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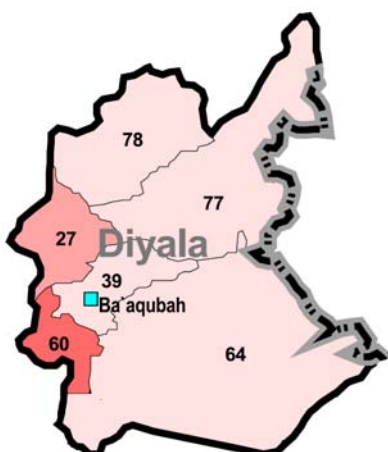
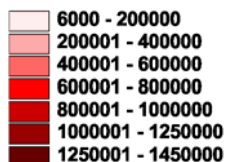
United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

## DIYALA GOVERNORATE ASSESSMENT REPORT

### Diyala

- 27 Al-Khalis
- 39 Al-Miqdadiyah
- 60 Ba'aqubah
- 64 Balad Ruz
- 77 Khanaqin
- 78 Kifri



## November 2006

This UNHCR Assessment Report is intended to provide objective information regarding the overall situation in the Governorate in question, detailing the situation faced by persons of concern and their communities. The report has been drafted by UNHCR with its partners, and many governmental and non-governmental organizations have been invited to contribute to this report which draws on international sources, reports of district authorities, UNHCR's returnee monitoring activities and consultations with returnees and their communities. Efforts have been made to ensure that only accurate, reliable, factual material, independently confirmed information is reported. This Assessment Report is not intended to be a comprehensive human rights report, nor is the report an expression of political opinion or a statement of UNHCR policy.

While the Assessment Report primarily targets displaced populations and returnees, information in Annexes I to III have been prepared in a format useful for donors and the Iraqi authorities. Therefore, the Assessment Report will be made available to a wide audience, including refugees abroad, IDPs and returnees and their communities, authorities, donors and other agencies.

This report does not take into account events occurring on or after 30 November 2006, unless a later date is specified. UNHCR plans to update the report on a regular basis.

Further information can be found on [www.hcriraq.org](http://www.hcriraq.org)

## **Table of Contents**

<b>I. General Information .....</b>	<b>6</b>
A. Political Developments.....	7
B. Security and Public Order .....	8
a) <i>Chronology of Events</i> .....	9
b) <i>Security Forces</i> .....	11
c) <i>UXO and Mines</i> .....	12
d) <i>Freedom of Movement</i> .....	12
<b>II. Legal Issues .....</b>	<b>13</b>
A. Justice System .....	13
B. Restitution of Property Claims .....	14
C. Reacquisition of Nationality.....	15
D. Documentation .....	16
E. Human Rights.....	19
<b>III. Housing / Land / Employment / Infrastructure / Employment / Public Services .....</b>	<b>20</b>
A. Housing / Land.....	20
B. Employment and Economy .....	22
C. Infrastructure and Communications .....	22
a) <i>Water</i> .....	23
b) <i>Electricity</i> .....	23
c) <i>Gas</i> .....	23
d) <i>Fuel</i> .....	23
e) <i>Telephone and Internet</i> .....	24
f) <i>Postal Services</i> .....	24
g) <i>Banking and Money Transfers</i> .....	24
h) <i>Transport</i> .....	24
D. Public Services .....	25
a) <i>Health</i> .....	25
b) <i>Education</i> .....	26
c) <i>Social Welfare</i> .....	28
d) <i>Religious Facilities and Pilgrimage</i> .....	31
e) <i>Culture</i> .....	31
f) <i>Civil Society and Media</i> .....	32
<b>IV. Repatriation / Relocation / Return.....</b>	<b>32</b>
A. Spontaneous Repatriation Procedures (without UNHCR facilitation) .....	32
B. Voluntary Repatriation Procedures (with UNHCR facilitation).....	34
<b>V. Organizations Providing Humanitarian and Development Assistance.....</b>	<b>35</b>
A. International Agencies.....	35
B. Government Development Agencies.....	35
C. International Non-Governmental Organizations .....	36
D. Iraqi Non-Governmental Organizations .....	36
E. Government Offices .....	36
<b>ANNEX I: Summary of Monitoring Findings and Recommendations .....</b>	<b>38</b>
<b>ANNEX II: Displacement and Return Situation.....</b>	<b>41</b>
<b>ANNEX III: Summary of District Profiles .....</b>	<b>46</b>

## **Overview of Figures**

<b>Figure 1: Type of accommodation.....</b>	<b>21</b>
<b>Figure 2: Condition of housing according to returnee households monitored .....</b>	<b>21</b>
<b>Figure 3: Monitored returnee households reasons for no access to health facilities.....</b>	<b>26</b>
<b>Figure 4: Reasons for lack of access to health facilities.....</b>	<b>26</b>

<b>Figure 5: Reasons for lack of access to education.....</b>	<b>27</b>
<b>Figure 6: Persons with additional vulnerabilities .....</b>	<b>30</b>
<b>Figure 7: UNHCR Monitoring in Diyala Governorate.....</b>	<b>38</b>
<b>Figure 8: Top three priorities of returnee households monitored in Diyala Governorate .....</b>	<b>40</b>
<b>Figure 9: Reasons for leaving Iraq.....</b>	<b>42</b>
<b>Figure 10: Year of displacement .....</b>	<b>43</b>
<b>Figure 11: Reasons for return to Iraq.....</b>	<b>44</b>
<b>Figure 12: Type of returnee and IDP households.....</b>	<b>45</b>
<b>Figure 13: Age range of monitored returnee and IDP households.....</b>	<b>45</b>
<b>Figure 14: Returnee and IDP households monitored by district.....</b>	<b>46</b>

### **List of Abbreviations**

<b>CPA</b>	Coalition Provisional Authority
<b>CRRPD</b>	Commission for the Resolution of Real Property Disputes (previously the Iraq Property Claims Commission IPCC)
<b>ID</b>	Iraqi Dinar
<b>IECI</b>	Independent Electoral Commission of Iraq
<b>IED</b>	Improvised Explosive Devices
<b>IOM</b>	International Organization of Migration
<b>IPCC</b>	Iraq Property Claims Commission (now known as the Commission for the Resolution of Real Property Disputes, CRRPD)
<b>IP</b>	Iraqi Police
<b>IRD</b>	International Relief and Development
<b>ISF</b>	Iraqi Security Forces
<b>MNF</b>	Multinational Forces
<b>MoC</b>	Ministry of Culture
<b>MoCT</b>	Ministry of Communication and Transport
<b>MoE</b>	Ministry of Education
<b>MoERA</b>	Ministry of Extra Regional Affairs (KRG)
<b>MoLSA</b>	Ministry of Labour and Social Affairs
<b>MoDM</b>	Ministry of Displacement and Migration
<b>MoH</b>	Ministry of Health
<b>MoHAC</b>	Ministry of Humanitarian Aid and Cooperation (KRG Erbil)
<b>MoHC</b>	Ministry of Housing and Construction
<b>MoHE</b>	Ministry of Higher Education
<b>MoHR</b>	Ministry of Human Rights (Central Government)
<b>MoHR/KRG</b>	Ministry of Human Rights (unified KRG)
<b>MoI</b>	Ministry of Interior
<b>MoJ</b>	Ministry of Justice
<b>MoMPW</b>	Ministry of Municipalities and Public Works
<b>MoPDC</b>	Ministry of Planning and Development Cooperation
<b>MoT</b>	Ministry of Trade
<b>MoWS</b>	Ministry of Water and Sanitation
<b>NGO</b>	Non-Governmental Organization
<b>PDS</b>	Public Distribution System

<b>PHC</b>	Primary Health Centres
<b>RRD</b>	Returnee Reception Directorate
<b>SHC</b>	Secondary Health Centres
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>US</b>	United States
<b>UXO</b>	Unexploded Ordnance
<b>VRF</b>	Voluntary Repatriation Form
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

**Exchange Rate**

As of 30 November 2006, the exchange rate between the Iraqi Dinar (ID) and the US Dollar (US\$):

**1 US \$ = 1,278.70 ID**

# I. General Information<sup>1</sup>

**Diyala is a Governorate in Central Iraq located 40 km to the North-East of Baghdad on the Iranian border. The population of Diyala Governorate was estimated by the Ministry of Planning and Development Cooperation (MoPDC) and the United Nations Development Programme (UNDP) to be 1,418,455<sup>2</sup> in 2004. Ba'aqubah City is the capital of the Governorate, and the Governorate covers an area of 17,685 km<sup>2</sup>.**

Two-thirds of Diyala Governorate is located in the Diyala River basin, a major tributary of the River Tigris. The **geographical landscape** varies dramatically from the Himreen Mountains and lakes in the North to the desert area near to the border with Wassit Governorate to the South. The Diyala River is fundamental to the Governorate's economy which is based predominantly on **agriculture**. Within Iraq, Diyala is second only to the Governorate of Karbala in its capacity for producing **citrus fruit**, especially oranges. As a result, Ba'aqubah is also known as 'The City of Oranges'.

Diyala shares its eastern border with Iran, which runs through the District of Khanaqin in the North and the District of Balad Ruz in the South. Diyala has one external **border crossing point** between Iraq and Iran at Al-Munthiriya in Khanaqin District. The crossing is located 180 km from Ba'aqubah and is used mainly for commercial traffic and passenger crossings. Diyala Governorate has **internal boundaries** with four Governorates: Sulaymaniyah to the North, Salah Al-Din and Baghdad to the West and Wassit to the South.

The main **ethnic groups** in the Governorate of Diyala are Arabs, Kurds and Turkmen. Diyala is also home to a significant number of Faili Kurds (mainly in Khanaqin). Unlike the majority of Kurds, who are Sunni, Faili Kurds are followers of the Shia branch of Islam. Because of their alleged Iranian ancestry and their Shiite faith, they were accused by the former regime of sympathy and ties to Iran. Following the Iraq-Iran War, the Iraqi authorities expelled many Faili Kurds from Iraq to Iran and stripped them of their Iraqi nationality. **Religious groups** in the Governorate include Muslims (Sunni and Shiite), Christians, Yezidis and *Ahl Al-Haqq* ('People of Truth'). Since 2003, the return of displaced persons and returnees has further contributed to the diversity of Diyala's ethnic make-up. Diyala is widely considered to be one of the most diverse Governorates in Iraq, with most religious and ethnic groups living in the same area.

The situation in the Governorate in terms of its population is considered highly complex and sensitive. The presence of large numbers of secondary displaced Arabs in Ba'aqubah,<sup>3</sup> Kurdish IDP returnees in the North, and Diyala's proximity to Iran on one side and the former 'Green Line' on the other, make for a particularly fragile security situation. The Governorate has a history of ethnic mixing but has also seen periods of tension between various sectarian groups.

The Governorate of Diyala is divided into **six administrative districts: Ba'aqubah, Al-Miqdadiyah, Balad Ruz, Khalis, Khanaqin and Kifri**. Diyala is also divided into **11 sub-**

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<sup>1</sup> General sources of information include: Governorate Offices, Statistics Office, MoPDC and International Reports.

<sup>2</sup> MoPDC/UNDP, *Iraq Living Conditions Survey*, April 2005.

<http://www.iq.undp.org/ILCS/PDF/Tabulation%20Report%20-%20English.pdf>.

<sup>3</sup> 'Secondary displaced Arabs' were settled in the areas of Mosul, Kirkuk, Diyala and Salah Al-Din by the former regime as part of the *Arabization* campaign. Many from this group were subsequently displaced by the return of mainly Kurdish IDPs to the areas after the fall of the former regime in April 2003.

**districts: Hibhib, Bohriz, Kan'an, Edheim, Mandeli, Abu Saydah, Al-Wajhiya, Wali Abbas, Sadiya, Jalawlah and Kokz.**

The former regime restricted economic investment in the Governorate which led to the degeneration of Diyala's infrastructure, predominantly in areas with high concentrations of Kurdish or Shiite residents (e.g. Al-Khalis, Khan Bani Sa'ad, Khanaqin, Mandeli and Kifri). This was further exacerbated by economic sanctions, leading to an increase in poverty and a deterioration of living standards in the Governorate between 1991 and 2003.

The **Ministry of Displacement and Migration (MoDM)** (established in August 2003) opened an office in Diyala in February 2005 to assist IDPs and returnees.

### **A. Political Developments**

A 41-member **Governorate Council** was elected in Diyala on the 15 December 2005. The majority of the seats available were allocated to the Sunni **Iraqi Islamic Party (23)**, while nine seats went to the Shiite-dominated **United Iraqi Alliance**, and seven seats to the Kurdish coalition, the **Democratic Patriotic Alliance of Kurdistan**. One seat was allocated to the **Peace and Liberation Movement**, and one to the **National Dialogue Movement**. The January 2005 elections also lead to the **appointment of Governor Ra'ad Rasheed Hameed Mulla-Jawad**, a representative of the United Iraqi Alliance, as well as Vice-Governor **Awf Rahoomi** of the Iraqi Islamic Party. The Vice-Governor also has two deputies; **Imad Jalil** (Democratic Patriotic Alliance of Kurdistan), and **Hafidh Abdul Aziz** (Iraqi Islamic Party). The Chairman of the Governorate Council is **Ibrahim Bajilan** (Democratic Patriotic Alliance of Kurdistan).

After the fall of the former regime, a number of political parties who had previously been forced to operate outside Iraq re-established offices in the province. Kurdish religious and political party offices can be found in Khanaqin, Mandeli, Kifri and Jalawlah, and Islamic and Nationalist party's offices can be found in Ba'aqubah, Mandeli and Al-Khalis.

**A referendum on the draft Permanent Constitution was held on 15 October 2005.** According to the Independent Electoral Commission of Iraq (IECI), 51.27% of the voters in Diyala Governorate voted in favour of the constitution and 48.73% voted to reject it.<sup>4</sup> Under a compromise reached before the referendum, it was agreed that the new Council of Representatives would consider amendments to the constitution within four months (Article 142 of the Constitution), and amendments agreed would have to be approved in a popular referendum. The referendum would be considered successful if it was approved by a majority of the voters and if not rejected by two-thirds of the voters in three or more Governorates. Issues at stake included federalism and the distribution of oil.

A second round of **National Assembly (Council of Representatives) elections** was held on 15 December 2005. The results show that Iraqis again cast their ballots along sectarian or ethnic lines: the Shiite coalition (*United Iraqi Alliance*) dominated the voting, but was short of a majority, holding 128 of the 275 seats. Kurdish parties (*Kurdistan Gathering*) won 53 seats and the main Sunni Arab bloc (*Tawafiq Iraqi Front*) won 44, giving them a much stronger political

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<sup>4</sup> IECI, *Certification of the Constitutional Referendum Final Results*, 25 October 2005, <http://www.ieciraq.org/final%20cand/20051102%20Certified%20Referendum%20Results%20English.pdf>.

voice than they had before.<sup>5</sup> In spite of complaints by some of the leading parties, the polls were run in accordance with international electoral standards<sup>6</sup> and were accompanied by limited violence. Sunnis, who had boycotted the January 2005 elections, participated in large numbers and the overall turnout was relatively high (around 70%).

**Voter turnout in the Governorate of Diyala was high (around 71%),<sup>7</sup>** and while no party won a majority, voters mainly voted along sectarian lines. The main Sunni list, *Tawafoq Iraqi Front* received 37.53% of the vote, giving it four seats. The Shiite Alliance, the *Unified Iraqi Coalition*, received 22.37% of the vote, giving it two seats. The main Kurdish Alliance, the *Kurdistan Gathering*, received 12.39% of the vote, giving it two seats. The secular, *National Iraqi List* of former Prime Minister Iyad Allawi received 10.60% of the vote, giving it one seat, and the *Hewar National Iraqi Front*, a bloc that has formed around independent Hassan Zaydan and includes, *inter alia*, Arabs, Kurds, Christians and Yezidis, received 10.35% of the vote, giving it one seat.<sup>8</sup>

After six months of negotiations a **national unity government** was agreed between the *United Iraqi Alliance*, *Tawafoq Iraqi Front*, *Kurdistan Gathering* and *Iraqi National List*, under the leadership of Prime Minister Nouri Al-Maliki.<sup>9</sup>

In both the January and the December 2005 elections, Iraqis living abroad in a number of countries (including Iran, Syria and Jordan) were able to participate in the democratic process through an ‘**out of country’ voting system**.

## **B. Security and Public Order**<sup>10</sup>

The Governorate of Diyala, as well the Governorates of Baghdad and Anbar have some of the least stable security environments in Iraq and experiences repeated insurgent activity. The number of attacks on civilians in Diyala dramatically increased during 2006, including targeted bomb attacks in public places (market places, commercial shops, near public buildings),<sup>11</sup> and random attacks by gunmen. Frequent attacks on Multinational Forces (MNF), the Iraqi Security Forces (ISF), religious leaders, government officials<sup>12</sup> and persons suspected of working with/supporting the MNF/Iraqi authorities (e.g. contractors, translators) are common.

A wave of anger among Iraq’s Shia over the bombing of the Al-Askari Shrine in Samarra in February 2006 sparked **sectarian violence** across Iraq, affecting both Shiite and Sunni

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<sup>5</sup> IECI, *Certification of the Council of Representatives Elections Final Results*, 10 February 2006, [http://www.ieciraq.org/English/Frameset\\_english.htm](http://www.ieciraq.org/English/Frameset_english.htm).

<sup>6</sup> International Mission for Iraqi Elections, *Final Report on the December 15, 2005, Iraqi Council of Representatives Elections*, 12 April 2006, [http://www.imie.ca/pdf/final\\_report.pdf](http://www.imie.ca/pdf/final_report.pdf); IEI, Statement No. 39, *Board of Commissioners Decisions on Complaints Regarding the Council of Representatives Elections*, 16 January 2006, [http://www.ieciraq.org/final%20cand/Declaration\\_39\\_Jan\\_17\\_06\\_amended\[1\].edited.pdf](http://www.ieciraq.org/final%20cand/Declaration_39_Jan_17_06_amended[1].edited.pdf).

<sup>7</sup> IEI, *Uncertified Partial Results*, 21 December 2005, <http://www.ieciraq.org/final%20cand/20051221%20Partial%20Results%20Turnout.pdf>.

<sup>8</sup> IEI, *Uncertified Results*, 20 January 2006, [http://www.ieciraq.org/English/Frameset\\_english.htm](http://www.ieciraq.org/English/Frameset_english.htm).

<sup>9</sup> For a list of cabinet members see BBC, *Who's who in Iraq's new cabinet*, 22 May 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/5000750.stm](http://news.bbc.co.uk/2/hi/middle_east/5000750.stm).

<sup>10</sup> Security and public order sources of information include: Iraqi Authorities, MoDM, media and UN security briefs.

<sup>11</sup> BBC, *Dozens Die in Fresh Iraq Bombing*, 29 May, 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/5026998.stm](http://news.bbc.co.uk/2/hi/middle_east/5026998.stm)

<sup>12</sup> See for example, killing of Hussein Alwan Al-Tamimi, Deputy Head of the Diyala Governorate Council, BBC News, *Fresh Wave of Bombs across Iraq*, 2 June 2005, [http://news.bbc.co.uk/2/hi/middle\\_east/4602019.stm](http://news.bbc.co.uk/2/hi/middle_east/4602019.stm)



populations. The impact of this event was felt strongly in Diyala, a Governorate with one of the most religiously mixed populations in Iraq. Since the attack, a significant number of attacks on both Sunni and Shiite religious sites and Shrines have taken place in Diyala, contributing to tension and fear in the governorate.

**The security situation in the Governorate varies between different districts**, with some districts specifically targeted by insurgents, and others remaining relatively calm. This is thought to be linked to the influence of different religious and ethnic groups in different areas of Diyala. Ba'aqubah, Al-Miqdadiyah and Imam Weiss, and to a lesser degree Khan Bani Sa'ad and Al-Khalis are regarded as highly tense areas. Balad Ruz and Khanaqin have also seen major terrorist attacks, while Mandeli, Jalawlah, Kifri, Kan'an, Al-Wajhiya and Wali Abbas experience less insurgent activity. The influence of Kurdish parties in the areas of Khanaqin, Mandeli and Jalawlah is thought to contribute to the relative stability in these districts. However, given the districts mixed populations attacks in these areas do still occur.<sup>13</sup>

**The most common security incidents** reported to the Iraqi Police (IP) include: assassinations, small arms fire, mortar bombs aimed at MNF bases, police stations and army checkpoints, kidnappings, car bombs, bicycle bombs, Improvised Explosive Devices (IEDs) and armed clashes between insurgents and both ISF and MNF. **Civil disturbances and demonstrations** took place in Ba'aqubah and Al-Miqdadiyah prior to the January 2005 elections and during the final days of the drafting of the Permanent Constitution. In 2006, demonstrations also took place during the trial of Saddam Hussein.

**IEDs are common in Ba'aqubah, Al-Miqdadiyah and Imam Weiss**, and are often planted on the side of main roads. If an IED is discovered by the MNF/ISF, the area is cordoned off and the device dismantled. However, IEDs are increasingly being planted in public areas in order to create maximum disruption to the everyday lives of civilians. IEDs have been detonated outside food shops, in markets, and near health centres and other public buildings (*see Chronology below*).

**Security is a key factor influencing the decisions of IDPs and returning refugees regarding where to settle**, most of who prefer the more stable and secure areas of the Governorate. Returnees and IDPs also seek areas to settle where they have relatives and social, tribal or religious connections that they can draw on for support and protection. Long periods of absence from Iraq and changes to the ethnic balance of Diyala since 2003 may constrain opportunities for returnees to settle in safety and dignity in their places of origin.

#### **a) Chronology of Events**

The following security information is taken from UN security reports, and provides a brief summary of events in Diyala from January 2006 (not exhaustive):

##### **October 2006:**

- An IED targeting an MNF-I patrol exploded killing nine civilians in Al-Miqdadiyah.
- Four civilians, including two women and a child were killed, and twenty civilians were injured in an overnight MNF raid. Homes and a mosque were also damaged.

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<sup>13</sup> See for example, killing of seven Kurdish civilians working at a US military base near Khanaqin, Aljazeera, *Aid worker killed in Iraq violence upsurge*, 17 April 2005, <http://english.aljazeera.net/NR/exeres/45C0FDC1-C83B-4B0A-A630-1D60F81E838A.htm>.

- Six unidentified bodies were found in a burnt out vehicle in the centre of Ba'aqubah.

#### **September 2006:**

- Numerous IEDs were detonated, outside food shops, and in market places across Balad Ruz. Gunmen also set fire to ten houses in the area.
- Eleven civilians were killed, and numerous others were injured in separate incidents across Diyala. A Shiite shrine was also bombed and destroyed.
- Five unidentified female bodies were found in different districts in Diyala.

#### **August 2006:**

- A pick up truck carrying vegetables detonated in Al-Khalis, killing nine civilians.
- In one day twenty-six people were killed in different incidents across Diyala.
- Twelve civilians were shot dead in separate incidents in and around Ba'aqubah, including two University Lecturers and a Human Rights Worker.

#### **July 2006:**

- Two people were killed when five mortars were fired at a Shiite Mosque in Balad Ruz.
- Gunmen cordoned off a public garage in Al-Miqdadiyah, and kidnapped fifty passengers.
- In Al-Miqdadiyah gunmen opened fire on a group of women, killing four of them. During the same day gunmen killed three brothers outside a shop in Mufraq. Gunmen also opened fire on a civilian bus, killing two people in Ba'aqubah.

#### **June 2006:**

- At least twenty-five people were killed, and thirty-three were injured when a bicycle bomb detonated in a market in Ba'aqubah.
- Twelve people were killed, and twenty were injured in Hibhib after a bomb was detonated outside a Sunni mosque, those hurt were leaving after Friday prayers.
- In Ba'aqubah ten people were killed, including a woman and her four children when a bomb detonated outside a neighbour's house, bringing down the ceiling on to a family sleeping in the garden.
- A suicide car bomber crashed in to a security check point in Ba'aqubah, killing eight people and injuring four others. On the same day, gunmen opened fire on a food store killing three brothers.
- Eight people were killed, including three Iraqi Police in nine separate attacks around Ba'aqubah on 5 June.
- Gunmen shot dead the driver of a local official, and his three sons in Khan Bani Sa'ad.

#### **May 2006:**

- On 14 May, there were a series of attacks on religious shrines in Diyala. Bombs hidden in a cemetery surrounding a shrine in Al-Miqdadiyah were set off by remote control, completely destroying the shrine. In an attack earlier that day, insurgents blew up another shrine, in a village nearby destroying up to 80% of the shrine.
- Gunmen killed a female teacher, and injured her 14 year old nephew.
- Eleven civilians were killed when a booby trapped car detonated while they tried to recover corpses seen lying in the vehicle. Those killed were travelling to work at an electronics factory when they saw the vehicle by the side of the road.
- Three men driving dump trucks were stopped and shot by gunmen, and their trucks were set on fire.

### **April 2006:**

- Two bombs detonated in a market place in Al-Miqdadiyah, killing two people, and injuring seventeen.
- Gunmen opened fire at some shops in Al-Miqdadiyah, killing one person and injuring three, mortars were also fired at the police station in the same area.
- Two male university students were killed, and a female student was injured in Ba'aqubah when gunmen opened fire on the bus they were travelling in.
- An IED detonated near a school killing a 10 year old boy, and another civilian.
- A parked car bomb exploded near a medical facility in the Khalis, killing two civilians, and injuring twenty three.

### **March 2006:**

- The decapitated bodies of thirty Iraqi men were discovered in a village near Ba'aqubah.
- A gunman shot dead a Sunni preacher at a Mosque in Al-Miqdadiyah.
- A suicide bomber on a bicycle attacked a police patrol in the city, killing two civilians and injuring six others.

### **February 2006:**

- The Iraqi government imposed a curfew in Diyala, after the bombing of the Shiite Shrine in Samarra (22 February) sparked sectarian violence across Iraq.
- Eight hairdresser's shops and three liquor shops were attacked in Ba'aqubah, the buildings were destroyed but there were no reports of casualties.
- Thirteen police recruits were killed when a car bomb exploded outside Diyala Provincial Police Headquarters in Ba'aqubah, where they were queuing to join the local police force.

### **January 2006:**

- A suicide bomber killed thirty-six people and wounded forty others during the funeral of a Dawa Party member in Al-Miqdadiyah.
- Seven policemen were killed and thirteen wounded near Ba'aqubah when a suicide car bomber rammed his car into a bus carrying twenty policemen.

## **b) Security Forces**

**The former Iraqi Army, former Iraqi Republican Guard, former Ministry of Defence and other Iraqi security forces were disbanded in 2003** by Coalition Provisional Authority (CPA) Order No. 2 and have been replaced by the new Iraqi Army. Prior to 2003, military service was compulsory for all Iraqi males; it has now been changed to a voluntary service. The new ISF are paid and increasingly trained, but are still in a state of development and not yet able to independently take over complex security operations. **The Iraqi National Guard** was established as a civil protection force which has been merged with the new Iraqi Army.<sup>14</sup>

**The MNF have a presence** in Ba'aqubah and Balad Ruz. They also provide support to the ISF, particularly in border enforcement. US forces closed down one of their forward operating bases in the Governorate in July 2005 and have since been transferring security authority to the ISF in Al-Miqdadiyah, Ba'aqubah, Khanaqin and Jalawlah.

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<sup>14</sup> BBC News, *Iraq to dissolve National Guard*, 29 December 2004, [http://news.bbc.co.uk/2/low/middle\\_east/4133039.stm](http://news.bbc.co.uk/2/low/middle_east/4133039.stm).

Since June 2003, the MNF's presence in Iraq has been at the request of the Iraqi authorities and authorized by the UN Security Council. In November 2005, the UN Security Council, upon request of the Iraqi Transitional Government, unanimously extended the **MNF's mandate** for another year until the end of 2006, subject to a review no later than 15 June 2006.<sup>15</sup> On 15 June 2006, members of the UN Security Council upon request of Iraq's Government (letter from Foreign Minister Zebari dating 9 June 2006), agreed the continuation of the mandate of the MNF.

**The Iraqi Correctional Service** under the authority of the Ministry of Justice (MoJ) is responsible for running Iraqi prisons. It was reorganized in 2004 and Diyala prison was reopened in the old Police Directorate in Ba'aqubah, close to the Tahreer area.

**If a person is arrested by the ISF, he/she has the right to legal counsel and to have their case heard by an investigative judge within 24 hours.** The investigative judge can extend the period of detention for up to fifteen days after each review, but the total period cannot exceed six months after which authorization for a further extension has to be obtained from the responsible criminal court. In practice, referrals often occur with delay. Person arrested by the MNF fall under a different legal regime as regards their arrest and detention, depending on the reason for their arrest (criminal detainees or security detainees). **If a member of the public wishes to make a complaint** against a member of the IP, the complaint should be addressed to the investigative judge at the first time of meeting or made in writing to the Inspector General for Diyala Governorate.

**Emergency phone numbers** (Khalis: 7050360 + 535085, and Ba'aqubah: 535084) are available to the public to report emergency incidents including criminal, terrorist and fire hazards. However, fears of reprisals by insurgents mean that relatively few incidents are reported.

**Curfews** exist across most of Diyala from 20:00 until 06:00. Depending on the security situation it is at times extended until 07:00. IPDs and returnees should check current curfew times and restrictions with local authorities. Breaking curfews can lead to fines or arrest by the IP.

#### **c) UXO and Mines**<sup>16</sup>

Mines and UXO (Unexploded Ordnance) are prevalent in Diyala along the former 'green line' and the border with Iran, most of which were laid by the former regime. The most concentrated areas are along the borders of the following districts: Khanaqin/Kalar, Jalawlah/Kalar, Jalawlah/Kifri and on the Iranian border shared with the districts of Balad Ruz and Khanaqin. Many villages in these areas are inaccessible due to heavy concentrations of mines. Following the fall of the former regime, many areas contaminated with mines and UXO were demarcated by the MNF, Kurdish Peshmerga and NGOs.

#### **d) Freedom of Movement**<sup>17</sup>

In April 2003, after the fall of the former regime, there were large-scale spontaneous movements of returnees across Iraq's borders due to the absence of police and border checkpoints. Since

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<sup>15</sup> UN Security Council, *Resolution 1637 (2005)*, 11 November 2005, [http://www.un.org/Docs/sc/unsc\\_resolutions05.htm](http://www.un.org/Docs/sc/unsc_resolutions05.htm).

<sup>16</sup> UXO and mines sources of information include: National Mine Authority and NGOs.

<sup>17</sup> Freedom of movement sources of information include: IP, MoDM and returnees.

2004, border control has improved. Cross-border movement is regulated by checkpoints, Border Enforcement and ISF have expanded and new border regulations have been introduced.

Since 2003, travel across internal boundaries and through checkpoints requires the mandatory display of Iraqi identification cards. Those persons who can show passports and Civil ID cards have been able to move across Governorate boundaries and international borders with relative ease. However, returnees or IDPs, who have not yet renewed identity documents or are awaiting delayed documents, have reported difficulties crossing these boundaries, significantly impeding their freedom of movement.

**Roads running between districts have an average of seven to eight permanent police checkpoints and another five checkpoints are located within each district**, normally at the entry/exit to the major towns.

Security incidents continue to provide the greatest obstruction to freedom of movement in the Governorate of Diyala, including IEDs, clashes between insurgents and MNF/ISF and tensions between ethnic and religious groups.

## **II. Legal Issues** <sup>18</sup>

### **A. Justice System**

Rule of law in the Governorate of Diyala is the responsibility of the MoJ. The Ministry has a First Instance Court in each district as well as a Central Justice Department located in Ba'aqubah which contains the following courts:

- **The Felony Court**
- **The Appeal Court**
- **The Juvenile Court**
- **The First instance Court for Ba'aqubah District**
- **The Personal Status Court**
- **The Investigative Court**
- **The Court of Cassation**
- **The Land Registry Office**

In most cases at least two judges preside in each of the courts; however, this is still not considered a sufficient number to administer the current volume of work. It can take up to six months or more before a verdict is reached, and a case resolved. Therefore, returnees who apply to the courts in regards to the reacquisition of nationality, property rights and identity documents are often left in a vulnerable position while waiting for the courts decision. Sensitive cases are sometimes transferred to the Court of Appeal in Baghdad, although this happens in rare cases. Some have claimed that the Courts in Diyala, continue to have elements of corruption, and may be influenced by political parties, thereby affecting their ability to remain impartial.

There is a Bar Association in Diyala, of which most lawyers in the Governorate are members.

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<sup>18</sup> Legal issues sources of information include: Legal Aid and Information Centre, MoJ, Bar Association, University Legal Departments, MoHR, MoI and IPCC.

The most frequent types of cases presented to the Courts in the Governorate of Diyala include:

- Marriage and separation
- Alimony
- Certification of marriages and births
- Looting or theft
- Civil legal disputes
- Property and land disputes
- Commercial sale and acquisition

## **B. Restitution of Property Claims**

The Iraq Property Claims Commission (IPCC) was established on 1 July 2004 as a means for dealing with illegal property confiscation that had occurred in Iraq. A revision to the IPCC statute was published on 10 March 2006 changing the name of the IPCC to the Commission for the Resolution of Real Property Disputes (CRRPD). The jurisdiction of the CRRPD runs from 17 July 1968 to 9 April 2003 and covers the following types of properties:

- *Properties that were confiscated and seized for political, ethnic reasons or on the basis of religion or religious doctrine or any other events resulting from the policies of the previous regime of ethnic, sectarian and nationalist displacement.*
- *Properties that were seized without consideration or appropriated with manifest injustice or in violation of the legal practices adopted for property acquisition. Exception is made to the properties that were seized pursuant to the law of agricultural reform, the cases of in kind compensation and appropriation for purposes of public use and which were actually utilized for public use.*
- *The State real properties that were allocated to the factions of the previous regime without consideration or for a symbolic amount.*

**There are two CRRPD offices in Diyala, and they have been processing property claims in the Governorate since May 2004.** One office is based in Ba'aqubah and deals with property cases from the districts of Ba'aqubah, Al-Miqdadiyah, Balad Ruz and Al-Khalis, and the second office is based in Khanaqin.

Claims for the restitution of property misappropriated by the former regime that fall within the jurisdiction of the CRRPD can be submitted to its offices in Diyala. **The CRRPD office provides assistance with completion and submission of claims.** It also collects evidence from appropriate real estate registry and government offices, holds hearings and requests additional evidence on aspects of claims that need further clarification.

As of November 2006, the CRRPD office in Ba'aqubah had received 4,643 claims, of which 850 had been resolved (out of these cases, 721 were rejected, and 60 had property returned). While the CRRPD branch in Khanaqin received 9132 claims and resolved 1,013 (out of these cases 458 were rejected, and 535 had property returned).<sup>19</sup> Property restitution claims in Diyala can take over a year to process and poor coordination between government departments often slows applications.

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<sup>19</sup> Detailed CRRPD report of received, resolved claims and of appealed decisions until 23 November 2006.

**To submit a claim to the CRRPD, a claimant should submit the following documents to any CRRPD Office,<sup>20</sup> preferably to the one nearest to the real property in question:**

- A completed CRRPD claim form (in Arabic or Kurdish);<sup>21</sup>
- Originals of supporting documentation;<sup>22</sup>
- Copies of supporting documentation;
- A valid identification document (for claimant and/or representative);
- Evidence of representation signed by the claimant (if a representative is submitting the claim).

Claims from persons in Iraq must be filed in person or through a legally authorised representative.

**Refugees can also submit property claims from abroad.** Out-of-country claimants (or their representative) can file their claims with Iraqi embassies and consular offices as well as any CRRPD office in Iraq, either in person or through a legally authorized representative. The same documentation is required as for the submission of in-country claims.<sup>23</sup>

There is no fee for filing a claim, both for in-country and out-of-country claims.

In many cases, where returnees have had their nationality, personal records and assets erased by the former regime, access to entitlements has been very difficult to ascertain (see below *Reacquisition of Nationality*).

Offices are open from 08.00-15.00, Saturday to Thursday. For additional assistance in completing the forms, claimants and respondents may contact the CRRPD from 8.00-15.00 (Baghdad time) at the following mobile number until further notice: **+9647901945767**.<sup>24</sup>

### **C. Reacquisition of Nationality**

**There are two documents in Iraq confirming Iraqi nationality:**

- **Nationality Certificate;**
- **Civil ID card.**

**Persons, whose nationality was withdrawn by the former regime, should apply for these two documents. In the process, their entitlement of citizenship will be checked. In many cases, the MoDM Branch Office in Diyala provides returning refugees with a letter to facilitate the reacquisition of nationality.**

**Applications to obtain the nationality certificate must be submitted to the Nationality and Travel Directorate/Ministry of Interior (MoI) in Ba'aqubah. An investigation into the**

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<sup>20</sup> A list of CRRPD offices in Iraq and their contacts can be found at <http://www.ipcciraq.org/contactus.htm>.

<sup>21</sup> The claim form is available at any CRRPD Office, Iraqi embassies and consular offices and can be downloaded at [http://www.ipcciraq.org/06\\_forms.htm](http://www.ipcciraq.org/06_forms.htm).

<sup>22</sup> Examples of supporting documentation include: property registration certificates, land contracts, certificates of the transfer of title, tax documentation and utility bills. Copies of the supporting documentation will be certified and submitted with the claim form after the originals are presented to and verified by CRRPD or Iraqi embassy/consular staff. Originals of documentation should not be submitted.

<sup>23</sup> For further guidance, see CRRPD, *Procedures for Persons Living Outside of Iraq*, <http://www.ipcciraq.org/outofcountry.htm>.

<sup>24</sup> CRRPD, *Contact us*, <http://www.ipcciraq.org/en/contactus.php>.

**reasons for loss of nationality** will be carried out by the Nationality and Travel Directorate and a request for reacquisition will be sent to the MoI in Baghdad where a final verification is carried out. **Accordingly, applicants are required to go to Baghdad in person for the documents to be approved. Applications to obtain the civil ID card** must be submitted to one of the six Identity Offices/MoI in Diyala Governorate.

**Applications for reacquisition of nationality are usually completed within two weeks provided that the applicant can provide a document of any first or second degree relative which proves the latter's Iraqi nationality and is accompanied by this relative in the process.** In a case where the applicant does not have the necessary documentation or the first or second degree relative cannot be present, the procedures may take up to two months.

UNHCR Monitoring has indicated less difficulties or delays with nationality document renewal in Diyala than in other Governorates.

Procedures to reacquire the nationality certificate as well as the civil ID card are described under *Section D. Documentation*.

For political reasons, Faili Kurds in Diyala, were particularly affected by the former regime's decision to strip certain people of their Iraqi nationality. In 1980, Revolutionary Command Council Decree No. 666 banned citizenship for Iraqis of Persian origin, which led to the expulsion of hundreds of thousands from Iraq. The decree was cancelled with retroactive effect by Article 11(E) of the Transitional Administrative Law (TAL) in 2003, and then reconfirmed in the 2006 Nationality Law.

The Permanent Constitution, which was accepted by a popular referendum in October 2005, now states that any person whose mother or father has Iraqi nationality has the right to Iraqi citizenship.

#### **D. Documentation**

**This section contains information on the issuance/renewal of identity documents, travel documents, passports, visas, birth, death and marriage certificates, and social welfare cards, etc**

The nationality certificate and civil ID card are the most important forms of documentation for returning refugees because they restore the right to access all entitlements of Iraqi citizenship. Returnees still carrying old Iraqi documentation are able to renew documents easily. For those without these documents, further investigation into records must be carried out to prove entitlement. A non-Iraqi (e.g. Iranian) spouse of a returnee can apply for all the documents listed below except the civil ID card and the nationality certificate, which he/she may qualify for after legally remaining in Iraq for five years according to current Iraqi Nationality Law.

**The MoDM Branch Office in Diyala supports returnees to renew their documentation and nationality rights** by coordinating with the relevant Ministry Directorates. MoDM will issue a supporting letter to returnees signed by the legal representative of MoDM's Branch Office to facilitate returnees' access to other public services including health and education.



### Civil ID Cards

Civil ID Cards, which are used in order to obtain most official documents, can be renewed at one of the six Identity Offices/MoI in the Governorate of Diyala. Applications should be submitted with the following documentation:

- Iraqi birth certificate. If the applicant is born outside Iraq, a new birth certificate approved by the Personal Status Court is required. In order to obtain a new birth certificate, the applicant needs the parent's marriage certificate or any other document that confirms the parent's marriage (e.g. parent's civil ID card);
- Letter from the *Mukhtar* confirming the applicant's residency;
- An official document (e.g. nationality certificate ) of a first or second relative that proves the relatives Iraqi nationality;
- Two personal photographs.

The fees for a Civil ID are 5,250 ID.

### Nationality Certificate

The Nationality Certificate is needed for most official purposes and can be applied for at the Directorate of Nationality and Travel. The process normally takes two days after an application is submitted. Documents required are:

- Iraqi birth certificate. If the applicant is born outside Iraq, a new birth certificate approved by the Personal Status Court is required. In order to obtain a new birth certificate, the applicant needs the parent's marriage certificate or any other document that confirms the parent's marriage (e.g. parent's civil ID card);
- A letter from the Municipal Council (*Mukhtar*) confirming the applicant's residency;
- An official document (e.g. nationality certificate ) of a first or second relative that proves the relatives Iraqi nationality;
- Two personal photographs;
- Parents' marriage certificate, if reacquisition of nationality relates to children born abroad.

The fee for a nationality certificate is 4,750 ID.

### Passports

Passports can be applied for at the Passport and Residence Office in Ba'aqubah. Applications usually take about 10 days to be processed. Renewals of passports are done within one week. Passports are valid for one year after which they can be renewed for another two years. The following documents need to be submitted:

- Civil ID card;
- Nationality Certificate;
- Food ration card;
- Residency card (issued by police office);
- Certified cheque of 25,000 ID;
- Two personal photographs.

The fee for a new passport is 30,000 ID. The renewal of a passport free.

**Non-Iraqi spouses of Iraqi returnees should register with the Passport and Residence Office in Diyala** in line with Article 3 of the Foreigner Residence Law. Initial registration lasts for three months, after which non-Iraqi spouses need to extend their residency every year. After five years of continuous legal residency, non-Iraqi spouses can apply for Iraqi citizenship under

certain criteria (Article 11 of the new Iraqi Nationality Law No. 26). Registration requires the spouse to have a valid passport, visa and proof of entry through an official Iraqi border crossing point. This has caused difficulties for many who travelled to Iraq illegally and did not use an official crossing point, particularly in the immediate aftermath of the 2003 conflict. If non-Iraqi spouses do not register and do not have the necessary documents, their stay in Iraq is considered illegal and they are subject to detention and deportation. Please see Section IV. A - *Spontaneous Repatriation Procedures* for information on how unregistered non-Iraqi persons in Iraq can become registered.

#### Marriage certificates

Marriage certificates are issued by the Personal Status Courts, usually within three days, after submitting the following documents:

- Civil ID cards of both spouses;
- Nationality Certificate's of both spouses;
- Husband's food ration card;
- Residency cards of both spouses;
- Letter from the *Mukhtar* confirming the applicants' residency;
- Medical report for both spouses issued by the local hospital.

The fee for a marriage certificate is 250 ID.

#### Birth Certificates

Birth Certificates are required for the issuance of a civil ID card, to add children to the food ration card, facilitate registration of children at school and to apply for social welfare benefits. Birth certificates are issued the Ministry of Health (MoH) Births/Deaths Administrative Offices located in Public Hospitals, usually within two days. The following documents are requested:

- Parent's civil ID cards;
- Parent's PDS food ration card;
- Parent's residency cards.

The issuance of a birth certificate costs 3,000 ID.

#### Death certificates

Death certificates, needed in order to obtain retirement benefits for the spouse or children as well as for inheritance purposes, are issued by the MoH Births/Deaths Administrative Offices located in Public Hospitals. Death certificates are usually issued within two days. Required documents are:

- Medical report;
- Civil ID card or food ration card of the deceased person;
- Residency card of the deceased person.

The issuance of a death certificate is free.

Returnees with relatives that have deceased while abroad should apply for a death certificate in their host country before returning. If they do not have a death certificate from the host country, they must get authorisation through the Personal Status Courts which will issue a death certificate.

When there is a delay or difficulty in registration of a birth or death certificate, a deed may have to be arranged in the Civil Court and then registered at the Births/Deaths Administration Office afterwards.

#### PDS Food Ration Card

**Returnees from abroad applying for the PDS food ration card** for the first time should provide the Ministry of Trade (MoT) Offices with the following documents:

- Civil ID card of all family members;
- Letter from the *Mukhtar* confirming the applicant's residency.

Applications usually take about thirty days to be processed. The registration is free. A copy of the birth/death certificate has to be sent to the PDS Centre in order to include/exclude a newborn/deceased person on the family's food ration card.

**Social security applications** are processed through the Ministry of Labour and Social Affairs (MoLSA).

Opening hours of all offices are from 08:00 to 15:00, Sunday to Thursday.

#### **E. Human Rights**<sup>25</sup>

In the Governorate of Diyala, human rights and freedoms are not fully protected and sectarian or ethnic divisions among residents have caused a widespread fear of persecution. Insecurity and insurgent activity continue to put civilians in danger, especially in Ba'aqubah and Al-Miqdadiyah.

Ongoing insurgent activity affects **a range of freedoms such as the freedom of movement, freedom of education and the freedom to work**. UNHCR Monitoring found that insecurity inhibits government employees, teachers, students and other private sector employees from attending their places of work or study for fear of insurgent activity, be it through indiscriminate violence or deliberate attacks.

**Freedom of expression** is also hindered by fear of persecution. A number of murder cases in Diyala are thought by the local community, to have resulted from the victim's expression of opinions opposing the insurgency. Barber shops in Diyala have also been targeted, an apparent attempt by religious conservatives to prohibit the shaving of beards, further curtailing freedom of expression.

Persons working for or suspected of supporting the Iraqi authorities or the MNF have been deliberately targeted, including politicians, translators or employees of the MNF.

Freedom of religion is impeded by increasing religious tension, mainly among the Shiite and Sunni communities. Attacks on mosques and religious leaders have become frequent and repeated.

**Some political organizations**, who were persecuted or banned under the former regime, have begun to establish a presence in Diyala since 2003.

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<sup>25</sup> Human Rights sources of information include: MoHR and international media.

**Women's participation in social and political life** in Iraq is recognized in the establishment of a National Women's Commission and the inclusion of women in electoral legislation. Yet in most parts of Iraq, women have reported a deterioration of opportunities for active participation in society, education and employment as well as increased pressure to adhere to conservative traditions, including dress codes. There is currently an absence of services for women within the judicial or security systems in Diyala Governorate. Police stations rarely have female staff members, female lawyers or female health advisers available for women to speak to. Furthermore, there are no institutions providing legal advice, social counselling, mediation programmes or shelter for women at risk of domestic violence, including 'honour killings'.

Women living in Diyala are increasingly targeted by gunmen and insurgent groups as part of the ongoing violence, and find their everyday lives disrupted and freedom of movement reduced by the frequent attacks on markets, shops and public buildings (*see Security and Public Order: Chronology of Events*).

### **III. Housing / Land / Employment / Infrastructure / Employment / Public Services**

#### **A. Housing / Land<sup>26</sup>**

**The housing shortage in Diyala is severe and a major concern for the Directorate of the Ministry of Housing and Construction (MoHC).** Restrictions on construction work in the Governorate since 1983 and the destruction of properties has created a severe shortage of accommodation. Local resources are not sufficient to absorb the high numbers of returning refugees and IDPs.

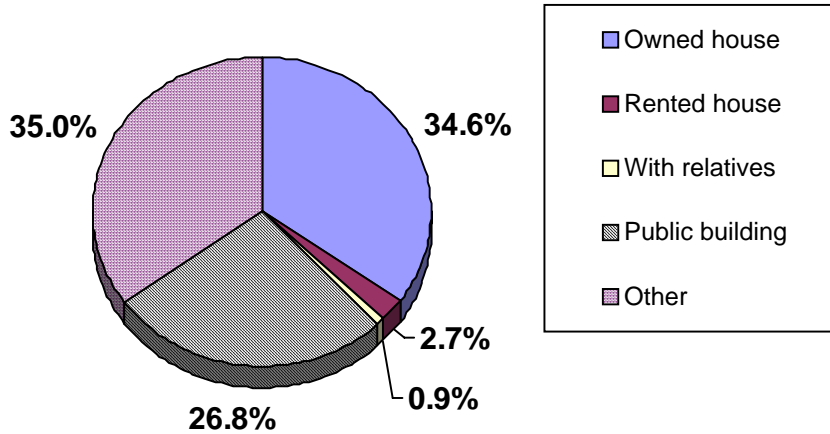
Returnees and IDPs have been found by UNHCR Monitoring to be at a particular disadvantage vis-à-vis other residents when seeking accommodation. *Figure 1* below shows that **35% of the monitored returnee households indicate that they are living in 'Other' accommodation, specified in all cases to be tents, and almost 27% are living in public buildings.** The high proportion of returnees and IDPs not able to return to their own house or rent an accommodation/stay with relatives is a major concern in the Governorate of Diyala.

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<sup>26</sup> Housing sources of information include: MoHC, MoPDC, UN-Habitat, Governorate Office and MoMPW.

**Figure 1: Type of accommodation**

(Sample of 128 groups representing 7,705 households)

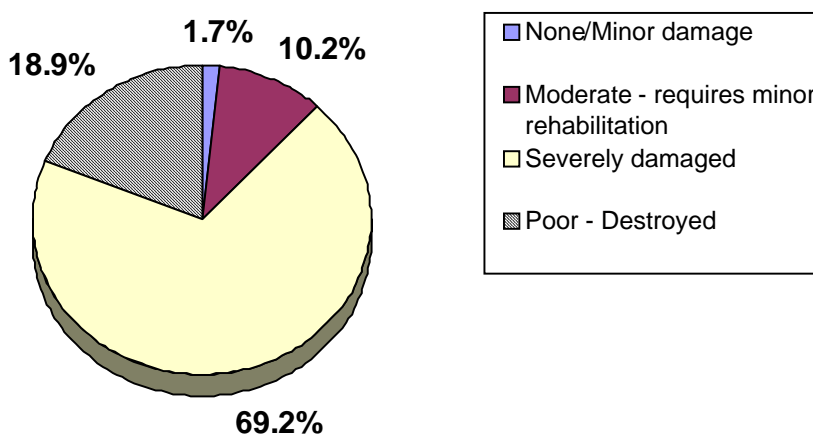


A range of other private property disputes (excluding CRRPD claims) have also been submitted to the Civil Courts, but most have been postponed for two years until solutions are found for property misappropriation cases, thus further exacerbating the housing shortage.

Furthermore, **almost 70% of households monitored in Diyala described their accommodation to be severely damaged and 19% reported that their houses had been destroyed** (see *Figure 2*).

**Figure 2: Condition of housing according to returnee households monitored**

(Sample of 128 groups representing 7,705 households)



## **B. Employment and Economy**<sup>27</sup>

Diyala's economy is based predominantly on agriculture and public sector employment. Dates and citrus fruits are a major source of revenue. Prior to 2003, the military and other public services were the largest employers in Diyala. Although there has been some growth in the private sector since 2003, most people still seek government employment, which is generally considered to be more reliable and provides more benefits and protection for employees than the private sector.

**Unemployment is extremely high in the governorate, although exact figures are unknown.** Persons of all levels of educational ability are unable to find work, ranging from unskilled labourers to those with advanced academic qualifications. In 2004, MoLSA opened an **Unemployment Centre** in Ba'aqubah, but the lack of job opportunities in the Governorate has meant that the MoLSA has only been able to assist a very small number of those registered to find work.

Although salaries have generally increased since 2003, **disposable income** has not increased to the same extent because the living costs have increased.<sup>28</sup> The closure of the state-owned enterprises providing food and electricity in Diyala has also contributed to unemployment figures.

Returnees are particularly affected by unemployment. Only 14% of returnee households monitored by UNHCR in Diyala said that they had a regular source of income. **Time abroad and absence from the job market inhibits returnees and IDPs from finding jobs. Many public sector workers were dismissed from their jobs for political reasons under the former regime and forced to flee across borders.** On their return, they face hurdles to finding new jobs because of earlier dismissals. MoDM has run skills training courses for returnees and has assisted them to return to their previous jobs and/or obtain benefits by providing reference letters.

Returnees with no job opportunities have in some cases been re-employed in Government Directorates after reacquiring Iraqi nationality. Others have found work on projects managed by NGOs, including the construction of school buildings and road rehabilitation. Many returnees work as day labourers in construction, agriculture and casual employment.

## **C. Infrastructure and Communications**<sup>29</sup>

The essential infrastructure in Diyala Governorate has been severely degraded since the beginning of the Iraq-Iran War in the 1980s. Further destruction was inflicted on the region during the 1991 Gulf War and poor maintenance during the years of economic sanctions from 1990-2003 has also contributed to infrastructure deterioration.

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<sup>27</sup> Employment and economy sources of information include: MoT, MoLSA, Unemployment Registration Offices, MoMPW and media.

<sup>28</sup> UNDP/MoPDC, *Iraq Living Conditions Survey*, April 2005.

<sup>29</sup> Infrastructure and communications sources of information include the Diyala Directorate offices for: MoMPW, MoWS, MoE, Ministry of Oil, MoC and Iraqi Central Bank.

### a) Water

**The main sources of water** in Diyala Governorate come from surface water or wells. Water is treated in purification or refining units and supplied to the main districts. In rural villages drinking water is mainly collected from wells where water quality is poor. Many villages in Mandeli and Khanaqin, Jalawlah and Iman Weis, do not have access to safe water. IDP and refugee returnee communities, as well as official camps are particularly affected by the lack of access to clean drinking water.

**Returnee communities suffer from a deficiency of drinkable water** due to the lack of purification units in the areas where they are settling. Lack of drinkable water has been reported by the MoH as the cause of diarrhoea, typhoid and dysentery in the Diyala Governorate.

The Ministry of Water and Sanitation (MoWS) estimates that it will take at least five years to fully rehabilitate water structures and restore water quality although it would be possible to make significant improvements within two years if funding was made available and security improved enough for reconstruction work to go ahead.

### b) Electricity

The provision of electricity in the Governorate of Diyala is irregular, and public supply varies across the province. In Ba'aqubah, Al Khalis, and Balad Ruz electricity is supplied in windows of two hours on, and four to six hours off a day. In Khanaqin the electricity is supplied in windows of two hours on and two hours off. The electricity supply is also affected by the security situation.

Those that can afford it depend on generators. Most returnee and IDP households have no electricity supply as they have little choice but to inhabit isolated areas of land lacking electrical lines. Some returnees felt compelled to tap into existing electricity supply lines intended for other sites, causing interference in the public electrical supply.

### c) Gas

Gas is the main source of cooking and heating and is available from two sources:

- The Gas Distribution Company in Al-Taji (Baghdad);
- Imports from Iran through the Al-Munthiriya crossing border point.

The Gas Distribution Company receives filled cylinders from factories and distributes them to licensed agents who in turn deliver them to street vendors. Gas distributed through the PDS costs 2,500 ID per cylinder while in the market prices are between 20,000 to 25,000 ID.

Gas supply has improved since 2003 and is sold directly to the consumer except during the winter months when it is sold via coupons allocated by the PDS system. This system means that returnees or IDPs without PDS cards are denied access to essential heating fuels. Availability of gas from fuel stations is often affected by the security situation, and when they can open

### d) Fuel

Fuel costs vary according to availability of imported fuel. The increase in traffic on the roads and the use of generators since 2003 has created additional demands for fuel. In December 2005, the government announced a sharp increase in the price of petrol, cooking and heating fuels.

Premium gasoline rose by 200 percent while diesel jumped by the same amount. Regular gasoline rose by 150 percent.<sup>30</sup> The price of an ordinary litre of gasoline is now 250 ID, while the price of a litre of premium gasoline is now 350 ID.

Due to the ration system and shortages, many turn to the black market (where prices are several times higher) to meet their needs for gasoline, diesel and kerosene. Sabotage against oil and power infrastructure as well as a lack of investment in the development of new oil fields all contributes to the undersupply of fuel, and despite imports Iraq faces difficulties meeting needs for gasoline, diesel and kerosene.

#### e) Telephone and Internet

Coverage of national **telephone** land lines is limited in Diyala and services are intermittent, both of which have contributed to the increasing popularity of the **mobile** network established since 2003. Coverage is provided by Asia cell and Iraqna companies. The land line telephone code for Diyala Governorate is +964 25, followed by the local number.

Prior to 2003, Government-regulated **internet** cafés located inside Ministry Directorates was the only way the public could access the internet. However, there are now private internet cafés in most districts which cost around 1,000-2,000 ID per hour. It is now possible to install internet connections in private homes.

#### f) Postal Services

There are 18 national postal offices in Ba'aqubah and surrounding districts and sub-districts. They are operated by the Ministry of Communication and Transport (MoCT) which has future plans to expand the number of offices and equipment so as to improve postal delivery. Services provided by post offices include delivering and receiving posted letters and parcels (ordinary, registered and fast services), opening saving accounts and money transfers.

The registered mail services available are national mail and DHL, which are both reliable, but only available in the centre of Diyala.

#### g) Banking and Money Transfers

**The Rasheed and the Rafidain Banks are government-operated** and have branch offices in Diyala Governorate. Opening hours are from 08:00 to 15:00, Sunday to Thursday. Prior to April 2003, loans were available from these banks but tended to favour skilled persons such as doctors, lawyers and writers. The banks are not offering any credit facilities at present. **Internal money transfers** are provided by state-owned banks and commercial offices and **private money exchanging facilities** are available in Ba'aqubah to change the ID into foreign currencies. **State-owned agricultural, industrial and commercial banks** are operating in Ba'aqubah. Some banks offer loans in foreign currency for industrial projects.

#### h) Transport

The only means of transportation in the Governorate of Diyala is via road as there is no railway network available. The main international highway for Diyala passes from Al-Munthiriya border crossing to the centre of Khanaqin District and through Ba'aqubah District towards Baghdad.

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<sup>30</sup> Reuters Alertnet, *Iraqis protest as government hikes fuel prices*, 19 December 2005.



Private cars, trucks, taxis and minibuses are common although private bus transport is also available along key roads.

Some of the main roads/routes in Diyala are highly dangerous and suffer from frequent IED attacks, assassinations, and armed clashes. Insurgent activity is common on these routes. The roads affected are Baghdad to Ba'aqubah, Ba'aqubah to Miqdadiyah, Ba'aqubah to Balad Ruz, Ba'aqubah to Khalis, and Miqdadiyah to Khanaqin.

Roads leading to camps and other locations with high concentrations of returnees and IDPs, especially in Khanaqin District, are either damaged or unpaved, thereby restricting access to goods, services and transport. Vulnerable or poor groups tend to have less access to transportation, which also affects their access to opportunities including employment.

#### **D. Public Services**

Years of neglect have impacted on public service delivery in the Governorate of Diyala. Areas with the highest concentrations of IDPs and returnees are often marked by a total absence of public services.

##### **a) Health**<sup>31</sup>

Of 101 returnee and IDP households monitored by UNHCR in the Governorate of Diyala, 57% indicated that they had no access to public health facilities. Of this population, 77% gave distance as the main reason for lack of access and another 13% said they did not have the financial means (see below *Figures 3 and 4*). The poor water and sanitation conditions in the camps and other areas where returning refugees and IDPs are living present a serious health hazard and potential for the spread of disease in the Governorate.

There are currently nine **public hospitals** and 76 **health care facilities** in Diyala. This includes 40 primary health centres (PHCs), managed by medical staff, and 35 secondary health centres (SHCs) managed by paramedic staff.

**One of the diseases that pose a serious health risk in the Governorate is Bilharzias**, particularly in Al-Miqdadiyah and Balad Ruz. There is a **Hospital for Infectious Disease** in Ba'aqubah and a specialised **Blood Centre** providing free blood tests to the public to identify diseases including HIV/AIDS.

**Accessibility to drugs and pharmacies** vary and hospitals sometimes run low of critical drugs. Drugs are available at considerably higher prices at private pharmacies and are often sold without prescriptions on the black-market past their expiry dates or for purposes other than their intended use.

**Maternal and infant health care services are available in urban areas but are limited in rural locations.** There are two paediatric hospitals in the Governorate: Al-Batool Paediatric Hospital in Ba'aqubah and Al-Miqdadiyah Paediatric Hospital in Al-Miqdadiyah.

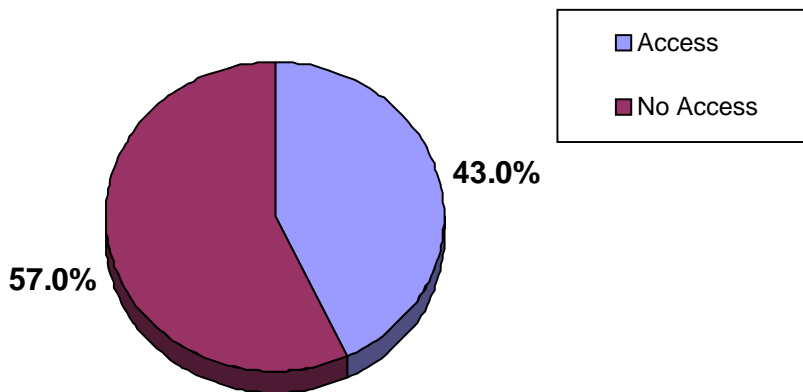
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<sup>31</sup> Health sources of information include: MoH, Iraqi Red Crescent Society and WHO.

**Ambulances** exist in each hospital to transport emergency cases to hospitals, but the exact number of vehicles is not known.

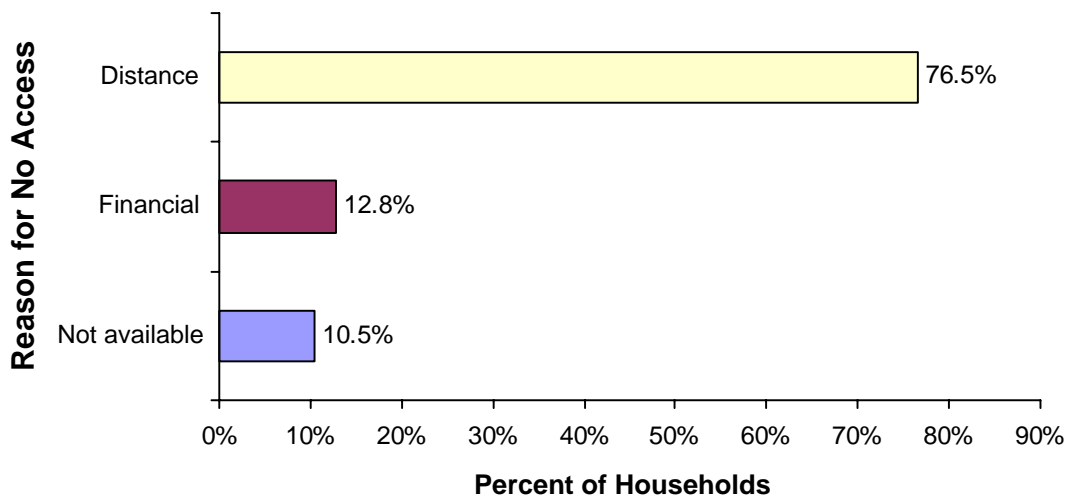
**Figure 3: Monitored returnee households reasons for no access to health facilities**

(Sample of 128 groups representing 7,705 households)



**Figure 4: Reasons for lack of access to health facilities**

(Sample of 128 groups representing 4,393 households)



**b) Education**<sup>32</sup>

**Publicly managed preschool facilities, primary, secondary, vocational and evening study schools** are available free of charge in district towns of Diyala, but there are few facilities areas with high concentrations of returning refugees and IDPs. Existing education facilities are generally in good condition. Resources and academic equipment are available and the instruction

<sup>32</sup> Education sources of information include: MoE, MoHE, Scientific Research organisations and UNICEF.

provided is considered efficient, but facilities are too thinly dispersed and outreach services are needed.

**The University of Diyala** is the only University in the Governorate and includes the following departments: the College of Teachers, the College of Medicine, the College of Law, the Veterinary College and the College of Engineering. The private **Al-Yarmouk College** is an additional facility which accepts fee paying students, and is based in Ba'aqubah.

MoDM, in coordination with the Ministry of Education (MoE), Ministry of Higher Education (MoHE) and scientific research organisations are facilitating the registration of returnee and displaced children in public schools.

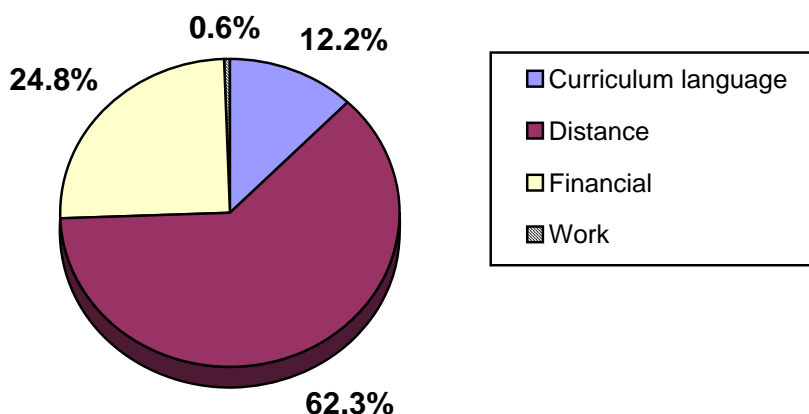
**Certificates earned abroad** are acknowledged by the educational administrations in the Governorate of Diyala. In cases where a student's grade is uncertain, an assessment exam is arranged by a committee of teachers who determine his/her educational level.

The uncertainty of shelter and the cycle of continued displacement affect children's chances of gaining an education. In Diyala, returnees and IDPs living in tents (as in Malikshah camp in Khanaqin District) are particularly vulnerable. Language has inhibited reintegration into the Iraqi educational system for returnee children previously educated in a foreign language (e.g. Farsi) and unfamiliar with the Arabic or Kurdish taught in Iraq.

UNHCR Monitoring showed that 59% of primary school-age returnee children in Diyala Governorate are not attending school. Main reasons mentioned are distance (62%) and lack of financial means (25%). 12% indicated that the curriculum language (Arabic/Kurdish) was the main reason for their children, who were previously educated in Farsi, not attending school (see below *Figure5*).

**Figure 5: Reasons for lack of access to education**

(Sample of 105 groups representing 6,628 households)



### c) Social Welfare<sup>33</sup>

MoLSA has three offices located in Ba'aqubah: an Office for **Social Care**, an Office for **Labour and Employment** (see also *Section B. Employment and Economy*) and an Office for **Social Security and Pensions**.

Iraq's social safety net program is small and beset by inefficiencies and inequality. In June 2006, the World Bank approved a grant agreement with MoLSA. Its aim is to help strengthen the country's capacity to reform social safety net and pensions programs which would better assist poor and vulnerable people in Iraq. A multi-donor Iraq Trust Fund administered by the World Bank will finance the Emergency Social Protection Project, worth US \$8 million. The Project will be complemented by the *Emergency Household Survey & Policies Project* which aims to provide updated and comprehensive data on household income and consumption, to help Iraq establish a poverty line and develop targeted and efficient safety nets.<sup>34</sup>

#### Pensions and social security

Prior to 2003, Iraq had two social security schemes, one for government employees (including military and semi-governmental agencies) and one for private sector employees. Under the *Civil Service Law for Government Employees* (Law No. 24 of 1960), **public-sector employees** are eligible for retirement at the age of 60 if they have served for at least 15 years in the public service; alternatively men can retire at the age of 55 if they have at least a 30-year service record while women can retire at 50 if they have at least a 25-year service record. After the fall of the former regime, the CPA and the Iraqi Ministry of Finance began reforming the existing pension scheme, including the increase of pension payments for pensioners as of 1 January 2004. Whereas under the former regime pensioners received between 15-24,000 ID every three months, pensions were increased in early 2004 to a minimum of 95,000 ID and a maximum of 125,000 ID per quarter.<sup>35</sup>

**Military pension entitlement is allocated** to military personnel if they retire at 63 years of age, if they have been injured during military service and their injuries are certified by a MoE medical committee, or if they have over 25 years of active service. If they are killed during active service, their families are eligible to receive their pension entitlement. Families with a relative killed by mines or UXO do not qualify for welfare benefit. Pensions paid to retired military personnel are 130,000-750,000 ID per month depending on the length of active service. Pensions paid to the family of those who have died in active service (a 'martyr's family') is between 90,000 ID-250,000 ID per month. Members of entities dissolved by CPA Order No. 2 such as the Iraqi Army, the security and intelligence apparatus, and the Ministries of Defence, Information and Military Affairs are not entitled to pension payments if they were senior Ba'ath Party members, as is outlined in CPA Order No. 1.<sup>36</sup>

A returning refugee who has a public employment record and reached retirement age while abroad may be entitled to a pension on return. An application must be sent to MoLSA to renew pension entitlements. Persons that were stripped of their nationality by the former regime, must reacquire their Iraqi nationality before applying for the renewal of their pension entitlements.

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<sup>33</sup> Social welfare sources of information include: MoLSA, NGOs and media.

<sup>34</sup> World Bank, *World Bank Iraq Trust Fund Newsletter*, Volume 1 / Issue 7, June 2006.

<sup>35</sup> CPA, *Policy on Payment of Public Sector Pensions and Benefits for the First Quarter 2004*, 23 January 2004, <http://www.iraqcoalition.org/budget/1-4pensions.html>.

<sup>36</sup> Sections 3.5 and 3.6 of CPA Order No. 2, *Dissolution of Entities with Annex A*, 23 August 2003, [http://www.iraqcoalition.org/regulations/20030823\\_CPAORD\\_2\\_Dissolution\\_of\\_Entities\\_with\\_Annex\\_A.pdf](http://www.iraqcoalition.org/regulations/20030823_CPAORD_2_Dissolution_of_Entities_with_Annex_A.pdf).

The *Pension and Social Security Law for Workers* (Law No. 39 of 1971) covers **private-sector employees** of enterprises with five or more workers (except for agricultural employees, temporary employees, domestic servants and family labour). It provides for old-age pension at the age of 60 for men and 55 for women after 20 years of contributions, or at any age with 30 years of contributions for men and 25 years of contributions for women. Furthermore, it guarantees a disability pension in case of permanent or long-term loss of at least 35 percent of the working capacity and a survivor pension (if the deceased was a pensioner or met the contribution conditions for the old-age pension). The law also covers sickness, maternity and work injury benefits. These programmes are administered by the Labour and Social Security Institute under the general supervision of MoLSA.<sup>37</sup>

#### *Social welfare benefits*

The *Law of Social Welfare* (Law No. 126 of 1980) provides for a monthly salary to poor families, including to older persons with no income, widows or divorced women with children, orphans and persons with disabilities. Although many more may be eligible for assistance, the Directorate is not able to accept all of them because of a ceiling imposed by the National Ministry.

The Emergency Social Protection Project will introduce a modern management and information system to help improve targeting and reduce leakages, thereby increasing the benefits that reach the poor.<sup>38</sup>

In addition, the Iraqi Government decided to use revenues from increased fuel prices to pay monthly stipends (between 50,000-150,000 ID) to vulnerable families.

Returnees coming from abroad can apply for social benefits if they have an Iraqi Civil ID and Iraqi Nationality documents and if they meet one of the criteria outlined in the *Law of Social Welfare*. MoDM is working in coordination with the Social Security and Pension Office of Diyala Governorate to also include refugee returnees lacking necessary documentation; however, to date no returnee family obtained social welfare benefits.

The following list is provided as an example of some of the persons eligible to obtain social welfare benefits, but specific criteria should be checked with MoLSA offices in Iraq.

- Widows that have children under the age of 15 and receive no other pension;
- Divorced women that have children under the age of 15 and no other source of income;
- Elderly persons, who have no legal family provider or pensions.

**Returnees should be aware that eligibility under the listed criteria alone does not necessarily qualify them for welfare benefits, and even those who do qualify may not always be granted the state benefit.**

**The social care facilities in the Governorate of Diyala include two orphanages and one school for the deaf and blind.** All these facilities were rehabilitated in 2004 after they were damaged by looting in April 2003.

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<sup>37</sup> U.S. Social Security Administration, *Social Security Programs Throughout the World, Iraq*, 2002, <http://www.ssa.gov/policy/docs/progdesc/ssptw/2002-2003/asia/iraq.pdf>.

<sup>38</sup> Ibid.

### Food distribution

The **PDS** is the prime source of food provision for families of limited income. A monthly food ration is available to all Iraqi households and food is available at a subsidised price. The PDS is indispensable for many but its quantity and quality are still considered inadequate for the needs of the population. It is estimated that more than 200,000 households in Diyala receive the PDS. Less than 10% of the population is thought not to be registered on the PDS. This affects mainly returnees who have not yet been issued their food ration cards. For information regarding application procedures for documentation renewal see *Section III. D. Documentation*.

Despite the PDS, **food insecurity** persists in Iraq. The World Food Programme (WFP) Baseline Food Security Analysis in Iraq (2006)<sup>39</sup> established that most districts in Diyala have **stunting rates well above the national average** of 27.6% (excluding Khanaqin and Ba'aqubah):

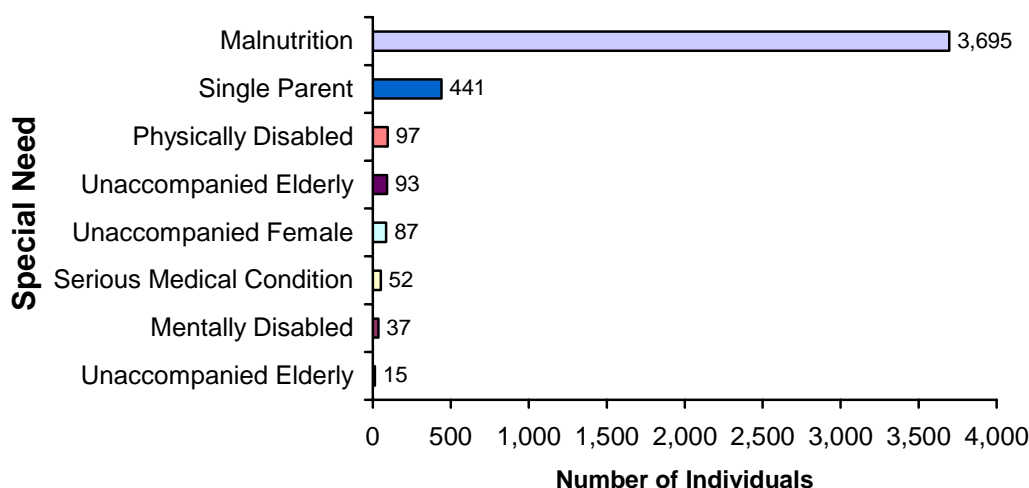
- Al-Miqdadiyah: 36.3%
- Al-Khalis: 51.9%
- Kifri: 75.0%
- Balad Ruz: 28.4%
- Ba'aqubah: 26.0%
- Khanaqin: 19.6%

The rates of **underweight** children are also of concern (national average: 15.7%), in particular in the Districts of Kifri (24.4%), Balad Ruz (21.6%) and Al-Khalis (14.8%). In the District of Khanaqin, 16.7% of the children are **wasting** (national average 9.0%), while in the other Governorates this ratio is below national average.

*Figure 6* shows that out of 46,606 individuals included in UNHCR Monitoring, 3,695 (8%) indicated suffering from malnutrition.

### **Figure 6: Persons with additional vulnerabilities**

(Sample of 128 groups representing 7705 households and 46,606 individuals)



<sup>39</sup> WFP Iraq Country Office – Central Organization for Statistics & Information Technology (Ministry of Planning and Development Cooperation, Iraq), *Food Security and Vulnerability Analysis in Iraq*, 2006.

#### **d) Religious Facilities and Pilgrimage**<sup>40</sup>

**The Ministry of Religious Affairs was dissolved in 2003 and replaced by two Religious Affairs Endowments Offices** (one for Sunnis and one for Shiites) which are responsible for the maintenance of religious buildings and facilities in Iraq. The offices are also an important part of Iraq's social security network and administer funds from *zakat* (funds donated to the poor) and *waqf* (legacies committed for religious works). Furthermore, the Offices are responsible for the organisation of religious occasions and pilgrimage including **Haj** (pilgrimage to Mecca). Iraqis wishing to attend Haj should register their interest with the Endowment Offices.

Since 2003, the Iraqi Government has provided funding to the Sunni and Shiite Endowment Offices and various other religious groups to support religious services in Diyala and enable the people of Iraq to follow their religious beliefs, particularly those prohibited under the former regime (e.g. the Shiite festival of *Arbayeen* [the 40th Day after the martyrdom of Imam Hussain] or *Ashura* [the commemoration of the martyrdom of Hussein, a grandson of the Prophet Mohammad]).

**Visits to the Holy Shiite Shrines in Baghdad, Kerbala, Samara and Najaf** are usually arranged by local religious figures that coordinate with religious representatives in the area of the intended visit. Visits can also be arranged independently by individuals or families. The Endowments Office also coordinates with neighbouring countries to receive non-Iraqi pilgrims coming to the Holy Shrines.

Religious occasions shared by both Sunni and Shiite include *Eid Al-Fitr*, corresponding to the breaking of the fast of Ramadan and *Eid Al-Adha* (Feast of Sacrifice), coinciding with the pilgrimage to Mecca *Mawlid Al-Nabi* (the Birth of the Prophet Mohammad), *Leilat Al-Isra wa Al-Miraj* (the Prophet's ascension to Heaven) and the festival of *Ashura* (which has a different meaning for Sunnis than for Shiites).

#### **e) Culture**<sup>41</sup>

The Governorate of Diyala has many poets, especially concentrated in the town of Al-Khalis (known as 'the City of Literature') where an annual poetry festival and cultural evenings are traditionally held. Diyala has a thriving culture based on its large numbers of poets, journalists and correspondents for Arabic and international publications. Cultural organisations include the Literature and Poets Union and the Art and Archaeology Society.

**Archaeological 'tells'**<sup>42</sup> have been identified in Diyala indicating early settlements dating back over 6,000 years to the Al-Ubaid period, the Babylonian era and to the Dawn Dynasties. Excavations have revealed temples and palaces of ancient cities including Tell Asmar, the ancient capital of the Ishnunna Kingdom which flourished in the Babylonian era and is thought to date back to 1500 B.C. Another site known as Khafaji is thought to be the remains of the ancient Babylonian City of Tutoup. Diyala maintained its prominent position as an area of cultural heritage throughout the various Islamic eras, and some of this can still be experienced today.

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<sup>40</sup> Religious facilities sources of information include: Shiite and Sunni Endowment Offices and religious figures.

<sup>41</sup> Culture sources of information include: MoC and media.

<sup>42</sup> A 'tell' is a mound or elevated land that has arisen by repeated and long-term rebuilding of the same site. Layers of civilizations can be found at different strata.

#### f) Civil Society and Media<sup>43</sup>

**Before 2003, only government-funded organisations and unions** were allowed to operate in Iraq. After the fall of the former regime new governmental and non-governmental organisations have been formed. It is estimated that over **100 Civil Society Organisations have been established in Diyala** since 2003, especially in Ba'aqubah, Al-Miqdadiyah, Balad Ruz, Khanaqin, Khan Bani Sa'ad and Al-Khalis.

**Workers' Unions** funded by the former regime were dissolved in 2003 and a number of independent non-governmental unions were established in the Governorate of Diyala. There is also a Chamber of Commerce in Ba'aqubah.

**Print media** available in Diyala include governmental, non-governmental and party political newspapers, the most widely of which are Al-Sabah and Azzaman. Diyala also has a number of local newspapers which include Al-Berlaman, Al-Anba' and Al-Maseer.

Government **radio stations** and **the Diyala local radio station are widely listened to in Diyala.**

The local Diyala **Television** station is the most widely watched service in the Governorate. Television broadcasts are received via satellite channels from Baghdad but are not currently broadcast from Diyala by satellite.

## **IV. Repatriation / Relocation / Return**

### **A. Spontaneous Repatriation Procedures (without UNHCR facilitation)**<sup>44</sup>

**Any person travelling across Iraq's borders, including returnees, is required by Iraqi law to register his/her arrival with the Passport and Customs Authorities.** Those who cross the border illegally at points away from the official border crossing points may later have difficulty applying for documentation renewals if their arrival in Iraq has not been registered.

Most returnees who are coming back to Iraq from Iran pass through official border crossing points with Iran at Haji Omaran (Diyana) in the Governorate of Erbil and at Al-Munthiriya crossing point in the Governorate of Diyala. Returnees arriving in Iraq without UNHCR facilitation should provide a passport or apply in advance for official documents from the Iraqi Embassy in their country of departure. They should inform the Iraqi Border Authorities of their arrival in Iraq and ensure that their documents are stamped at the border.

Returnees should note that border crossing charges are subject to change and returnees should verify current conditions with the local authorities. Returnees should be aware that customs authorities routinely check persons crossing the borders for prohibited items (e.g. firearms and drugs) and prosecution for carrying such items could result in imprisonment.

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<sup>43</sup> Civil society and media sources of information include: MoHR, MoDM and Iraqi Commissioner of Civil Society Foundations.

<sup>44</sup> Repatriation, relocation and return sources of information include: Border Authorities, UNHCR, IPs, MoDM, MoT and WFP.



**Returnees should bring all documentation that they possess back to Iraq with them**, even if outdated, including ID cards, nationality cards, refugee card from the host country (e.g. copy of Green Card issued in Iran), military service cards, property documents or birth/death certificates of deceased relatives which could assist in proving their Iraqi nationality. In situations where returnees have no documentation or only documents issued in countries of asylum, further investigation may be required to determine the returnees' status and entitlement to Iraqi nationality.

Returnees via Haji Omaran may approach the **Returnee Reception Directorate (RRD) in Diyana** (Erbil Governorate), to obtain a support letter for no cost. The RRD, which is based in Diyana and has field offices at the Haji Omaran border crossing point with Iran, and in Jundiyan, between Haji Omaran and Diyana used to be administered by the Ministry of Humanitarian Aid and Cooperation (MOHAC) in the previous KRG Cabinet. Since the merger of the two Kurdish Administrations (Sulaymaniyah and Erbil) in May 2006, the MOHAC was dissolved and since then the RRD has not been officially put under the administration of a certain Ministry; however, it still operates and receives funds from the Ministry of Finance in the KRG. In line with the recent decision of the office the KRG Prime Minister in December 2006, the Ministry of Extra Regional Affairs (MoERA) will take over the issues related to refugees, IDPs and returnees in the KRG area and the RRD is, therefore, expected to be transferred to the MoERA in the near future.

The support letter which the RRD provides to returnees will facilitate obtaining the Civil ID card, the food ration card and the marriage certificate in Diyana only. Documents can later be transferred to Diyala Governorate. Given that many records were lost or damaged in the Governorate of Diyala, it may be advisable for returnees to Khanaqin to obtain these documents in Diyana in order to avoid delays. In order to obtain the support letter, returnees must be able to present a copy of their refugee documentation received in the former host country (e.g. Green Card or White Card from Iran). It is also worthwhile mentioning that for those returnees who are married to Iranian citizens, the Iranian spouse will also be provided with a letter of certification by the RRD for them to have freedom of movement, work and residency. This letter is recognized within the KRG area.

On arrival in Iraq, MoDM recommends that returnees visit the MoDM branch office in Ba'aqubah to complete **returnee forms**. The forms requests information regarding family details, property/land ownership, and the current level of access to education, health and employment. These forms assist MoDM to better understand the situation faced by returnees and any subsequent problems with reintegration.

**Iraqi Visas for persons of other nationalities (e.g. spouses, children of Iraqi citizens)** must be applied for at an Iraqi Embassy before crossing the Iraqi border. The documents required for such a visa are:

- Spouse/parent's Iraqi nationality certificate (copy or original);
- Spouse/parent's valid national passport (alternate to above document if in copy);
- Couple's marriage certificate or child's birth certificate;
- Two personal photos of applicant;
- Applicant's valid national passport.

## **B. Voluntary Repatriation Procedures (with UNHCR facilitation)**

**Refugees interested in voluntarily returning to Iraq from countries in the region should register their interest with UNHCR offices in their host country.** Assisted voluntary return convoys are currently operated from Iran to Diyala through the Haji Omaran border crossing in Erbil Governorate. Once refugees have completed the application procedures and after having received clearance by the Ministry of Interior, they will be informed of opportunities to return and of the next available space on a repatriation convoy.

**Before departure from Iran, returnee families are provided with a UNHCR Voluntary Repatriation Form (VRF) to replace refugee status documentation issued in Iran. In addition, each returnee is given \$20 to cover onward travel costs and initial reintegration expenses.** Returnees are transported by vehicle convoy from Iran to the Haji Omaran border crossing in Erbil Governorate. Their luggage is loaded onto trucks which follow the convoy.

UNHCR's implementing partner International Relief and Development (IRD), in cooperation with the RRD, will receive the convoy at the border. The returnees' names are registered with the receiving committee and luggage is transferred onto trucks on the Iraqi side of the border for onward travel.

Kurdish returnees via Haji Omaran may approach the **RRD in Diyana** (Erbil Governorate) to obtain a support letter. This support letter will facilitate obtaining the Civil ID card, the food ration card and the marriage certificate in the Diyana only. Given that many records were lost or damaged in the Governorate of Diyala, it may be advisable for returnees wanting to return to Khanaqin to obtain these documents in Diyana in order to avoid delays. Documents can later be transferred to Diyala Governorate. In order to obtain the support letter, returnees must be able to present a copy of their VRF.

**Returnees should be aware that, in addition to the travel time of convoys to the border, crossing can take up to three hours and registration at the RRD in Erbil up to four hours, depending on the size of the returnee group.** Returnees can arrange for friends or relatives to collect them from the RRD but they must wait until registration has been completed, for the whole convoy before family members are allowed to be reunited with returnees.

**Onward transport for returnees to Diyala is provided by IRD up to Kalar in the Governorate of Sulaymaniyah** but transport below the 'former green line' must be arranged by the returnees themselves with the assistance of the MoHR/KRG - Field Office in Kalar. Returnees have to pay for the transportation costs, though they can later ask for refund from the RRD in Diyana. Returnees should be aware that all furniture and belongings must be transferred onto new transport for onward journeys from the RRD and again from Kalar to their final destination.

**MoDM encourages persons returning to the Governorate of Diyala via the UNHCR facilitated returns process to also register with the Diyala MoDM branch office (see *Section A Spontaneous Repatriation Procedures*).**

## V. Organizations Providing Humanitarian and Development Assistance

*The following organizations provide services in areas of return in Diyala Governorate. It is important that returnees are aware of the limitations of these services, which are often overstretched and under-resourced. Some organizations listed do not have the capacity to receive individual returnees. Returnees should seek assistance from local authorities in the first instance. Contacting any of the organizations listed below does not guarantee assistance, and returnees should not hold such organizations' staff accountable if they are unable to assist in a particular situation.*

Authorities and NGOs have provided particularly vulnerable returning refugees and IDPs in Diyala with assistance. **However, local needs are very high and returnees should be prepared to be self-sufficient.** Returnees are offered assistance in renewing nationality entitlements and in some cases have been issued with the following materials: shelter, blankets, tents and kitchen utensils. The Diyala MoDM office receives returnees and assists them with social, security, health and economic problems.

Development projects to support returnee and IDP communities have been implemented by International Organisations. Security impacts on the ability of humanitarian and development work to be implemented and therefore projects are mainly located in Khanaqin, Mandeli and Jalawlah Districts.

### A. International Agencies

- UNHCR – ([www.hcriraq.org](http://www.hcriraq.org)) – Through its implementing partners, UNHCR is monitoring the situation of returnees/IDPs in the Governorate. In addition, UNHCR assists vulnerable returnees/IDPs through the provision of non-food items. UNHCR is also supporting a Legal Aid and Information Centre for IDPs/refugees to provide legal advice, and information.
- UNICEF – ([www.unicef.org](http://www.unicef.org)) – UNICEF is funding the rehabilitation of water infrastructure in Diyala.
- IOM – ([www.iom-iraq.net](http://www.iom-iraq.net)) – IOM is funding assistance projects for IDPs in Diyala.
- WFP – ([www.wfp.org](http://www.wfp.org)) – WFP currently assists 29,202 beneficiaries in the District of Balad Ruz. From February 2005 to November 2006, WFP dispatched a total average of 2,750 mtn of commodities.

### B. Government Development Agencies

- USAID – ([www.usaid.gov/iraq](http://www.usaid.gov/iraq)) – USAID is funding infrastructure rehabilitation and civil society projects in Diyala.

### **C. International Non-Governmental Organizations**

- Danish Refugee Council – ([www.drc.dk](http://www.drc.dk)) - DRC supports capacity building for returnees, refugees, and IDPs, as well as NFI distribution, income generation and shelter.

### **D. Iraqi Non-Governmental Organizations**

- Iraqi Red Crescent Society – the Iraq Red Crescent Society has an office in Ba'aqubah providing health assistance and emergency assistance to IDPs.
- Iraqi NGOs – There are over 80 Iraqi NGOs operating in the Governorate of Diyala.

### **E. Government Offices / Institutions**

Governorate Directorates are open from 08.00 to 15.00, except on Fridays, Saturdays and public holidays.

- Diyala Appeal Court  
The Central Justice Department is located next to the Governorate Building.
- Governorate Building  
Located near to Diyala Appeal Court, Imam Ali Street.
- General Hospital, Ba'aqubah  
Located near the Directorate of Health, Ba'aqubah.
- CRRPD Offices
  - CRRPD Office Ba'aqubah: Located near to the Estate Registration Directorate and MoDM in Ba'aqubah
  - CRRPD Office Khanaqin: Al-Hamediya neighbourhood, near Khanaqin Municipality, Khanaqin
- LAIC  
Located inside the Governorate Building.
- Maternity and Children's Hospital  
Located near Sariya Mosque, Ba'aqubah.
- MoDM Branch Office  
Located near the Estate Registration Directorate and the CRRPD Office, Ba'aqubah.
- MoE Directorate  
Located near the Al-Yarmouk University and the Diyala Stadium.
- MoH Directorate  
Located in the same road as the General Hospital in Ba'aqubah.
- MoH, Births/Deaths Administrative Offices  
Located in Um Al-Nawa neighbourhood in Ba'aqubah.

- MoI, Identity Offices (in six districts)
  - Ba'aqubah
  - Al-Miqdadiyah
  - Balad Ruz
  - Khalis
  - Khanaqin
  - Kifri
  
- MoI, Passport and Residence Office / Nationality and Travel Directorate  
Located on the same street as the General Hospital in Ba'aqubah.
  
- MoLSA Directorate  
Located in Ba'aqubah.
  
- MoT Directorate  
In Al-Tahrer City.
  
- Food Ration Centre  
The main Food Ration Centre is located near Al-Rahma Hospital.
  
- University of Diyala  
Al-Muradiya neighbourhood, on the road between Ba'aqubah and Khan Bani Saad.

# ANNEX I: Summary of Monitoring Findings and Recommendations

## A. UNHCR Monitoring in Diyala Governorate

UNHCR has been monitoring returning refugee and IDPs and those who returned into internal displacement in Diyala Governorate since January 2005 in order to determine to what degree Iraqi refugees can return in safety and dignity. As of October 2006, 88 village surveys, 128 group surveys and 184 household surveys had been performed and entered into a central database. Note that village surveys describe the overall situation within the village, group surveys provide information on groups of returnees and IDPs, while household surveys focus on the situation of individual returnee families.

**Figure 7: UNHCR Monitoring in Diyala Governorate**

	<b>Monitored villages, households and returnees</b>	<b>Comments</b>
<b>Monitored Villages</b>	88	All six districts
<b>Monitored Groups</b>	128	All six districts
<b>Monitored Households</b>	184	All districts except for Kifri
<b>Estimated returnee population</b>	44,209	Estimated returnee population from 88 village leaders

The figures in this report are based 128 group surveys, representing 7,705 households. The sample size in each figure refers to the number of groups which provided an answer to the relevant question and the corresponding number of households.

## B. Housing

**Issue: Complex property disputes** have compounded existing housing shortages in the Governorate of Diyala. Disputes have arisen as families forcibly displaced from Diyala by the former regime (mainly Faili Kurds who went to North and Central Iraq or Iran) attempt to return home and have found the homes that they left behind occupied (mainly by Shiite Arabs displaced from Southern Iraq by the former regime). Competition for housing has led to returnees re-occupying property and displacing persons from the South who were relocated to Diyala by the former regime. Other returnees found their previously owned properties occupied by others and therefore face continued displacement. Both groups consequently face hurdles to finding alternative accommodation while being increasingly restricted to areas populated by their own ethnic and social groups.

### **In the words of a returnee (as recorded by a UNHCR monitor)**

*'I and my family were forced to leave Iraq in 1980 when we were suddenly taken in military trucks to the borders. We weren't allowed to take provisions or belongings with us. We lived*

*under difficult living conditions in a village in Iran for 24 years as refugees. We expected that we would return and find proper shelter and life conditions in our country. But we found the opposite: no shelter or work, no food or services and we were deprived of basic needs and rights. The only assistance we received was the donation of a piece of land (200m) in Malikshah but still we do not have money to build a shelter.'*

**Recommendation:** MoDM and UNHCR to advocate with the CRRPD and government authorities to improve the efficiency of the CRRPD process and to facilitate delivery of compensation to CRRPD claimants, as well as to lobby with MoHC to create more social housing in this Governorate.

### **C. Assistance**

**Issue: 1,125 out of a sample of 7,705 (or 15%) of monitored households in Diyala are Faili Kurds living in the Malikshah camp in Khanaqin District.** Assistance was rated as a high priority by these monitored households because most are living in tented temporary shelters and have few services or opportunities for self sufficiency. They are highly dependent on international and national assistance.

**Recommendation:** UNHCR and MoDM to advocate with local authorities and other UN agencies to assist returnees and IDPs, particularly in Malikshah and other camp locations in Diyala. Sustainable livelihoods and permanent, well-planned shelter with access to public services are urgent needs.

### **D. Education**

**Issue: Language barriers and illiteracy have created difficulties for returnee children reintegrating into the Iraqi school system. Access to education was indicated as a priority for monitored households.** Most returnee families have spent over 20 years outside the country, predominantly in Iran where teaching is usually in Farsi. Schools in Diyala teach the Iraqi curriculum in Arabic or Kurdish which further curtails the chances of Farsi-educated returnees finding a school in their area of return which teaches in their first language.

**Recommendation:** MoDM and UNHCR to advocate with the MoE, MoHE and UNICEF for additional Arabic/Kurdish language and literacy training in areas where returnees and displaced persons are settling.

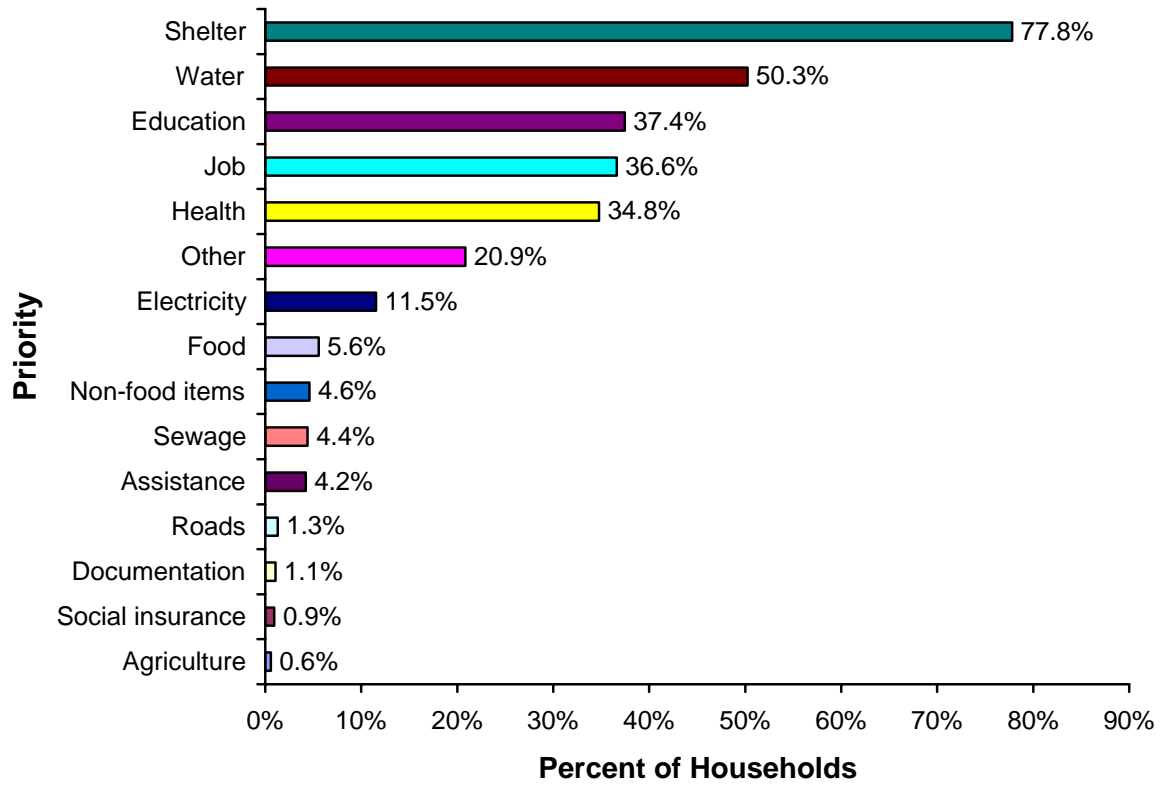
### **E. Health**

**Issue: 57% of 7,705 households in 128 monitored groups said that they had no access to health care in Diyala.**

**Recommendation:** Access to health facilities for returnees and outreach to isolated returnee and IDP settlements are vital in Diyala to ensure that various medical conditions can be identified and treated at an early stage. Improved health care for women and children and additional health resources for the Governorate hospitals, primary health care centres and pharmacies are a priority.

**Figure 8: Top three priorities of returnee households monitored in Diyala Governorate**

(Sample of 128 groups representing 7,705 households. The values do not add up to 100% because households listed up to three priorities for assistance)





## ANNEX II: Return and Displacement Situation<sup>45</sup>

### A. Displacement to and from the Governorate of Diyala

During the **1970s**, **military attacks by the former regime led to fighting** between Kurdish opposition parties and Iraqi Forces. From April to December 1975, the entire population of more than **76 Central Iraqi villages was forcibly displaced**. These villages were mainly in the area of Khanaqin in Diyala; other locations were also in the Governorates of Al-Anbar, Salah Al-Din, Najaf and Qadissiya.

**The Arabization policy**, implemented by the former regime throughout the 1980s and 1990s, was a campaign that aimed to suppress opposition movements in Southern and Northern Iraq by changing the ethnic composition of both areas, destroying villages and causing displacement. Two major types of displacement occurred in the Governorate of Diyala:

- **Kurdish families were forcibly displaced from Diyala**, either to other Governorates (e.g. Salah Al-Din, Al-Anbar and Najaf) or to other countries as refugees (e.g. Iran). *Figure 12* indicates the scale of displacement resulting from the *Arabization* policy, which peaked in 1980.
- **Shiite Arab villages were destroyed in South Iraq (Nassiriyah, Missan and Basrah) and their inhabitants were displaced from the South to Diyala** and other areas of Northern Iraq. Many of these persons inhabited the buildings left by those displaced during the earlier campaign.

**Due to the Iran-Iraq War in the 1980s**, the Mandeli and Khanaqin Districts, which border Iran, were further decimated. Diyala Governorate was also used as a supply route for transporting arms and ammunitions to the war front, another contributing factor to the deterioration of infrastructure and the economy and to displacement.

*Figure 9* shows the major reasons for displacement from Diyala Governorate.

### Figure 9: Reasons for leaving Iraq

(Sample of 128 groups representing 7,705 households. The values do not add up to 100% because households listed up to three reasons for leaving)

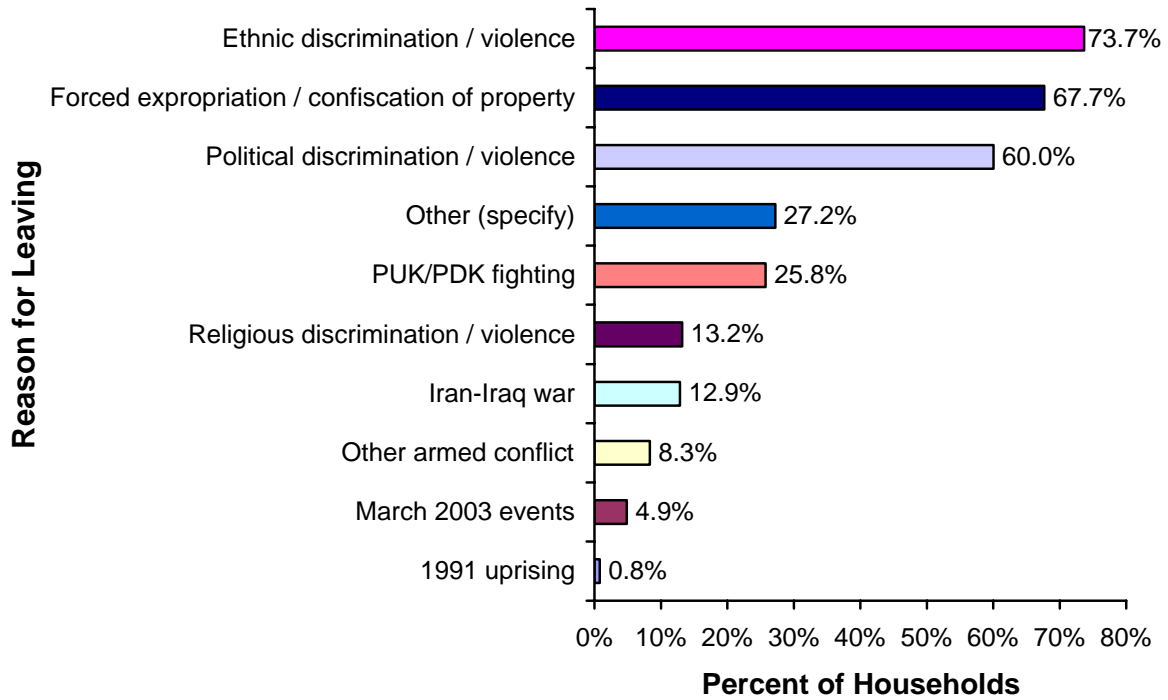
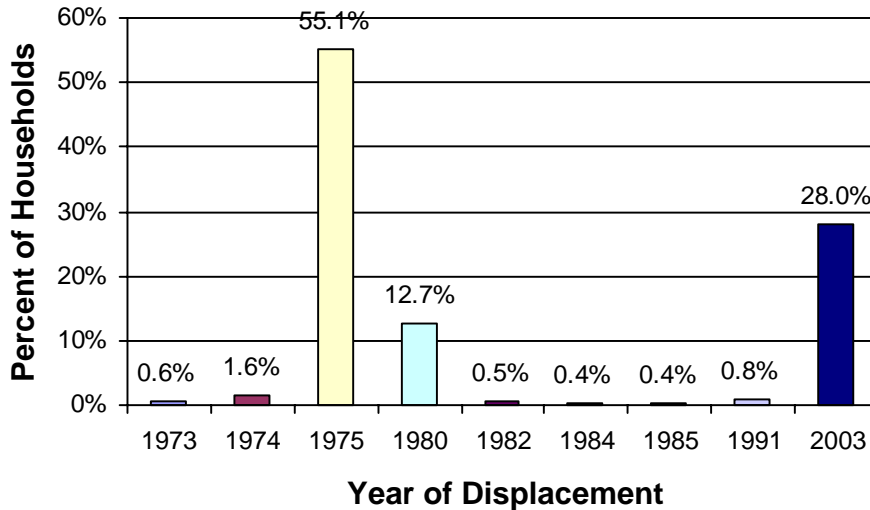


Figure 9 reflects the fact that more than 50% of the monitored households fled in 1975, when fighting between Kurdish opposition parties and Iraqi Forces resulted in displacement of whole villages in Khanaqin District. During this time, villages were also displaced when the Himreen Lake was flooded as part of the construction of the Himreen Dam. Others fled at the beginning of the Iran-Iraq War in 1980 when the Governorate of Diyala was at the frontline and many villages were destroyed.

Most Faili Kurds, who represent 15% of the monitored households, were forcibly expelled from Iraq in the late 1970s and early 1980s as they were considered to be of Iranian origin. Almost 30% of monitored households indicated that they fled in 2003, after the fall of the former regime and the consequent change in the political situation that resulted in Kurdish IDPs and refugees returning to their place of origin.

**Figure 10: Year of displacement**

(Sample of 128 groups representing 7,705 households)



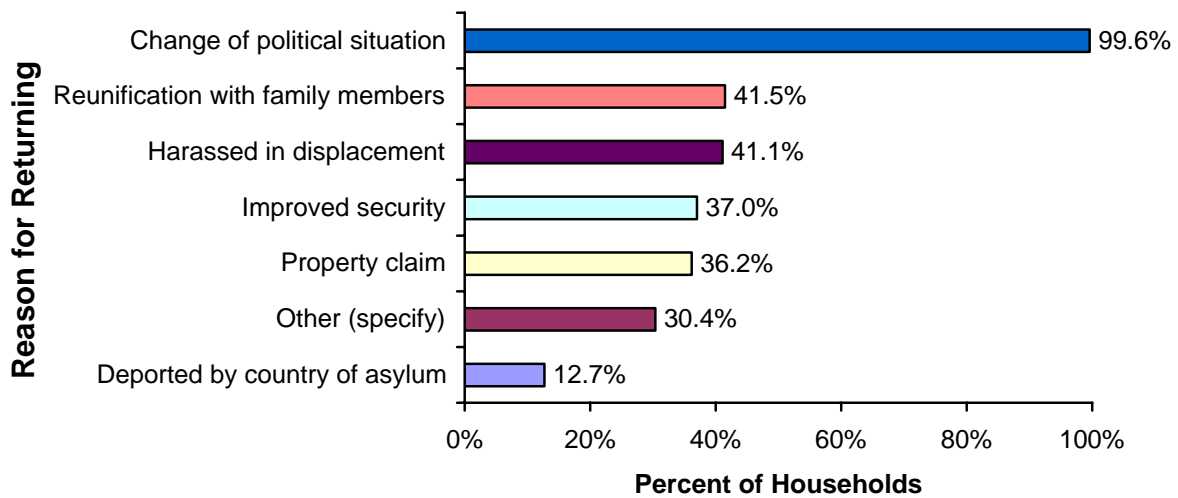
**B. Return to the Governorate of Diyala**

In April 2003, refugees and IDPs began returning to the Governorate of Diyala. Through **UNHCR’s facilitated return** process only 170 persons returned to the Governorate of Diyala out of a total of 25,061 Iraqis returning to Iraq with assistance from UNHCR between August 2003 and 30 November 2006. Returns mainly took place from Iran (138), with some returns from Lebanon, Jordan, Saudi Arabia and other countries. UNHCR does not have figures as to how many Iraqis returned spontaneously to Diyala, but estimates range from 20-50,000 returnees (both refugees and IDPs).

*Figure 11* shows that most monitored returnees decided to return mainly due to changes in the political situation following the fall of the former regime. Other reasons mentioned were the desire to reunify with their families in Iraq and harassment in displacement.

**Figure 11: Reasons for return to Iraq**

(Sample of 128 groups representing 7,705 households. The values do not add up to 100% because households listed up to three reasons for return)



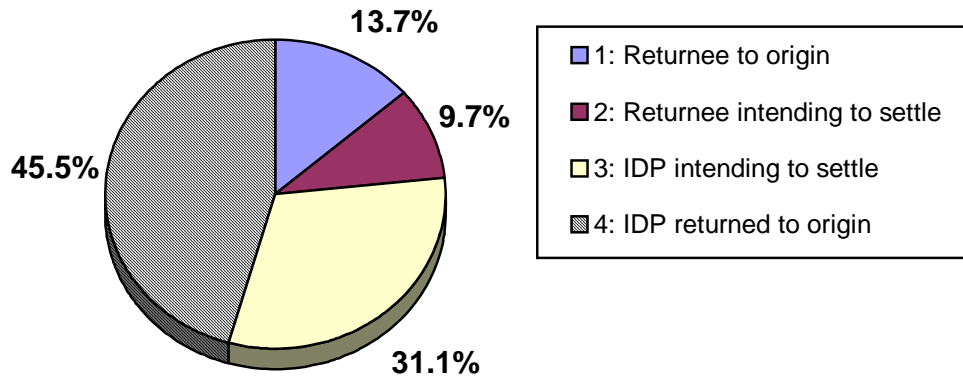
**On the whole, UNHCR-monitored returnees would have preferred to return to their places of origin.** Many were unable to do so, however, and have therefore settled in alternative places which they chose according to the availability of public services and security. **Districts and sub-districts with the highest concentrations** of refugee returnees are Khanaqin and Jalawlah, although Mandeli, Al-Miqdadiyah, Ba'aqubah, Al-Khalis and Khan Bani Sa'ad also have high returnee numbers. Many returned into internal displacement at the **Malikshah camp in Khanaqin District**, where about 50% of the returnees to Diyala are currently residing.

**The return of refugees and IDPs has led to new forms of displacement:**

- **42% of the monitored refugee returnees and 41% of the IDP returnees were not able to return to their places of origin** (see *Figure 12*). The main reason is that their properties are being occupied (e.g. in Khanaqin District). Many of these persons have therefore taken shelter in other areas of the Governorate, where they now inhabit government buildings, camps, factories and schools. Despite returning to Diyala, they continue to live in a state of displacement.
- **Persons relocated by the former regime from South Iraq to the Governorate of Diyala** are finding themselves displaced by returning refugees and IDPs who are reclaiming their properties. Most have not returned to their places of origin in the South, but find themselves displaced in other areas of Diyala Governorate (e.g. displaced from Khanaqin to Ba'aqubah or Al-Miqdadiyah).

**Figure 12: Type of returnee and IDP households**

(Sample of 128 groups representing 7,705 households)



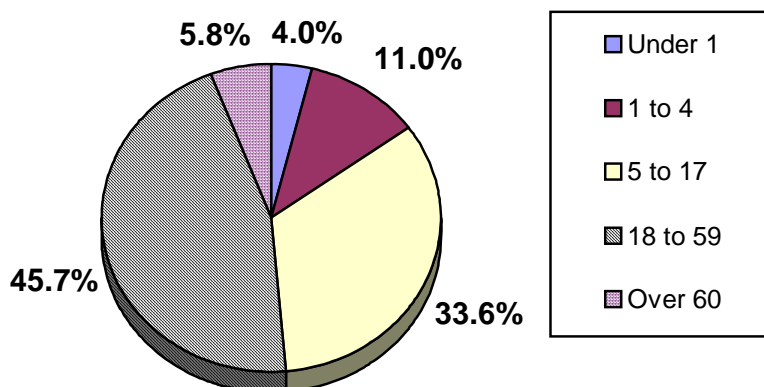
*Note:*

1. Returnee from outside of Iraq to place of origin;
2. Returnee from outside of Iraq, not in place of origin, but intending to settle in current location;
3. IDP from within Iraq, returned to place of origin;
4. IDP from within Iraq, not in place of origin, but intending to settle in current location.

About half of the family members in monitored returnee families in Diyala Governorate are under 18 years of age, as can be seen in *Figure 13*. Development initiatives targeting education and employment opportunities for young people should be a priority.

**Figure 13: Age range of monitored returnee and IDP households**

(Sample of 118 groups representing 5,781 households)

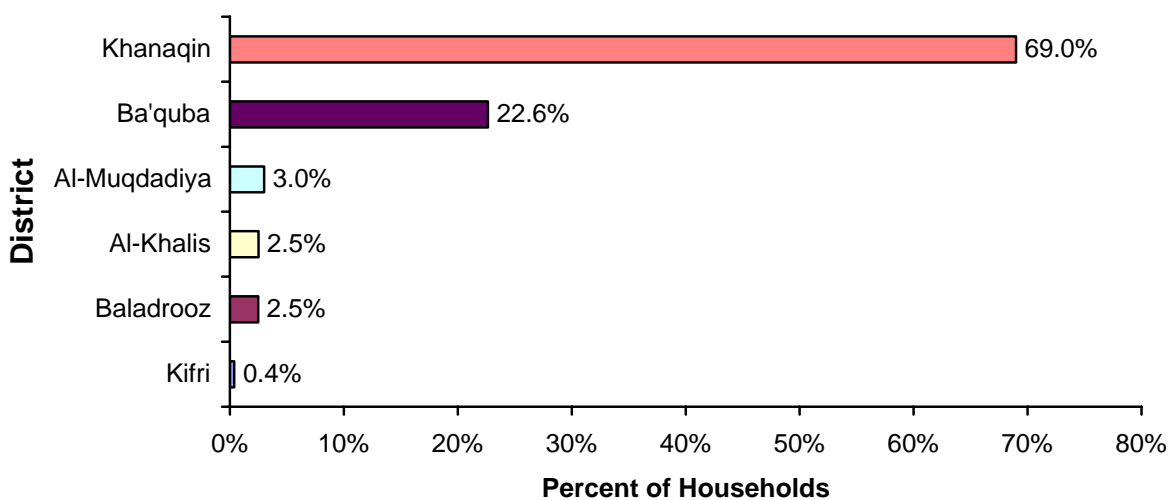


## ANNEX III: Summary of District Profiles

The following district profile summaries and charts of monitoring data included in this report are provided as an overview of the patterns highlighted and the issues raised during monitoring in Diyala Governorate. They should be considered as an indication of the issues faced by returnees/those returning into internal displacement in each district of concern (e.g. for guiding further evaluation) rather than as a definitive picture of the return situation (e.g. for policy making).

**Figure 14: Returnee and IDP households monitored by district**

(Sample of 128 groups representing 7,705 households)



### A. Faili Kurd Refugee Returnees in Khanaqin District

(Total sample size of 5,232 households in 92 groups: 3,450 [65.9%] households returned from within Iraq and 1,782 [34.1%] households returned from Iran)

- 96% of households gave the forced expropriation of property as one of their top three reasons for leaving Iraq;
- Changes in the political situation and improved security were the main reasons given for return;
- 51% of monitored households are living in tents in the Malikshah Camp;
- 94% of households owned or had use of a house before fleeing. 86% of these said that their house was destroyed during their absence and only 26% said that they are now in possession of their house;
- Monitored households have an average of six persons per family;
- 48% of households gave distance as a reason for their lack of access to clean water;
- 92% of households are registered on the PDS; of this group 65% rely solely on the PDS for food;
- Only 5 groups representing 167 households have vaccination records for their children;
- Only 38% of households have access to health facilities in their village;
- 80% of households said that their children have to work;

- Only 38% of households have access to education in their village.

## **B. Sunni Arab IDP Returnees in Al-Miqdadiyah District**

### **(Total sample of 6 groups representing 231 households)**

- These households originate from Himreen area of Khanaqin and were displaced due to the flooding from Lake Himreen, destroying their villages and agricultural lands. The lake was flooded as part of the construction of the Himreen Dam. 78% of people were displaced in 1975 and 22% post-2003. They were settled in Khanaqin District but again displaced to Al-Miqdadiyah District as well as Kifri in 2003 due to property and tribal disputes with Shiite refugee returnees from Iran;
- 100% of the households surveyed indicated that they intended to settle in their current location despite the fact that this was not their place of origin. The reason for not returning to their places of origin, in Himreen area, is that their houses continue to be covered by water;
- 100% of the households surveyed indicated that they had been displaced for ‘Ethnic/political discrimination and violence’ and 44% were displaced from Khanaqin because of flooding from the Himreen dam;
- Reasons for return are ‘Change of political situation’ (100%), ‘Returning to place of origin’ (85%) as well as Harassment in place of displacement’ (74%);
- Most households either live in their own house (58%) or in rented accommodation (13%). More than one quarter lives in public buildings;
- The majority of houses have sustained moderate damage (52%), while 39% have been severely damaged;
- 52% of the households surveyed are below the age of 18;
- One quarter of households have no access to health facilities; the major reason appears to be distance to the next health facility;
- The monitored households indicated that ‘Employment’, ‘Shelter’ and ‘Education’ were their top three priorities.

## **C. Kurdish and Arab Refugees and IDP Returnees in Balad Ruz District**

### **(Total sample of 10 groups representing 191 returnee households: 87% returned from within Iraq, 13% returned from Iran)**

- 76% of the surveyed households are of Kurdish origin, 24% are of Arab origin; all returnees are Shiites;
- The surveyed households were displaced in 1975 (Kurds displaced as a result of political and ethnic discrimination/violence), 1980 and 1982 (Kurds and Arabs displaced as a result of the Iraq-Iran War and destruction of their houses near the border) and 2003 (Kurds and Arabs displaced due to tribal and property disputes);
- ‘Change in political situation’ and ‘Reunification with family’ were the main reasons to return;
- 100% of the refugee returnees returned to their place of origin; however, 28% of IDP returnees could not return to their places of origin as their villages continue to be destroyed in addition to the lack of work opportunities in their place of origin;
- Almost 50% of the returnees are below the age of 18;
- The majority (63%) of households surveyed live in public buildings and only one quarter owns a house; almost 50% of the households indicated that their accommodation was destroyed or severely damaged; another one quarter needed minor rehabilitation;
- 93% indicated that they had no access to health facilities, mainly due to the distance to the next health facility but also due to lack of the necessary financial means;

- Distance is also the main reason for not attending school, in addition for lack of financial means as well as the curriculum language;
- The monitored households indicated that ‘Shelter’, ‘Non-food items’ and ‘Food’ were their top three priorities.

#### **D. Arab Shiite and Sunni IDPs in Ba’aqubah District**

##### **(Total sample of 14 groups representing 1,745 returnee households)**

- 100% of households were displaced in 2003;
- 100% of households surveyed intend to settle in their current location;
- 67% of households are Sunni Arabs from Amarah/Missan Governorate. They were displaced from Khanaqin due to tribal and property disputes (appeared after returning of Kurdish refugees from Iran). 33% are Shiite Arabs from Khanaqin District who were displaced due to property disputes, since these Arab families were occupying Kurdish lands and villages.
- Almost 50% of returnees are below the age of 18;
- Major reasons mentioned for leaving their place of origin are ‘Opening of Himreen Dam’, ‘Lack of jobs in place of origin’, ‘Ethnic discrimination / violence’ as well as ‘Political discrimination / violence’;
- ‘Change in political situation’ was mentioned by 100% of the households as reason for return; 74% also mentioned ‘Harassment in displacement’ as reason for return;
- The majority (68%) of households surveyed live in public buildings, while the others either own a house (25%) or rent an accommodation (5%) or live with relatives (1%); 92% of the households indicated that their accommodation was in poor condition or destroyed;
- 36% indicated that they had no access to health facilities, mainly due to the lack of the necessary financial means as well as the distance;
- Of the surveyed households with children at primary school age, only 984 (or 35%) children are attending primary school (536 male and 448 female), while the other 1,845 (848 male, 887 female) were not. Reasons for not attending are distance to the next education facility or lack of financial means;
- The monitored households indicated that ‘Employment’, ‘Shelter’ and ‘Education’ were their top three priorities.