

Actors of persecution and serious harm

GUIDANCE NOTE

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Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

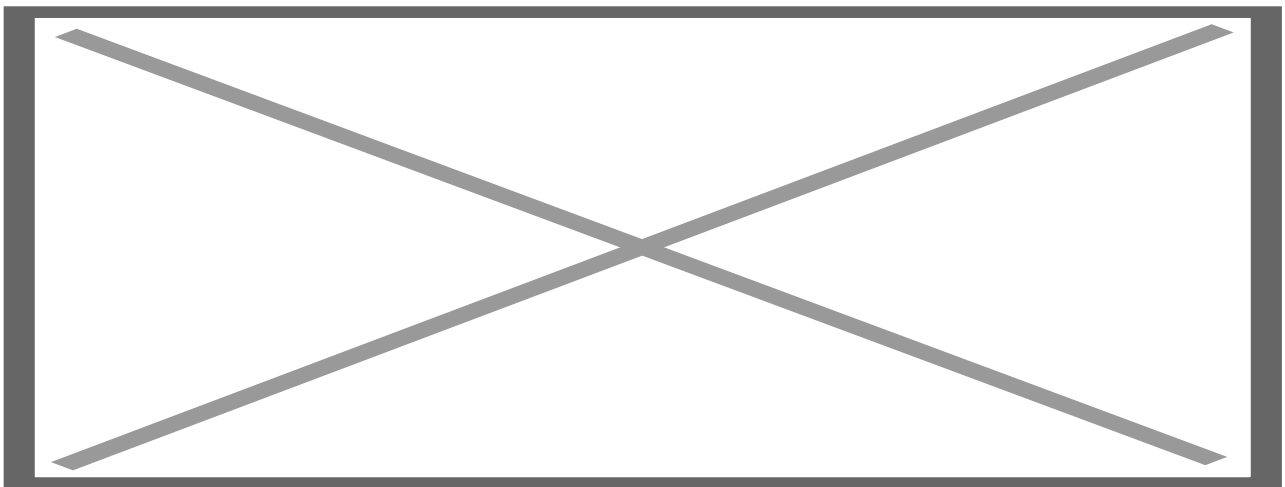
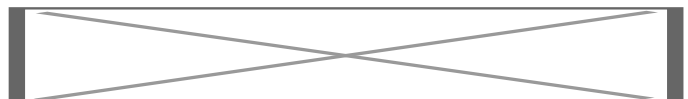


Figure 2. Actors of persecution or serious harm.



The following are the conclusions concerning some of the actors, as indicated in applications for international protection. The list of potential actors of persecution

or serious harm is non-exhaustive.

? The **Iraqi State** actors include members of security forces and other authorities, such as provincial/local councils or other local officials, e.g. *mukhtars*. It should also be noted that the distinction between official State forces and non-State forces is not always clear. The Iraqi State authorities, in particular the Iraqi Security Forces (ISF) including the Iraqi army and the federal and local police, have been involved in committing a wide range of human rights violations, in particular within the course of fighting ISIL and after their defeat in December 2017. In the context of protests, security forces have reportedly used excessive force against protesters resulting in numerous deaths. Government agents have also reportedly targeted individuals in relation to the protest movement by means of arrests, intimidation, unlawful detention, etc.



? In addition to the ISF, there are also other armed groups affiliated with the Iraqi State.

The **Popular Mobilisation Units (PMU)**, also referred to as the Popular Mobilisation Forces (PMF), can be considered as complex umbrella organisation consisting of many different militias, out of which the majority are Shia militias. Although PMU are legally a State institution, in practice they retain autonomous control and influence, some of them with close links to the most important political parties.

The **Tribal Mobilisation (TM)** militias are composed of fighters from Sunni tribes. The TM are generally active locally in their own places of origin. The nature of these forces is difficult to categorise because some take orders directly from Iraqi forces and local authorities, while others strongly affiliate with and respond to orders from larger PMU.

Since 2014, elements of the PMU have been engaged in unlawful killings, disappearances, extortion and revenge attacks in the course of the fighting against ISIL. PMU have also been engaged in criminal activities and other abuses against civilians. Forced displacement, evictions, arrests, looting of homes, demolition of houses, threats, sexual abuse, harassment and discrimination by PMU and local militias were also reported. In the context of protests, PMU have reportedly used excessive force against protesters resulting in numerous deaths. PMU members have also reportedly targeted individuals in relation to protest movement by means of assassinations, abductions, beatings, intimidation, etc.

The PMU are generally considered State actors, although the State is unable to exert full control. Depending on the level of affiliation with the State in the particular case, other militias may be considered State or non-State actors.



? The **Kurdistan Regional Government (KRG)** authorities, such as the Peshmerga, the municipal police, and the Asayish, are accused of committing a wide range of human rights violations such as arbitrary arrests, enforced disappearances, unlawful killings, torture and other forms of ill-treatment of ISIL-suspects, as well as retaliatory violence against Sunni Arab civilians. There were also reports of pressure and harassment by the KRG of certain ethnic minorities to declare themselves to be Kurds; as well as reports of detention of political opponents, violent suppression of demonstrations, killing of journalists and harassment of news outlets.



? The **Islamic State of Iraq and Levant (ISIL)** is a Salafi jihadist militant group, designated by the UN and internationally sanctioned as a terrorist organisation, whose goal is the establishment and expansion of a caliphate. In its campaign to 'purify' its territory according to its *takfir* doctrines, ISIL targeted Shia, as well as ethnic and religious minorities such as Christians, Yazidi, Shabaks, Kaka'i, and Kurds. It has committed violations, such as mass casualty attacks, forced displacements, forced conversions, abductions, systematic and widespread killing of those not in conformity with their ideology, sexual violence, including sexual slavery, human trafficking, penalisation under its parallel justice system etc.

ISIL was declared militarily defeated in December 2017 and it has not held territory in Iraq however it has gained more freedom to operate during 2020. ISIL has been seeking to establish itself in places where conventional military operations have been challenging, such as valleys, mountains and deserts across northern and central Iraq and during the reference period (January 2019 – July 2020) it had recorded activity in Anbar, Ninewa, Erbil, Baghdad Belts, Diyala, Kirkuk and Salah al-Din. As of May 2020, there are an estimate of 1 300 ISIL combatants active in Iraq and around 12 700 support operatives and supporters.



? **Tribes** in Iraq are often involved in conflicts and armed with heavy weapons. Tribal transgressions can result in violence. Tribal dispute mechanisms can involve violation of human rights, such as the practice of '*fasliya*' and 'honour' killings. It is also reported that tribes have enacted informal justice, revenge, assassinations and disappearances in tribal justice against ISIL suspects and continue to impede the return of persons perceived to have affiliation to ISIL.



? In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of LGBTIQ persons, FGM, domestic violence), FGM practitioners, criminal gangs, etc.

