Profile

Faili Kurds are an ethnic group historically inhabiting both sides of the Zagros mountain range along the Iraq-Iran border, and can be considered a cross-border population. Today, the estimated 1.5 million Faili Kurds in Iraq live mainly in Baghdad, as well as the eastern parts of Diyala, Wasit, Missan and Basra governorates. A sizeable population can also be found in the autonomous Kurdistan region. They speak a distinct dialect of Kurdish, which is a sub-dialect of Luri. Unlike the majority of Kurds, who are generally Sunni Muslims adhering to the Shafi’i school of Islam, Faili Kurds are Shia Muslims. Their dual Shi’a and Kurdish identity has historically exposed them to stigmatization and persecution, most notoriously in the 1970s and 1980s under the Ba’ath regime.

History

Beginning in the nineteenth century, Faili Kurds began moving westwards from the Iran-Iraq border region, settling in Baghdad and other Iraqi cities. Due to their connections with trade routes between Baghdad and Iran, they flourished as traders, becoming central players in Baghdad’s commercial life. Following the establishment of the state of Israel in 1948 and the departure of many Jewish trading families, Faili Kurd merchants moved in to fill the gap, quickly rising to the ranks of the middle and upper classes. They came to control many of the main bazaars in Baghdad, including Shorja and Jamila markets.

Despite their economic and social preeminence, Faili Kurds faced official discrimination from early on. Historically, they had tended to be viewed as Persians, and some had acquired Persian nationality as a means of avoiding conscription in the Ottoman army. In 1924, an Iraqi Nationality Law was introduced which distinguished between descendants of Ottoman citizens, who were considered ‘original’ Iraqis and automatically granted Iraqi nationality, and citizens of
Persian origin, who had to acquire Iraqi nationality. Faili Kurds were relegated to the latter category and considered second-class citizens, despite the fact that many had been in Iraq for hundreds of years.

These initial distinctions introduced by the 1924 Nationality Law served as the basis for increased repression after the Ba’ath Party came to power in 1963. That same year, a new Nationality Law was introduced that built upon the discriminatory provisions of the 1924 law, and led to many Faili Kurds being stripped of their nationality. After the second Ba’ath coup in 1968, the government began large-scale deportations of Faili Kurds to Iran. According to one source, 40,000 Faili Kurds were deported across the border in one episode in the fall of 1971. According to another source, almost 70,000 Faili Kurds were displaced between 1969 and 1971.

Scholars have posited different reasons for the Ba’ath party’s targeting of the Faili Kurds. In part, their harsh treatment at the hands of the regime was undoubtedly a form of retaliation for their oppositional political activity. Beginning in the early 1960s, many Faili Kurds backed the Kurdish uprising, providing both moral and material support. They were also active in the Dawa and Communist parties, which were viewed as adversaries to the regime. However, the Ba’ath regime likely also felt threatened by their economic and social influence.

After the 1979 revolution in Iran, as relations between Iraq and Iran turned hostile, the Ba’ath regime, now firmly under the control of Saddam Hussein, escalated its campaign of violence against the Faili Kurds. Government propaganda portrayed citizens of ‘Iranian origins’ as traitors to Arab nationalism and fifth columnists for Iran, and even as contamination of Iraqi blood. By vilifying the Faili Kurds, the regime played on both anti-Shia sentiments, in the context of brewing enmity with Iran, and anti-Kurdish sentiments, in the context of the wider Kurdish rebellion against the Ba’ath regime.

A Faili Kurd by the name of Samir Ghullam was blamed for the April 1980 assassination attempt on Deputy Prime Minister Tariq Aziz, which helped spark the Iran-Iraq war. Saddam Hussein vowed to take revenge on all those responsible. Ghullam’s entire family was rounded up and executed. Shortly after the assassination attempt, the Revolutionary Command Council passed Decree No. 666 of 1980, which mandated that Iraqi citizenship be revoked from all those of foreign origin ‘whose disloyalty to the nation, people and the higher social and political principles of the revolution had been revealed’ and authorized the Minister of the Interior to expel all those whose nationality had been revoked.

Faili Kurds were systematically rounded up, and various state agencies cooperated in compiling lists of names for deportation. In one notorious incident, 900 of Baghdad’s leading businessmen were summoned to the Chamber of Commerce building, and told that they were going to be given new import licenses. The Faili Kurds among them, who numbered around 400, were then separated and led out of the back door, where they were loaded onto buses and transported to the Iranian border. As deportations gathered speed, government, security and intelligence officials were instructed to bring their national IDs to security offices for inspection, and the government instructed children to bring their IDs and those of their parents
to school to be checked. Security services conducted raids on Faili Kurd homes. All those found to be of Iranian origin were stripped of their identification documents and swiftly deported. Estimates of the total number of Faili Kurds who were denationalized and deported range from 150,000 to 500,000. Decree No. 666 remained in place for 24 years, along with approximately 30 other decrees issued by the Revolutionary Command Council against the Faili Kurds.

Faili Kurds identified for deportation were not permitted to take any of their belongings with them, save for the clothes on their backs. Their movable and immovable assets were confiscated, and inventoried for redistribution to Ba’ath party members. Upon arrival at the border, they were forced to travel into Iran on foot. During this period the government also reportedly offered 10,000 Iraqi dinars (US$30,000) to Iraqi nationals who divorced their Faili Kurd spouses and allowed them to be deported. In addition to the deportations, the government also separated thousands of military-age young men from their families and detained them in Nigrat Al-Salman, Abu Ghraib, and other Iraqi prisons. They were allegedly subject to torture and, according to some reports, testing of chemical and biological weapons. The estimated number of disappeared young men, whose corpses have never been found, ranges from 10,000 to more than 20,000. Others were used as human shields during the Iraq-Iran war, when they were sent across the border into territory heavily contaminated with land mines.

Of the Faili Kurds deported to Iran, unknown numbers died making the journey on foot, especially women, children and the elderly. Those who survived the journey were treated as foreigners by their Iranian hosts, although a small number who had proof of Iranian ancestry were able to apply for citizenship. Many others lived as stateless refugees for decades in camps without access to education or employment, despite the fact that many had been wealthy and successful in Iraq.

**Current challenges**

State-sanctioned persecution of the Faili Kurds officially came to an end after the U.S.-led deposition of the Ba’ath regime in 2003, and many Faili Kurds began returning to Iraq from Iran. The preamble to the new Iraqi constitution passed in 2005 recognized the Faili Kurds as victims of oppression and massacres. In 2006, a new nationality law was passed, which repealed Decree No. 666 and established the right to regain Iraqi nationality for those previously denaturalised on political, religious or ethnic grounds. The Iraqi parliament also unanimously passed a resolution in 2011 recognizing the crimes perpetrated against the Faili Kurds as genocide, and the Iraqi High Tribunal convicted four Ba’ath party officials in connection with their roles in the deportations.

Since then, many Faili Kurds have been able to have their Iraqi nationality reinstated. At one point, the Iraqi government reported that 97 per cent of Faili Kurds denaturalized had been able to restore their nationality. However, the UNHCR and other observers pointed out that the government did not release any baseline data indicating the total target group on which this statistic was based. Reportedly, the process of reinstatement is slow and bureaucratic,
sometimes taking years to complete, and often requires applicants to pay bribes to officials. Moreover, the documentary requirements are fairly onerous, requiring applicants to provide a copy of their registration from the 1957 census, amongst other documents that many Faili Kurds are unlikely to possess. According to recent statistics from the Minister of Immigration, between April 2003 and April 2013, only 16,580 Faili Kurds had their nationality reinstated and 6,853 were in possession of national identification documents, out of an estimated total population of at least 150,000 Faili Kurds denaturalized during the Ba’ath era.

Without nationality documents, Faili Kurds cannot access public services such as education and healthcare. They are also unable to obtain other documents such as birth, death and marriage certificates. For those Faili Kurds who managed to obtain nationality documents, it has been reported that the identity cards issued are a different colour than those of other Iraqis, or show them as citizens of ‘Iranian origin,’ which could open them up to discrimination. Reportedly, Faili Kurd files and records are still being kept in the foreigners’ section of the General Nationality Directorate. Some community members have reported facing insults, harassment and humiliation, such as being called “Safavids,” when visiting government offices. It is worth mentioning that many Iraqis educated during the Ba’ath era were raised to harbor deep hostility towards Iran.

Another major challenge facing Faili Kurds denaturalized during the Ba’ath era is the issue of recovering their confiscated properties. Upon returning to Iraq, many found that other people had occupied their homes. While the Property Claims Commission established after the fall of Saddam Hussein was mandated to resolve Ba’ath-era disputes, the process of compensation was reportedly inefficient, and incapable of dealing with cases in which property deeds had been confiscated. Apparently, there are few reports of compensation actually being transferred to families. There has also been little progress on implementing Law No.16 of 2010 on Compensation for Persons Affected by the Ba’ath Regime.

Politically, Faili Kurds lack representation in a unified body capable of backing their demands. Due to their unique minority status, they do not fit in neatly with either the Kurdish or the Shia bloc, and neither of these dominant groups has taken up their cause. Consequently, they do not benefit from the quota system through which government posts are divided between the three major blocs (Sunnis, Shia, and Kurds). They also do not have a reserved seat in parliament, unlike many of Iraq’s other minorities.

Ways forward

An immediate priority in addressing the situation of the Faili Kurds is completing the process of reinstating the nationality of all those denaturalized during the Ba’ath era. This requires the government of Iraq to find ways to facilitate the currently onerous procedures in place and to accommodate applicants whose papers were lost or destroyed. The government should also standardize and clearly communicate the process and documents required to its citizens. Moreover, it should cease the practice of issuing identification cards of a different colour or designating Faili Kurds as being of Iranian origin, which could open them up to further discrimination.
Similarly, further progress is required to compensate Faili Kurds for property lost due to the actions of the previous regime, and facilitate their reintegration into Iraqi society and economy. The government should devote adequate resources to implementing Law No. 16 on Compensation for Persons Affected by the Ba’ath Regime. Faili Kurd activists also call for investment and development in their areas, including removing remaining landmines and ensuring the provision of basic services.

Finally, efforts are needed to ensure proper documentation, recognition and commemoration of the atrocities perpetrated against Faili Kurds and to build public awareness of the crimes perpetrated during that period of Iraq’s history. The government should take all possible measures to determine the whereabouts of the thousands of disappeared Faili Kurd prisoners whose fate remains unknown, including by systematically investigating Ba’ath party records and locating mass grave sites. Efforts to build public awareness and end legacies of discrimination could include producing programming for the state media that covers the genocide of the Faili Kurds, as well as incorporating this history in the official curriculum.

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