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3.1.1. Individuals with perceived ISIL affiliation

COMMON ANALYSIS
Last update: November 2024

This profile refers to individuals that are perceived mainly by state and state-affiliated actors, as affiliated with ISIL.

It should be noted that a very careful examination of protection needs and exclusion should be conducted in relation to those with actual affiliation to ISIL.

The analysis below is based on the following EUAA COI reports and query: Country Focus 2024, 1.1.3, 2.1.2; COI Update 2024, 3.1; Arab Tribes 2023, 4.1; Targeting 2022, 1.1, 1.1.1, 1.1.2, 1.3, 2.1. Country Guidance should not be referred to as source of COI.

Perceived affiliation with ISIL is mainly driven by family connections through a relative, even a distant relative who is actively involved with ISIL. Suspicion of affiliation with ISIL can also arise out of other broad range of circumstances, such as being men or boys of fighting age, being Sunni who lived in areas under ISIL's rule, similarity of name to an individual on the 'wanted list', alleged affiliation with a tribe perceived to have provided support to ISIL, false accusations. The suspicion of being ISIL-affiliated by both security actors and the communities might increase for a Sunni who did not return to their place of origin for a long period of time following the liberation from ISIL. In this regard, see also the profiles of 3.2. Sunni Arabs and 3.10.1. Turkmens.

Estimates of the number of individuals perceived, correctly or incorrectly, to be affiliated with ISIL in Iraq range from 250 000 to 300 000 according to sources.

Step 1: Do the reported acts amount to persecution?

Prosecution of the criminal acts of persons actually affiliated with ISIL, in itself, does not amount to persecution.

The framework for prosecution under the Anti-Terrorism Law, used often in this context, is deemed as exceptionally broad both in Federal Iraq and in the KRI and could lead to death penalty. Death penalty is considered as an act of persecution. Various sources reported on an increasing frequency of arbitrary executions of prisoners convicted of terrorism-related offences.

Additionally, more acts to which individuals perceived to be affiliated with ISIL could be exposed are of such severe nature that they would amount to persecution. More specifically, individuals with perceived ISIL affiliation have been executed by the authorities and cases of forced disappearance of suspected ISIL fighters have been reported. Individuals with perceived ISIL affiliation have been also arbitrarily arrested and detained for months and sometimes years, often without a court order or arrest warrant. Torture during arrest and detention has been also reported. Forced confessions are often used as the only evidence in anti-terrorism trials by courts. Also, children perceived to be affiliated with ISIL have been subjected to arbitrary arrest, detention, and enforced disappearance. Persons perceived to be affiliated with ISIL have been also subjected to the tribal practice of *thar* (revenge/blood feud) which incurs forms of retaliation such as exile and the blocking of return. Instances of revenge killings by family members were reported.

The severity and/or repetitiveness of other acts that individuals with perceived ISIL affiliation could be subjected to and whether they occur as an accumulation of various measures, should also be considered. Individuals perceived to be affiliated with ISIL, including children, have been prevented from obtaining civil documents necessary to access basic services and their freedom of movement has been also restricted, impacting inter alia their ability to return to their home areas. Law 20/2009 on reparation for civil victims of the war has been reportedly implemented in a discriminatory manner for persons perceived to be affiliated with ISIL, preventing them from receiving or applying for compensation. Social stigma against them also exists.

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

In case of individuals with perceived ISIL affiliation, **a well-founded fear of persecution would in general be substantiated,** as such individuals are still a priority target of all security actors in Iraq.

Step 3: Is there a ground for persecution?

Persecution of individuals under this profile is highly likely to be for reasons of (imputed) political opinion, as being affiliated with ISIL is perceived as a political opinion.



Exclusion considerations are **particularly** relevant to this profile, as persons actually affiliated with ISIL may have been involved in excludable acts. See 7. Exclusion.

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