

2.10 Persons involved in and affected by blood/land feuds in the context of tribal conflict

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For more information on Blood feuds (thar), see the EUAA COI report Iraq: Arab tribes and customary law Report, April 2023.

Since 2003, the weakening of the state authority has led to a resurgence of tribal influence in law enforcement1020 and state judiciary.1021 Tribalism remained deeply rooted in Iraq,1022 including in the KRI, where tribal structures often fill gaps left by the formal judicial system.1023 Haley Bobseine described customary tribal law as 'a defining characteristic of modern Iraqi society', operating in parallel with state law due to a considerable overlap between state and tribal systems.1024

Tribal customs and laws may vary across the tribes, as each has its own internal rules. However, broad similarities can be found in their foundational principles.1025 A defining element of the tribal system is the strong sense of group identity, which often subordinates individual interests. Individuals are expected to conform for group survival, but also for their own protection, which is granted in return for their loyalty.1026 As historian Mélisande Genat notes in her thesis, criminal liability in sharia is individual, while in tribal custom it is shared.1027

Under tribal custom, male members of the extended family (*khamsa*) are duty-bound to avenge the harm or death of one of their own, either by retaliating against a member of the perpetrator's *khamsa* or, more commonly, by agreeing to financial compensation (*fasl* or *diya*) paid to the victim's family.1028 Tribal justice mechanisms, such as *solh al-ashai'iri* ('tribal settlements') held in *diwan al-Arab* ('guesthouses'), are widely used particularly in central and southern governorates, where formal courts are seen as slow, corrupt, or inaccessible.1029 Such mechanisms are generally used for property, accidents, and homicides disputes.1030 Corruption in the police is also a factor pushing citizens to resolve grievances through tribal channels.1031

Fasl is a tribal custom that includes negotiations to settle a dispute,1032 involving financial or moral compensation (*diya*).1033 It is especially relied upon in cases where the state is absent or ineffective,1034 including honour killings.1035 In a 2025 academic study, Reem Zeyad Arif

examined the role of Iraqi tribes in the country. The research was based on interviews with 30 participants, including tribal leaders, affiliated members, and subject-matter experts.1036 Some interviewees expressed concerns that *fasl*, particularly in domestic violence cases, may allow perpetrators to evade accountability and contribute to rising rates of domestic crime1037 (See section 2.6 on Women and girls). Tribal conflicts may also be resolved through *fasliyah* – the practice of exchanging or trading women as compensation and as part of settlement of a dispute among tribes1038 – despite its prohibition under State law.1039 *Fasliyah* places women and girls at heightened risk of trafficking within the country.1040

Blood feuds (*thar*) occur when disputes between tribes remain unresolved.1041 Although *thar* is a tribal practice, is not considered as part of 'tribal codes' nor a tribal conflict resolution mechanism. As Mélisande Genat1042 observed, 'vendetta cycles happen precisely because no agreement could be found'.1043 Acts of revenge are only permitted under specific conditions and must follow several prescribed steps, including repeated efforts to reach a settlement (*fasl*) before blood is shed.1044

Such feuds are not an isolated phenomenon in Iraq.1045 Tribal violence is often rooted in honour-based grievances1046 and retaliation.1047 Other triggering factors include longstanding land disputes,1048 border crossings control,1049 theft,1050 unemployment, poverty and drug use.1051 Competition over access to water resources have exacerbated tensions1052 – especially in southern Iraq, where climate-related issues have been at the front line of the tribal conflict in the area, particularly during years of drought.1053 Disputes may take months or years to resolve and often require significant intervention from local authorities to restore order. 1054

The militarisation of tribal groups has further challenged state authority.1055 Many tribes have access to a large arsenal,1056 including weapons left over from Saddam Hussein regime and from paramilitary groups.1057 Tribal weaponry is not limited to light firearms, but includes rockets, machine guns, armoured vehicles and other heavy weapons.1058 Despite state efforts to control arms through disarmament programmes,1059 enforcement has been hindered by collusion between security forces and tribal or political actors.1060 In a May 2025 interview with The New Region, a news outlet covering Iraq and the Middle East, the Sheikh Nafi' al-Shami of the al-Bu Shama tribe stated that weapons are part of tribal identity and cannot be fully confiscated, noting that while the law allows only one licensed weapon per citizen, in reality tribes hold 'unlimited arsenals.'1061

An Iraqi parliamentary committee has been reviewing legislation aimed at regulating the practice of blood money (compensation via tribal mediation). Concerns include excessive compensation demands, reportedly up to 1 billion IQD [approximately EUR 656 000], and the involvement of self-proclaimed 'Facebook sheikhs' who reportedly exploit the system for profit. Some settlements have reportedly involved coercive practices such as forced marriage or deterring medical assistance for fear of retaliation. Reform efforts have faced resistance and legal changes are constrained by Article 45 of the Iraqi Constitution, which protects tribal customs unless they conflict with human rights.1062 Based on the opinion of most Iraqi tribesmen interviewed by Mélisande Genat, distortion of tribal justice is the so-called '*fasl* inflation', particularly in southern Iraq where, *diyas* for homicides and injuries are viewed as

‘wildly unreasonably’.1063

During the reference period, a ‘rising tide of tribal violence’ was reported, especially in southern governorates,1064 including Baghdad,1065 posing a security concern for the government.1066 In the KRI, due to proliferation of arms, conflicts between families frequently turn violent, resulting in casualties.1067 In Basrah, the police play a marginal role in managing tribal conflicts.1068 The overlapping interests of tribal leaders, public officials, and political networks has also had negative implications for public security, 1069 particularly due to tribal loyalties within the security apparatus.1070 Despite this, some areas have seen a decline in tribal disputes. In May 2025, The New Region reported a ‘sharp drop’ in such incidents in Thi-Qar governorate, attributed to greater state presence and law enforcement. Sheikh Nafi' al-Shami told The New Region that this drop was due to growing awareness among tribes that ‘bloodshed and property attacks solve nothing’, along with the establishment of a government committee to address conflicts.1071

In August 2024, a violent tribal conflict erupted in Nasiriyah (Thi-Qar governorate) resulting in four individuals being injured and a tribal sheikh’s home being burned down. Security forces reportedly faced restrictions accessing the scene.1072 In the same month, a person was killed in Najaf governorate as a result of a suspect tribal conflict. A total of 70 people were arrested with numerous weapons and ammunition confiscated.1073 In April 2025, a middle school student was killed in Basrah in a tribal vengeance clash.1074 In June 2025, in Dohuk, as a result of a family feud, two children of eight and ten years old with no connection to the dispute have been killed .1075 In July 2025, clashes between the Harki and Goran tribes in western Erbil (KRI) over land disputes tied to the KRG oil pipeline highlighted how tribal loyalties often override formal governance structures,1076 and reflect tribal dynamics within KDP rule.1077 In August 2024, the Sudani administration introduced a ‘tribal covenant’ aimed at reducing tribal clashes.1078

For information on honour killings, See also section 2.9 Individuals perceived as transgressing moral and Islamic norms and section 2.6 Women and girls).

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