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3.1.2. Family members of individuals with perceived ISIL affiliation

COMMON ANALYSIS
Last update: November 2024

The analysis below is based on the following EUAA COI reports: Country Focus 2024, 1.1.3, Arab Tribes 2023, 4.1; Targeting 2022, 1.3, 1.3.1, 1.3.2. Country Guidance should not be referred to as source of COI.

The so-called 'ISIL-families' is a broad term. Involvement of one family member in ISIL's activities could reportedly have an impact on every family member, including in cases where support to the organisation was forced or in cases where the accused individuals had, in reality, no connection with ISIL. Regarding the circumstances that may fuel the perception of being affiliated with ISIL, see 3.1.1. Individuals with perceived ISIL affiliation.

Step 1: Do the reported acts amount to persecution?

Some acts to which family members of individuals with perceived ISIL affiliation could be exposed are of such severe nature that they would amount to persecution. More specifically, such family members have been subjected to collective punishment, sexual violence, and forced displacement by armed actors, including state actors. Revenge attacks targeting IDPs with perceived affiliation to ISIL were also reported. Arbitrary arrests and detentions have taken place and cases of abuses and torture by both state security forces and PMF were reported during arrests and pre-trial detention. Denial of return to their home area by the relevant authorities, militias and even tribes has been also reported. Some of the human rights violations reported against family members of individuals with perceived ISIL affiliation have been the result of tribal customary practices.

The severity and/or repetitiveness of other acts that family members of individuals with perceived ISIL affiliation could be subjected to and whether they occur as an accumulation of various measures, should be also considered. Civil documentation is necessary to have access to basic services but is reportedly available only for a limited number of families with perceived affiliation with ISIL. Lack of documentation can further lead to restricted freedom of movement

and increased risk of arrest. Additionally, the law on compensation for civil victims of war has been reportedly applied in a discriminatory manner to persons perceived to be affiliated with ISIL, including their families. Social stigma has been also reported.

Step 2: What is the level of risk of persecution?

The individual assessment of whether there is a reasonable degree of likelihood for a family member of individuals with perceived ISIL affiliation to face persecution should take into account **risk-impacting circumstances**, such as:

- **Family status and gender:** Female-headed households with perceived affiliation to ISIL encounter particular difficulties and challenges in obtaining documents for themselves or their children. For women with foreign ISIL-affiliated spouses, birth registration of children is impossible, leading to risk of statelessness (see also 3.12.5. Children born under ISIL rule who lack civil documentation). Female IDPs and heads of household may be exposed to additional threats when trying to access civil documentation or when undergoing *ikhbar* (notification of offence), due to harassment and sexual exploitation by officers.

- **Tribal affiliation:** A key principle of tribal law is the attribution of collective guilt to the family or tribe of the perpetrator of a crime. This concept allows for the relatives of an ISIL member to be held responsible for crimes that the latter committed individually. However, in practice, the tribal stance towards collective responsibility of ISIL family members is more nuanced. For example, as reported by United Nations Development Programme in October 2022, in Al-Hatra region of Ninewa, tribes 'say that they do not believe in punishing relatives of ISIS members just because of family ties'. In Salah-al-din, the tribes and families of ISIL victims 'still do not allow talk about the return of families and their integration into society', while in Diyala, 'family returns have been halted due to legal, economic, clan-related, social and security obstacles'.

- **Home area:** The meaning and degree of affiliation with ISIL varies depending on location. Relatives of individuals with perceived ISIL affiliation have experienced movement restrictions, especially in formerly ISIL-controlled areas such as Anbar, Dohuk, Kirkuk, Ninewa, and Salah-al-din governorates. Return to the community of origin is often rejected for families from Al Hol camp in Syria. In Tel Afar, the local agreement signed in 2018 by Shia and Sunni tribal leaders contained a provision preventing the return of first-degree relatives of any person involved in terrorist acts, unless they underwent *tabriya* (disowning). Kurdish authorities have also prevented returns of Arab families in the KRI.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant under this profile, this is highly likely to be for reasons of (imputed) political opinion, as family members of individuals with perceived ISIL affiliation would be also perceived as sharing the same opinions or beliefs.

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