively blamed for the attack.¹⁰⁹

For their part, sheikhs deny exploiting the process and give counterexamples of actively facilitating returns. Some serve as a guarantor (“kafeel”) to help facilitate returns. A sheikh from a village west of Ramadi detailed weeks spent arguing with civilian and military actors to allow caravans of returnees back to their villages. After their return, sheikhs complained that in the absence of state support through compensation and other social programs, tribal leaders bear the brunt of the burden of supporting returnees. Sheikhs say they are providing a social safety net (funded by money collected from the tribal communities) to families without livelihoods who have been financially and psychologically destroyed by years of war and displacement. From Nineveh to Anbar, sheikhs complain that high unemployment and trauma have resulted in rising theft and drug use.¹¹⁰ While they still see this period as better than the horrific cycles of violence they’ve endured since 2004, they have little hope for stability in the long term.

Tribal Tensions

Allegations of ties to the Islamic State can pit members of the same family against each other. A woman from the Albu Nimr tribe said that her male relatives destroyed her uncle’s house in Ramadi because he is from the Albu Mir’ai tribe; Ramadi residents say that many members of Albu Mir’ai joined the Islamic State. “Even though my uncle is family, he is guilty by tribal association,” the woman said. “He can’t return to Ramadi, and now lives in Hit.”¹¹¹

To ensure their safe return home, some displaced individuals have resorted to tabriya (explained above), in which one family member files a court complaint against another for the latter’s involvement with the Islamic State. One woman living in an IDP camp in Anbar said that her sheikh and other tribal leaders were active—for a fee—in facilitating tabriya, which for some returnees can be a necessary step in obtaining security clearance. But even tabriya with paid-for tribal assistance does not guarantee the granting of security clearance. Weeks had passed since the woman’s filing of tabriya papers, but she had yet to receive her security clearance. When asked how she felt about denouncing her

son, she responded: “Is it better to lose one person or to lose a whole family?”¹¹²

Women also expressed frustration that the filing of tabriya affects their right to inheritance—a grave concern for women who have limited options for building their own livelihoods. Lawyers said it remains unclear how Iraqi authorities will manage the legal ramifications of tabriya on such inheritance cases.¹¹³

The relative ease with which lives can be destroyed over real or supposed ties to the Islamic State means that the return process is ripe for exploitation, by both state and tribal actors. A woman from Diyala governorate said that a policeman blocked her neighbor from returning home. “The policeman and his neighbor had land dispute issues for a long time,” the woman said. “Tribal negotiations couldn’t solve the issue. Branding his neighbor an Islamic State affiliate allowed the policeman to block his return and seize his [neighbor’s] land.”¹¹⁴

Tribal representatives have similarly seized and redistributed property to help mitigate other forms of retribution against families who supported the Islamic State. In Nineveh governorate, IDPs were allowed to return when victims accepted the redistributed property as a kind of “therapy.”¹¹⁵ UNHCR, the UN Refugee Agency, has said that such practices amount to a form of collective punishment and are contrary to Iraqi and international law.¹¹⁶ Civil society activists in Ramadi also report similar cases of tribes blocking returns and seizing property.

Tribes and the State

Since the fall of the Islamic State’s territorial “caliphate” in 2017, residents of governorates formerly occupied by the group now express relief with the country’s comparative stability. Tribes and residents condemn the Islamic State and previous extremist groups’ destruction and ideology, which wreaked havoc on society. A senior religious leader from the Sunni Endowment in Anbar proudly shared written instructions encouraging sheikhs to preach moderation and reject extremism.¹¹⁷ Tribesmen who previously denounced

Baghdad as the seat of Iranian-Shia hegemony and refused to visit now make semi-regular trips to the capital. Coordination (even if limited and tense) between tribes and both civil and military government actors is expected. Perceptions of security forces have improved and clansmen who previously fought the state are now a part of it.

The city of Hit, for example, historically suffered from high tensions between the Albu Nimr tribe and tribes or clans living on the other side of the Euphrates, which flows through the city. (The latter tribes are sometimes referred to colloquially as “Hitaween.”)¹¹⁸ Following the 2003 United States-led invasion, Albu Nimr tribesmen disproportionately staffed local security and government positions. As an Albu Nimr sheikh explained it, other tribes denounced the new government as illegitimate and refused to join. Instead, some joined extremist groups to fight the government—and Albu Nimr in turn fought back against those rebel tribes.¹¹⁹ For their part, some Hitaween sheikhs describe government preference given to Albu Nimr tribesmen, while the Hitaween experienced government discrimination and ill treatment by security forces. The process of expanding recruitment and including Hitaween tribes within the local government and security forces began before the Islamic State and has increased since its territorial defeat. Now, senior local officials hail from other tribes, not just Albu Nimr. Sheikhs on both sides admit that serious tensions remain, but all agree that relations are improved.¹²⁰

Still, distrust persists throughout Iraq, and the long-term outlook is bleak. Residents are divided, and bitter over the Islamic State’s legacy and who is to blame for it. Loved ones are lost, while perpetrators roam the streets unaccountable. The Islamic State was only the most recent iteration of extremist violence in Iraq, and many watch their neighbors suspiciously, sometimes attacking those whom they believe are capable of inflicting violence.¹²¹

Many criticize the government’s heavy-handed, overbroad arrests and lack of due process as counterproductive. Even a senior sheikh from the Albu Nimr tribe, which lost hundreds of members to Islamic State executions, expressed concern that detention conditions could become “breeding

grounds for radicalization.” The sheikh said that plans for a limited amnesty should be considered.¹²² Neither the Iraqi government nor the international community has set forth comprehensive plans to resolve the Islamic State family camp issue, rendering IDPs easy prey with little protection against powerful sheikhs and other actors’ exploitation.

Costly and complex claims procedures under Compensation Law 20, meant to cover harms caused by the Islamic State or during military operations against the group, have compensated few and left many unable to rebuild on their own, as they struggle with unemployment.¹²³ The need for a fairer and broader implementation of the compensation law is one of the few points of consensus across tribes, especially in Anbar. The governorate suffers from one of the highest rates of destruction in Iraq, and many say that the lack of financial compensation is hindering them from rebuilding. Rule of law and basic state protection and provisions are among other common demands across Sunni tribal areas. “Lack of government compensation will be a cause for the next revolution,” one sheikh said, warning of the dire consequences if communities remain destroyed and underserved.¹²⁴

Some sheikhs seek to translate recent military and political gains into success at the ballot box, although most were not successful in the 2018 parliamentary elections. Disputes between Sunni Iraqis at the local level are linked to greater political contestation at the central government level. Some Sunni tribal PMU groups, like other PMU groups, are fractured and vying for political office to capture the institutions of the state. One Sunni tribal PMU commander in Ramadi said that he was in the early stages of forming a tribal coalition to run in upcoming provincial elections (currently scheduled for April 2020). “With this new democracy system, we sheikhs have been marginalized,” he said. “We need to regain some power by running against corrupt politicians.”¹²⁵

While coordination between tribes and security forces has increased, sheikhs and Anbari residents alike remain unconvinced of security forces’ long-term dependability. The Islamic State is still capable of conducting attacks in several areas throughout Iraq.¹²⁶ Residents, in coordination

with sheikhs and mukhtars, organize night watch patrols to protect their neighborhoods. In response to questions of how Iraqi security forces' efforts to stabilize Anbar are going, one sheikh used a mocking nickname for the Baghdad-based security agencies. "Abu Janoub' doesn't know who is here," he said. "We protect ourselves."¹²⁷

Tensions among Sunni tribal PMU groups over inconsistent payment—and sometimes competition over resources and control—frustrate residents. Some Sunni tribal PMU fighters remain unpaid despite promises by Baghdad, while other groups whose leaders have closer ties to the capital are paid regularly and on time. Both categories of groups complain that well-paid Iran-aligned Shia PMU groups use their roads and resources when transiting to and from the Iraqi-Syrian border; these PMU groups' continued presence in Anbar is viewed as an insult.¹²⁸

Even as intra-Shia disputes frustrate Baghdad, a number of Anbari sheikhs still see the central government through a unified, sectarian lens. "We decided to coordinate with security agencies because we forgave them," one sheikh said. "But the government is sectarian and working for the interests of another state."¹²⁹ Another sheikh put it differently: "The state doesn't really exist and the government in Baghdad works for Iran."¹³⁰

Iraq has a poor track record of converting military wins into political solutions for long-term stability. But whatever the state's future trajectory, tribes will adapt and evolve in reaction to events, to maintain relevance. Historically, tribes have never been far from movements calling for change. Evolving intra- and intertribal dynamics remain an important indicator of what is to come.

Moving Forward

At present, neither formal nor informal mechanisms of justice—state or tribal—seem up to the job of effectively addressing conflict that remains unresolved following the Islamic State's territorial defeat. This justice shortfall threatens the security, stability, and well-being of Iraqis, and the viability of the state itself. The Iraqi government and its

supporters should re-strategize and standardize procedures to address central issues currently straining the tribes and the Iraqi people more generally.

First, the IDP returns process should be reconceptualized as a comprehensive stability framework and not exclusively as a returns program. Procedures facilitating IDP returns, reintegration, or relocation elsewhere are intertwined, and programming for one cannot precede the others—at least not sustainably. An important first step is for the government to separate the security clearance process from the process of obtaining civil documentation. Obtaining such documentation should fall under the purview of the civil status directorate in the area, which would then report back to authorities in Baghdad. "Obtaining civil documentation won't mean that every IDP can return home," as senior Human Rights Watch Iraq researcher Belkis Wille put it. "But it will create more options for Iraqis, including the option of living safely elsewhere."¹³¹

Second, the Iraqi government should do more to streamline efforts for a national strategy for Islamic State prosecutions, to better distinguish between minor and serious offenses. Issues of families with perceived affiliation should be approached less from a security lens and more from the standpoint of seeking integration, in order to ensure greater stability. A serious national strategy to comprehensively address the major issues left in the Islamic State's wake is needed—the strategy should allow room for appropriate variations in local and regional initiatives, but should remain under the umbrella of support from the central government, to ensure efficacy and adequate funding. Current strategies aren't cutting it, and lack of political will remains a major obstacle.

Third, egregious abusers of post-Islamic State processes, whether tribal actors or others, should be held to account. Formal law, at least on paper, calls for impartial justice, and efforts to strengthen this system are important, especially to groups often marginalized by informal justice mechanisms, such as youth and women. Until there is effective rule of law, informal tribal justice will continue to play an outsized role, and Iraqis will continue to distrust the formal justice

system. While the role of tribal justice may shrink if formal processes are strengthened, tribal justice will not go away anytime soon. Tribalism remains a defining characteristic of Iraqi society for many Iraqis, and tribal sheikhs will remain relevant in their sociocultural roles for the foreseeable future, regardless of the role of the state.

Finally, tribes remain divided, and some want revenge. While some tribal members inflicted heinous, violent crimes against others, such as the minority Yezidi population and Shia military officers, Sunni residents of tribal areas also suffered immensely. These Iraqis desire justice, but many are skeptical it will be delivered. If justice cannot be delivered, people want—at the bare minimum—to live with dignity. In interviews, residents routinely expressed a desire for security, jobs, and access to services as trumping other concerns, even justice. Many of the areas that were occupied by the Islamic State, like other places in Iraq, remain burdened by corruption and a basic lack of services. Residents express fear of further instability. Government efforts to provide greater security, jobs, and access to services will help address some of the populace's grievances and lay foundations for longer-lasting stability in the future.

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Notes

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- 23 Tribal arfa, interview with the author, Ramadi, April 2019.
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- 28 Mustafa Saadoun, "Will Iraq's New 'Tribal Court' Undermine Rule of Law?," *Al-Monitor*, April 12, 2018, <https://www.al-monitor.com/pulse/originals/2018/04/iraq-tribalism-sheikhs-justice-law.html>.
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- 53 Researcher on tribal affairs, interview with the author via WhatsApp messaging, February 2019.
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- 109 Humanitarians and activists, interviews with the author, Anbar governorate, April 2019.
- 110 Omar al-Jaffal, "After ISIS: Iraq Has a Drug Problem," Asia Times, February 28, 2019, <https://www.asiatimes.com/2019/02/article/after-isis-iraq-has-a-drug-problem/>.
- 111 Female resident in Ramadi, interview with the author, Ramadi, March 2019.
- 112 Female IDP in Anbar, interview with the author, Anbar, April 2019.
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116 Ibid.

117 Sunni Endowment representative in Anbar, interview with the author, Ramadi, March 2019.

118 In Hit, it appears that a high number of “Hitaween” tribal sheikhs stayed after the Islamic State took over.

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120 Albu Nimr and “Hitaween” sheikhs, multiple interviews with the author, Hit, April 2019.

121 Humanitarian worker in Anbar, interview with the author, WhatsApp call, July 2019.

122 On the executions, see Daveed Gartenstein-Ross “The Islamic State’s Stalled Offensive in Anbar Province,” *War on the Rocks*, November 25, 2014, <https://warontherocks.com/2014/11/the-islamic-states-stalled-offensive-in-anbar-province/>. On detention conditions, see “Iraq: Thousands Detained, Including Children, in Degrading Conditions,” *Human Rights Watch*, July 4, 2019, <https://www.hrw.org/news/2019/07/04/iraq-thousands-detained-including-children>

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The sheikh’s comments are from an interview with the author in Hit, March 2019.

123 “Civic Statement: Iraqi Compensation Law Needs Urgent Reform to Address Civilian Losses,” *Center for Civilians in Conflict*, November 29, 2018, <https://civiliansinconflict.org/press-releases/iraqi-compensation-law/>.

124 Tribal sheikh in Anbar, interview with the author, Hit, March 2019.

125 Tribal sheikh in Ramadi, interview with the author, Ramadi, April 2019.

126 For more information see “Averting an ISIS Resurgence in Iraq and Syria,” *International Crisis Group*, October 11, 2019, <https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/207-averting-isis-resurgence-iraq-and-syria>.

127 Abu Janoub literally means “father of the south.” In this context, the sheikh is using the term to criticize the presence of Iraqi security force members from southern Iraq in his hometown, alleging that they are unfamiliar and unaware of the dynamics in their area. Tribal sheikh, interview with the author, village outside of Hit, March 2019.

128 Tribal PMU member in Anbar, interview with the author, Anbar, August 2019.

129 Tribal sheikh, interview with the author, village outside of Hit, March 2019.

130 Tribal sheikh, interview with the author, village outside of Hit, March 2019.

131 Interview with the author via WhatsApp messaging, September 2019.